

**\*\*Title:\*\*** BSB Group, Inc. vs. Sally Go: A Case of Qualified Theft and the Confidentiality of Bank Deposits

**\*\*Facts:\*\***

In 2002, Ricardo Bangayan, representing BSB Group, Inc., accused his wife, Sally Go (also known as Sally Sia Go and Sally Go-Bangayan), of qualified theft. As the company's cashier, Go was accused of depositing checks, intended for the company, into her personal account at Security Bank. Following an unchallenged investigation, the prosecutor recommended filing charges, leading to her indictment for qualified theft. The accusation was specific: from January 1988 to October 1989, Go allegedly took PHP 1,534,135.50 from BSB Group, Inc.

During the trial at the Regional Trial Court of Manila, Branch 36, the prosecution aimed to subpoena records from Security Bank and another bank, to which Go objected, citing irrelevancy and the confidentiality of bank accounts under Republic Act (R.A.) No. 1405. Yet, she waived objections to the relevancy of the Security Bank account. The trial court issued subpoenas but was later asked by Go to suppress the testimonial and documentary evidence obtained, invoking their irrelevance and the Law on Secrecy of Bank Deposits (R.A. No. 1405). Both her motion and subsequent reconsideration were denied.

Challenging these orders, Go filed a petition for certiorari with the Court of Appeals, which found in her favor, ruling the evidence inadmissible, emphasizing the testimony's irrelevance and violation of bank deposit confidentiality.

**\*\*Issues:\*\***

1. Whether the testimony and documents related to Go's Security Bank account were relevant to the charge of qualified theft.
2. Whether these evidences violated the confidentiality of bank deposits as protected under R.A. No. 1405.

**\*\*Court's Decision:\*\***

The Supreme Court denied the petition, thereby affirming the Court of Appeals' decision to reverse the trial court's orders. It was concluded that the evidence was indeed inadmissible due to irrelevancy and violation of the confidentiality of bank deposits.

1. On relevancy, it was determined the alleged theft of checks, converted into cash

deposited in Go's account, did not directly prove the taking of cash from BSB Group, Inc., as alleged in the information for qualified theft.

2. Regarding bank deposit confidentiality, the Supreme Court upheld the absolute confidentiality of bank deposits under R.A. No. 1405, determining the information related to Go's bank account was inadmissible as it was protected by the law.

**\*\*Doctrine:\*\***

The case reiterates the principle under R.A. No. 1405, or the Law on Secrecy of Bank Deposits, which enshrines the confidentiality of bank deposits and details the exceptions under which such information may be disclosed. It underscores that evidence must be both relevant to the issue at hand and not excluded by law.

**\*\*Class Notes:\*\***

1. **\*\*Qualified Theft\*\***: To convict for qualified theft, proof must show (a) taking of personal property belongs to another, (b) without the owner's consent, (c) with intent to gain, (d) without violence or intimidation, and (e) with abuse of confidence.
2. **\*\*Relevance of Evidence\*\***: Under Rule 128, Section 3 of the Rules of Court, evidence is admissible if it is relevant to the issue and is not excluded by law.
3. **\*\*Confidentiality of Bank Deposits\*\***: R.A. No. 1405 declares all deposits with banks in the Philippines of a confidential nature, not to be examined except in cases provided by law.

**\*\*Historical Background:\*\***

This case highlights the judiciary's role in balancing the interests of justice with statutory rights to privacy, particularly concerning the confidentiality of bank deposits in the Philippines. It serves as a crucial precedent on how the Law on Secrecy of Bank Deposits is interpreted and applied within the context of criminal proceedings, emphasizing the narrow exceptions under which bank records may be disclosed.