

PEOPLE OF THE PHILIPPINES, PLAINTIFF,

Ponente: TIJAM, J.

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TIJAM, J.:

The accused-appellants' appeal assails the Decision[1] dated May 15, 2012 of the Regional Trial Court of Gapan City, Branch 87, in Crim. Case No. 3574 ordering them to return to private complainant the amount of P75,000.00 with interest of 6% per annum computed from the date of extra-judicial demand. The dispositive portion of the assailed trial court's decision reads as follows:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered ACQUITTING the Accused Efren Mañacop and Remedios Mañacop for failure of the prosecution to prove the guilt beyond reasonable doubt and they are ordered to be released immediately from confinement unless being held or detained from (sic) other lawful reasons. However, the Accused Spouses are hereby ordered to return the amount of P75,000.00 to the Private Complainant with interest at the rate of 6% per annum from the date of extra-judicial demand which was on June 23, 1993.

SO ORDERED."

Factual Antecedents:

Efren and Remedios Mañacop (collectively referred to as accused-appellants) stood trial for the crime of Estafa through misappropriation or conversion defined and penalized under Art. 315 par. 1 (b) of the Revised Penal Code.[2]

Private complainant testified that she knew very well the accused-appellants because Efren Mañacop is the brother of her sister-in-law and a relative of her boyfriend. On December 13, 1992, Efren persuaded her to engage in the business of buying palay, which she agreed to and consented to shell out cash money as capital. On December 14, 1992, she gave the money to accused-appellants amounting to P75,000.00. She personally delivered the money to accused-appellants which was witnessed by her sister-in-law Nenita Santiago, her boyfriend Felipe Concepcion, and her parents Dionisio and Miguela Santiago.

Private complainant's evidence that she gave the money amounting to P75,000.00 to accused-appellants was the PCI Bank passbook with Account No. 5113-07038-5 indicating the she withdrew from said account the amount which she gave to and received by the accused-appellants.

According to private complainant, the agreement between her and accused-appellants was that the money will be used to buy palay and, whatever profit they will earn therefrom will be divided between them. However, at the end of the cropping season in March 1993, accused-appellants failed to deliver the palay or to return the money to her so she demanded for the payment of the amount of P75,000.00, which accused-appellants never did prompting her to file the case of estafa against them.

Private complainant's testimony to the effect that she gave to accused-appellants the amount of P75,000.00 was confirmed by prosecution's corroborating witness, Nenita Santiago.

On their part, accused-appellants admitted that they are engaged in the business of buy and sell of palay and maintaining a piggery. While Efren admitted having received money from private complainant, he alleged it was only P30,000.00, not P75,000.00; which amount they agreed to be used to buy palay.

Efren testified that he made partial payments of the P30,000.00 when he gave private complainant ten (10) pigs valued at P1,700.00 each and rice valued at P8,250.00. These items were delivered to private complainant in May 1993.

The Trial Court's Ruling:

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"The elements of Estafa through misappropriation or conversion as defined in Article 315 par. 1 (b) of the Revised Penal Code are: (1) that the money, good or other personal property is received by the offender in trust or in commission, or for administration, or under any other obligation involving the duty to make delivery of, or to return, the same; (2) that there be misappropriation or conversion of such money, or property by the offender or denial on his part of such receipt; (3) that such misappropriation or conversion or denial as (sic) to the prejudice of another; and (4) that there is a demand made by the offended party on the offender. While the first, third and fourth elements are concededly present, we find the second element of misappropriation or conversion to be lacking in the case at bar. (Serona vs. Court of Appeals, et al. GR No. 130423, November 18, 2002)

X X X X X

The prosecution has proven that the Accused Spouses received the amount of P75,000.00 for the buying of palay as per the testimony of the Private Complainant which was corroborated by Nemia Santiago. The Accused Efren even acknowledged the received money from the Private Complainant although stating that it was only P30,000.00 and not P75,000.00.

While the prosecution has proven that the Accused Spouses received the money, it failed to sufficiently prove that there was such an argument (sic) or an obligation on the part of the Accused Spouses will return the same amount of money or deliver the palay to be bought. There was no specific document that was offered in evidence by the Prosecution to prove that there was such an agreement involving the obligation to make delivery or to return the same amount of money. This Court cannot just rely on the self-serving claim of the Private Complainant of such an agreement unless supported by competent evidence.

