

****Title:****

Asuncion Galang Roque vs. People of the Philippines (G.R. No. 153270)

****Facts:****

In November 1989, Asuncion Galang Roque, a teller for the Basa Air Base Savings and Loan Association Inc. (BABSLA), was accused of the crime of qualified theft. The event's timeline is as follows:

1. ****On November 16, 1989:**** BABSLA member Antonio Salazar deposited Php2,000. He did not withdraw any amount, nor authorized anyone to do so.
2. ****Sometime in July 1990:**** Salazar heard about missing funds from BABSLA accounts and discovered unauthorized withdrawals from his account amounting to Php30,500, including Php10,000 dated November 16, 1989.
3. ****Testimony of Rosalina de Lazo:**** As the general manager, she claimed Roque's initials were on the withdrawal slip dated November 16, 1989.
4. ****Testimony of Reynaldo Manlulu:**** He affirmed Roque received the beginning cash amounting to Php355,984.53 on November 17, 1989, and that she prepared the Teller's Daily Report, which included the questioned transaction.

Roque denied forging Salazar's signature, insisted the initials were not hers, and accused the general manager of orchestrating the issue. During the proceedings, multiple pieces of evidence were submitted, including withdrawal slips and daily reports, but Roque maintained her innocence.

****Procedural Posture:****

- The Regional Trial Court (RTC) of Guagua, Pampanga, Branch 49, found Roque guilty of qualified theft, sentenced her to six years and one day of prision mayor as minimum to 12 years, two months, and one day of reclusion temporal as maximum, and ordered her to indemnify BABSLA Php10,000.
- Roque appealed to the Court of Appeals (CA), which upheld the RTC decision.
- Roque filed a petition for review on certiorari to the Supreme Court under Rule 45 of the 1997 Rules of Civil Procedure, contesting the affirmation by the CA.

****Issues:****

1. Whether qualified theft was committed when the property was in lawful possession of the accused.
2. Whether the elements of qualified theft were proven beyond reasonable doubt.

3. Whether the conviction relied on the weakness of the defense rather than the strength of the prosecution's evidence.
4. Whether there was sufficient evidence to prove that Roque was seen or caught in the act of taking or carrying away the Php10,000.
5. Whether the amount constituting the corpus delicti was sufficiently proven.
6. Whether the lack of an independent audit undermined the prosecution's case.

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

****First Issue:****

- The Supreme Court rejected Roque's argument, ruling that theft constitutes taking without the owner's consent, regardless if the accused initially had lawful possession - referencing U.S. v. De Vera, People v. Trinidad, and similar cases.

****Second Issue:****

- Elements of qualified theft are:

1. Taking of personal property
2. Property belongs to another
3. Intent to gain
4. Done without the owner's consent
5. Without violence, intimidation, or force
6. With grave abuse of confidence

- ****Court's Analysis:**** The prosecution failed to prove the taking of Php10,000 by Roque beyond a reasonable doubt. Evidence such as the initial on the withdrawal slip, daily reports, and alleged confession did not conclusively link Roque to the theft. Circumstantial evidence was inadequate.

****Doctrine:****

- Juridical possession remains with the owner even if physical possession is transferred to another temporarily for a specific purpose (citing U.S. v. De Vera). Qualified theft involves taking personal property with grave abuse of confidence, even if the accused's initial possession was lawful.

****Class Notes:****

1. ****Qualified Theft Elements:****
 - (1) Taking of personal property
 - (2) Belongs to another

- (3) Intent to gain
- (4) Without consent
- (5) Without violence/intimidation
- (6) With grave abuse of confidence
- Statute: Article 310, Revised Penal Code

2. **Related Cases:**

- U.S. v. De Vera, People v. Trinidad, People v. Locson
- Discuss when juridical possession remains with the owner and the distinction between qualified theft and estafa.

Historical Background:

This case is set against the backdrop of Philippine banking operations in the 1980s and 1990s, where the handling of financial transactions and teller responsibilities often led to disputes of unauthorized withdrawals and misappropriations. The principle that juridical possession remains with the bank unless explicitly transferred was necessary to address increasing cases of internal banking frauds. Roque's case elucidates the application of theft laws involving internal bank processes and trust, providing a precedent for handling similar cases of financial misconduct.