

Title: Joy Lee Recuerdo vs. People of the Philippines

Facts:

In September 1994, Joy Lee Recuerdo was charged with three counts of Estafa under Article 315, Paragraph 2(d) of the Revised Penal Code in the Regional Trial Court (RTC) of Malolos, Bulacan. Recuerdo, a dentist, had issued 18 worthless postdated checks as payment for jewelry purchased from Yolanda G. Floro. The specifics of the checks were as follows:

- Six Unitrust checks for a total of P132,000.00.
- Six PCI Bank checks for a total of P78,000.00.
- Six Prudential Bank checks for a total of P600,000.00.

Floro deposited these checks, but they were dishonored due to closed accounts. Despite demands, Recuerdo failed to pay.

Recuerdo was arraigned, pleaded not guilty, and secured bail. The three cases were consolidated for joint trial.

Recuerdo's defense was jurisdictional error, arguing that the transactions occurred in Makati City, not in Malolos, Bulacan, thus the latter had no jurisdiction. She also claimed the checks were issued after verifying the jewelry, negating deceit.

On July 28, 1997, the RTC found Recuerdo guilty, sentencing her to an indeterminate imprisonment term in each case. Recuerdo appealed to the Court of Appeals (CA), raising errors including jurisdiction, due process violation, and absence of deceit.

On August 23, 2004, the CA affirmed with modifications to the penalties. Recuerdo's motion for reconsideration, arguing good faith similar to *People v. Ojeda* was denied.

Recuerdo then filed a Petition for Review on Certiorari with the Supreme Court, asserting good faith indicated by some of her funded checks and partial payments, thereby lacking deceit.

Issues:

1. Jurisdiction - Whether the trial court in Malolos, Bulacan, had jurisdiction over the estafa cases when the transactions supposedly occurred in Makati City.
2. Deceit - Whether the issuance of the checks and subsequent non-payment constituted deceit necessary for a conviction of estafa.
3. Good Faith - Whether Recuerdo acted in good faith in meeting some obligations and

attempting to settle debt, thus negating criminal intent.

4. Double Jeopardy - Whether Recuerdo was subjected to double jeopardy as previously decided by the Meycauayan court.
5. Due Process - Alleged deprivation of due process when the appellate review was supposedly fatally defective due to lack of public prosecutor's involvement.

Court's Decision:

1. Jurisdiction: The RTC in Malolos, Bulacan had jurisdiction as Recuerdo's transactions extended to the province where her checks were dishonored. Jurisdiction attaches upon filing an information alleging the elements in said locale.

2. Deceit: The essential elements of estafa were proven:

- Issuance of checks concurrent with acquiring jewelry.
- Insufficient funds or closed accounts at issuance time.
- Damage to Floro when checks were dishonored.

The Court found the fraudulent act and deceit clear, contradicting Recuerdo's good faith defense.

3. Good Faith: Good faith assertions were rejected. Payments made post-conviction affirmed deceit rather than negated it. Supreme Court stressed good faith denial should be apparent before facing a judicial penalty, not as subsequent reparations.

4. Double Jeopardy: No double jeopardy as initial proceedings did not constitute a final acquittal.

5. Due Process: The Court of Appeals proceedings were in line with the due process as checks issued and dishonored in conjunction with jewelry purchase were adequately scrutinized.

Doctrine:

- Estafa conviction under Article 315, Paragraph 2(d) necessitates deceit, proven by failure to cover issued postdated checks within three days of notice.
- Repayment or partial fulfillment after judicial proceedings begins does not absolve criminal liability but may mitigate the civil aspect.

Class Notes:

Key Elements of Estafa under Article 315, Paragraph 2(d):

1. Issued Check in Payment or as Guarantee.
2. Insufficient or No Funds upon Issuance.
3. Resulting Damage to Payee.

(Basis: Revised Penal Code, Article 315, Paragraph 2(d))

Historical Background:

This case situates within rising concerns during the 1990s of check frauds, particularly in commercial transactions. The judiciary reinforced that checks as promissory instruments required backup funds, addressing the misuse of trust embedded in postdated payments. This verdict underscores legal insistence on due diligence by negotiators and strict penalties for failures therein.