

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GENOVEVA A. CABANA, ACCUSED-APPELLANT.

Ponente: LOPEZ, J.

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### LOPEZ, J.:

Before Us is an Appeal from the Decision dated May 16, 2011[1] rendered by the Regional Trial Court, Branch 26, of Medina, Misamis Oriental in Criminal Case No. 1822-M (2009), the fallo of which reads:

WHEREFORE, the accused is adjudged GUILTY of the crime of estafa and she is sentenced to suffer the indeterminate penalty of Four (4) years and Two (2) months of prision correccional as the minimum to Twenty (20) years of reclusion temporal as the maximum, and to pay the private offended party the sum of One Hundred Eighty Thousand (P180,000.00). With costs.

SO ORDERED.

The factual antecedents are as follows:

In 1999, Evelyn Abao, daughter of herein private complainant Eduardo H. Paraguya, met accused-appellant Genoveva A. Cabana while she was working at a restaurant in Gingoog City. The two became fast friends, and when Genoveva learned that Evelyn's mother, Teotema, was often sick, she offered to go visit her. Evelyn complied and took Genoveva to her parents' house in Buko, Kinoguitan, Misamis Oriental in time for the milkfish harvest. There, Genoveva was introduced to Eduardo and Teotema, and she offered her services as a healer.[2] She informed Eduardo that she and her family were famous in their hometown of Siquijor because of their powerful healing ability and could easily administer to his wife's illness. Eduardo readily agreed and found it weird when accused-appellant asked for the substantial amount of P3,000.00 to buy a large candle (perdon). However, he was such in dire need of help that he dismissed the thought. Accused-Appellant became a regular guest in their house, until she and her children came to stay with them so she could continuously perform healing rituals.

When accused-appellant learned that another of Eduardo's daughter, Eva, was suffering from tonsilitis, she also offered to heal her. Despite the fact that Eva was living in Sweden, accused-appellant claimed to have been treating Eva over the internet by making massaging motions on her image on the computer monitor.[3] During this time, accused asked for money to buy another perdon to use during treatments, healing oil to send to Sweden, and a cow, supposedly to fight off the evil spirits causing their sickness. She was also provided with cellphone load and credit. Evelyn made a list of all the expenses, which documents she testified to in open court.[4] Whenever Evelyn would ask her about the healing methods, accused-appellant would avoid the topic.

Aside from the cash given to her for healing Eduardo's wife and daughter, accused-appellant also successfully convinced them that some of the items they kept in their house were possessed of evil spirits. She persuaded him to give her the custody of some of the items from his residence for her to take to her house, all in the guise of expelling the evil spirits residing therein.[5] Since, Eduardo was always away, the items were listed by Esther and Evelyn.[6]

Items given to her for exorcism on June 16, 2006 were the following:

- 130 pcs Thesaurus
- 3 rolls white cloth (big)
- 3 rolls white cloth (medium)
- 3 rolls eyelet cloth (big)
- 3 rolls eyelet cloth (medium)
- 3 rolls yellow cloth used for skirting (big)
- 3 rolls blue cloth used for skirting (big)
- 1 bundle blue cloth with pink eyelet design
- 1 bundle blue cloth with white eyelet design
- 1 table cloth eyelet
- 20 pcs yellow cloth curtain
- 30 pcs blue cloth curtain
- 30 pcs stuff toys
- 50 pcs compact discs
- 10 rolls dark blue cloth

On the same date, accused was also given the passports of Evelyn and Esther and the driver's license of Elecio Paraguya. She had assured them that she could help them obtain employment overseas through her connections.