X X X X X

Assignment of Error:

"It is respectfully submitted that the trial court erred in holding the appellants civilly liable to appellee in the amount of P75,000.00 with interest thereon at the rate of 6% a year from the date of appellee's extrajudicial demand on June 25, 1993."[3]

This Court's Ruling:

The appeal has no merit. We explain.

Accused-appellants failed to convince Us through competent evidence that the amount given to them by private complainant was only P30,000.00 and not P75,000.00 as alleged and proved by the prosecution during the trial of the case.

Private complainant and corroborating witness' declarations are deemed positive testimonial evidence outweighing accused-appellant's unsubstantiated denial. Our conclusion is drawn from the following findings of the trial court:

X X X X X

"The prosecution has proven that the Accused Spouses received the amount of P75,000.00 for the buying of palay as per the testimony of the Private Complainant which was corroborated by Nemia Santiago. The Accused Efren even acknowledged the received money from the Private Complainant although stating that it was only P30,000.00 and not P75,000.00." [4]

x x x x x

While the prosecution failed to prove the criminal liability of the Accused-Spouses, the Court holds that it was able to prove the civil liability of the Accused-Spouses for the amount of P75,000.00. This amount was sufficiently proven to have been received by the Accused-Spouses. The payment of the ten (10) pigs and fifteen (15) cavans of rice as testified by the Accused Efren Mañacop and confirmed by witness Romeo Bernardo cannot be countenanced because it was taken and received by one Almario Concepcion." [5]

As in any other criminal proceedings or prosecutions, the credibility of the private complainant is of paramount importance. On this score, it is doctrinally settled that appellate courts will generally not disturb the findings of the trial court. Its evaluation of the testimony of the witness is accorded the highest respect because the trial court is in a better position to decide the question of credibility of witnesses having heard their testimony and observed their deportment and manner of testifying during trial. The recognized exceptions to this doctrine are when such evaluation was reached arbitrarily or when the trial court overlooked, misunderstood, or misapplied some facts or circumstances which could have affected the results of the case.⁶ In this case, We see no justification to depart from this doctrine and apply its exceptions.

Thus, absent any strong evidence to the contrary, We uphold the trial court's ruling that accused-appellants received the amount of P75,000.00 from private complainant, which amount they are legally bound to return to her. At this juncture, We deem it wise to affirm the trial court's use of the legal interest rate, or 6% per annum. [7] The interest rate is computed from the date of extrajudicial demand on June 25, 1993. [8]

All told, We find no cogent reason to depart from the findings of the trial court.

WHEREFORE, premises considered, the appeal is DISMISSED. The assailed Decision of the Regional Trial Court of Gapan City, Branch 87, ordering accused-appellants Efren and Remedios Mañacop to return to private complainant Vicky Concepcion the amount of P75,000.00 with legal interest of 6% per annum computed from June 25, 1993, is hereby AFFIRMED.

SO ORDERED.

Baltazar-Padilla, and Reyes-Carpio, JJ., concur.

[1] Record, pp. 293-299.

[2] ART. 315. Swindling (estafa). – x x x 1. With unfaithfulness or abuse of confidence, namely:

x x x

(b) By misappropriating or converting, to the prejudice of another, money. Goods or any other personal property received by the offender in trust, or on commission, or for administration, or under any other obligation involving the duty to make delivery of, or to return the same, even though such obligation be totally or partially guaranteed by a bond; or by denying having received such money, goods, or other property;

x x x

[3] Rollo, pp. 23-32.

[4] Decision, p. 6.

[5] Id.

[6] *People v. Dela Cruz*, G.R. No. 139626-27, June 26, 2001.

[7] "Eastern Shipping Lines, Inc. synthesized the rules on the imposition of interest, if proper, and the applicable rate, as follows: The 12% per annum rate under CB Circular No. 416 shall apply only to loans or forbearance of money, goods, or credits, as well as to judgments involving such loan or forbearance of money, goods, or credit, while the 6% per annum under Art. 2209 of the Civil Code applies 'when the transaction involves the payment of indemnities in the concept of damage arising from the breach or a delay in the performance of obligations in general', with the application of both rates reckoned 'from the time the complaint was filed until the [adjudged] amount is fully paid'. In either instance, the reckoning period for the commencement of the running of the legal interest shall be subject to the condition 'that the courts are vested with discretion, depending on the equities of each case, on the award of interest'. See *Tomimbang v. Tomimbang*, G.R. No. 165116, August 4, 2009. Emphasis Ours.

[8] Exhibits "B" to "B-3", Demand Letter dated June 25, 1993; See Decision, p. 3.

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