

**Title:** Osorio vs. People of the Philippines

**Facts:**

- Initial Contact:** In December 2000, Maria C. Osorio approached Josefina Gabriel, a proprietor at Paco Market, Manila, introducing herself as a Philam Life insurance agent. She presented her company ID and calling card as proof.
- Insurance Policies:** Gabriel decided to avail Philam Life's Tri-Life Plan and Excelife Gold Package, consistently paying the quarterly premiums from February to November 2001.
- Investment Offer:** On November 19, 2001, Osorio offered Gabriel an investment opportunity with Philam Life Fund Management promising a 20% annual return. She explained the investment proceeds could pay Gabriel's insurance premiums.
- Payment and Receipts:** Gabriel gave Osorio PHP 200,000.00, and Osorio issued Philam Life receipts.
- Discovery of Lapsed Policies:** Gabriel found her policies lapsed due to non-payment of premiums. Confronting Osorio, she was reassured by the latter.
- PMIAM Letter:** In May 2002, Gabriel received a letter from PMIAM indicating her investment was with them, not Philam Life.
- Demand for Refund:** Gabriel demanded a refund of her initial investment. She received PHP 13,000.00 from PMIAM but pursued a full refund.
- Non-Recovery:** By May 14, 2004, Gabriel had not recovered her investment. She sought help from Philam Life and was referred to an attorney who sent a demand letter to Osorio.
- Trial Court Conviction:** The Regional Trial Court found Osorio guilty of estafa beyond reasonable doubt, sentencing her to prison and ordering reimbursement.
- Appeal:** The Court of Appeals affirmed the conviction. Osorio's appeal was based on the claim of good faith regarding her decision to invest Gabriel's money in PMIAM.

**Procedural Posture:**

- **Regional Trial Court (RTC):** Osorio was convicted and sentenced.
- **Court of Appeals (CA):** Affirmed RTC's decision.
- **Supreme Court (SC):** Osorio filed a Petition for Review, challenging the decisions.

**Issues:**

- Estafa Elements:** Whether all elements of estafa under Article 315(2)(a) of the Revised Penal Code were satisfied.
- Deception and Good Faith:** Whether Osorio's actions constituted deceit or were done

in good faith.

3. **Variance Between Charges and Proof:** Whether the variances between the charges of estafa and the proven acts affect the conviction.

**Court's Decision:**

1. **Estafa Under Article 315(2)(a):**

- The element of deceit must be proven beyond reasonable doubt.
- The SC found no evidence showing Osorio used a fictitious name or pretended power, influence, or qualifications.
- The misrepresentation about the investment being in Philam Life is outside the scope of "other similar deceits" under Article 315(2)(a).

2. **Other Deceits Under Article 318:**

- The SC held that Osorio committed other deceits under Article 318 by misrepresenting that Gabriel's money would be invested in Philam Life.
- Deceit led Gabriel to believe her insurance premiums would be covered by the investment proceeds, causing her to part with her money.
- The rule on variance permits conviction under Article 318 when the offense proved is included in the offense charged.

**Doctrine:**

- **Article 318 of the Revised Penal Code:** Broad in scope to cover all kinds of deceit not falling under Articles 315, 316, and 317.
- **Rule on Variance:** An accused may be convicted of the offense proved if it is included in the offense charged under Rule 120, Section 4 of the Revised Rules of Criminal Procedure.

**Class Notes:**

- **Estafa Elements (Article 315(2)(a)):**

1. False pretense/fraudulent representation concerning qualifications, property, or agency.
2. Representation made prior to or simultaneously with the fraud.
3. Reliance on representation causing victim to part with money or property.
4. Resulting damage to the victim.

- **Article 318 Elements:**

1. False pretense/fraudulent act not covered by Articles 315, 316, or 317.
2. Pretense made prior to or during the commission of the fraud.
3. Resulting damage to the victim.

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

- **\*\*Estafa and Other Deceits:\*\*** The case provides a notable distinction between specific deceits under estafa and broader deceitful acts under Article 318.
- **\*\*Agent Misrepresentation:\*\*** Highlights the liabilities of agents and the importance of truthful representation in investment scenarios. Historical similar cases have established precedent but continue to evolve interpretation of deceit within the investment sector.

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This case highlights significant legal principles concerning deceit and the interpretation of investment fraud under the Revised Penal Code, pivotal for students and legal practitioners navigating criminal liabilities linked to misrepresentation.