

**\*\*Title:\*\*** Lyzah Sy Franco & Steve Besario vs. People of the Philippines

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

On the first week of June 1998, Lyzah Sy Franco and Steve Besario, along with co-accused Antonio Rule, Jr. and George Torres, allegedly defrauded Lourdes G. Antonio by promising her a used Mazda car worth P130,000.00. Franco, who introduced herself as an Assistant Administrative Coordinator of Final Access Marketing, brought Lourdes to a showroom and facilitated her selection of the car. On July 2, 1998, Franco, Besario, and Rule met Lourdes at her home, presented a sales proposal, and promised delivery of the car within three days after payment of a P80,000.00 down payment.

The next day, Franco and Besario collected the down payment from Lourdes. However, the car was never delivered. In her efforts to resolve the issue, Lourdes contacted Final Access Marketing and visited their premises, but received only empty promises. She eventually aired her grievance on the television show "Hoy Gising," where she discovered that other individuals had experienced similar fraudulent dealings with the marketing company.

Franco and Besario, after their trial in the Regional Trial Court of Manila, were convicted of estafa under Article 315, par. 1(b) of the Revised Penal Code. On appeal, the Court of Appeals modified the decision, convicting them under Article 315, par. 2(a) for using false pretenses and fraudulent acts to induce Lourdes into giving up her money.

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

1. Whether Franco and Besario's actions constituted estafa through false pretenses or fraudulent representation.
2. Whether the presence of a conspiracy between Franco, Besario, and other co-accused was sufficiently demonstrated.
3. Whether the evidence presented in trial met the necessary burden of proof to affirm their criminal liability for estafa.

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

1. **\*\*Estafa Through False Pretenses or Fraudulent Representation:\*\***

The Supreme Court concurred with the findings of the lower courts that Franco and Besario engaged in fraudulent acts by falsely presenting themselves as capable of facilitating the sale of a used car, knowing well that similar transactions had previously failed. This induced Lourdes to part with P80,000.00, believing the false promise that the car would be delivered within three days.

2. **Conspiracy:**

The court noted that conspiracy was evident considering the coordinated actions and mutual support demonstrated by Franco, Besario, and Rule. Franco approached and introduced Lourdes to the scheme, Besario collected the payment, and both summoned Rule to formalize the deceitful transaction. Their collective efforts, leading Lourdes to believe in their false pretenses and resultant harm to her, proved conspiracy beyond reasonable doubt.

3. **Burden of Proof:**

The prosecution established beyond a reasonable doubt that Franco and Besario, through their continuous and willful misrepresentations, committed estafa. The evidence included testimonies of multiple victims, documentation of transactions, and the subsequent non-delivery of the vehicle despite repeated assurances.

**Doctrine:**

1. In cases of estafa under Article 315, par. 2(a), the deceit must be executed prior to or simultaneous with the commission of fraud, and the victim must have been induced to part with money or property due to these fraudulent representations.
2. Conspiracy in criminal offenses can be proven by acts that imply collective coordination among conspirators towards achieving a common fraudulent objective. Such acts are often inferred from behavior patterns, the sequence of events, and individual roles in the collective misdeed.

**Class Notes:**

- **Elements of Estafa (Article 315, par. 2(a), Revised Penal Code):**

1. False pretense or fraudulent act prior to or simultaneous with the fraud.
2. Victim reliance on said pretense or fraudulent act.
3. Resultant damage or prejudice due to deceit.

Legal Statute: *Article 315, paragraph 2(a), Revised Penal Code*

- **Conspiracy in Criminal Law:**

*Legal Statute: Article 8, Revised Penal Code*

Definition and proof via direct or circumstantial evidence demonstrating collective intent and coordination in committing the crime.

**Historical Background:**

This case exemplified fraud and consumer deceit in the pre-regulated used car market of the Philippines in the late 1990s. The extensive intervention by media, particularly the airing on “Hoy Gising,” highlighted the role of broadcast journalism in exposing criminal practices, which were rampant due to insufficient consumer protection mechanisms during that era. The ruling reasserted legal boundaries on business practices and emphasized accountability, reinforcing measures against fraud in the commercial sector.