On October 29, 2006, she also obtained custody of the following goods also for "healing":

- Fishpond sketch plan
- Chain saw
- Microwave oven
- Vacuum cleaner
- Samsonite bags with wheels
- 2 rolls wall carpet (small)
- 2 rolls wall carpet (big)
- Framed crosstitch (big)
- 1 set big doorknob
- 1 gallon water based adhesive

- 59 pcs cabinet doors with cross design
- 30 pcs v-cut lumber 12"
- 20 pcs baluster
- 8 pcs door holder
- 10 pcs door chain
- 15 pcs banda orchids

The following year, she also brought the following from Eduardo's house to hers:

January 7, 2007 – 6 boxes vinyl tiles  
January 8, 2007 – 15 pcs G-melina lumber 2x2x16  
February 10, 2007 – 12 pcs Tugas lumber 2x2x6  
March 2007 – 1 lactating sow  
March 26, 2007 – 12 pcs G-melina lumber 2x2x8  
May 28, 2007 – 15 pcs giant Ipil-Ipil lumber  
June 2007 – 3 pieces cut lumber

The total value of these items was pegged at P188,655.00.[7]

Aside from the personal properties entrusted to accused-appellant, Eduardo also gave her Original Certificate of Title (OCT) P-3707 covering a parcel of land located in Gusa, Cagayan de Oro City. She had confided in him that as a personal friend of Cynthia Villar, a well-known realty developer, accused-appellant was interested in building a condominium on the property.[8]

Upon taking of these items, accused guaranteed to Eduardo that the healing procedure would take about six months. When the period expired, Eduardo expected Teotema and Eva's full recovery, along with the return of his properties cleansed of the spirits residing therein. After waiting in vain, Eduardo made various demands on Genoveva which were not followed.

This incessant refusal led Eduardo to file a criminal complaint for Estafa before the Prosecutor's Office and the National Bureau of Investigation (NBI). Accused then returned some of the items, including Original Certificate of Title (OCT) No. 3707, the title to Eduardo's 3.7 hectare property in Gusa, Cagayan de Oro. This title was entrusted to her along with a Special Power of Attorney in her favor after accused revealed that she was a friend of Cynthia Villar, a big time realtor, who would develop the property.

The unreturned items as of the time of hearing were 31 pieces of the Thesaurus, baluster, cabinet doors, door holders, door chains, several pieces of lumber, and the boxes of vinyl tiles which were found to have already been installed in accused's newly-constructed house.

Other than the items listed, accused was also given by Evelyn a total of P200,000.00 for processing of documents for work abroad. They were never deployed abroad despite her promise and they eventually filed a complaint for illegal recruitment against accused.

A preliminary investigation was conducted by the Office of the Provincial Prosecutor of Misamis Oriental,[9] and on January 13, 2009, an Information for Estafa[10] was filed against accused, to wit:

The undersigned Assistant Provincial Prosecutor accuses GENOVEVA A. CABANA for the crime of ESTAFA, committed as follows:

That on or about May 2006, to January 7, 2007, at Buko, Kinoguitan, Misamis Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by falsely pretending to possess power and influence, did then and there willfully, unlawfully and feloniously defraud EDUARDO H. PARAGUYA by which the accused have pretended to cast out evil spirits supposedly inhabiting the house of said Eduardo H. Paraguya and in consideration thereof, took some of his personal properties and cash of One Hundred Eighty Thousand (P180,000.00) pesos, and the so-called evil spirits have still remained in the house thereof, consequently he demanded the return of his personal properties including the money taken from him but, said accused willfully and feloniously refuses to return despite demand instead accused have misapplied, misappropriated and converted the amount into his personal use and benefit, to the damage and prejudice to said Eduardo H. Paraguya.

CONTRARY TO LAW and in violation of Article 315 par. 2, sub paragraph (a) of the Revised Penal Code.

The case was raffled to the Regional Trial Court, Branch 26, of Medina, Misamis Oriental (hereafter, RTC-Branch 26) on February 6, 2006.[11] Upon finding of probable cause to issue a warrant of arrest, the Presiding Judge issued an Order[12] for a Warrant of Arrest.[13] Bail was fixed at P40,000.00.

Accused voluntarily surrendered on March 9, 2009 and was ordered committed at the Medina, Misamis Oriental Municipal Jail.[14] Upon the grant of her Motion For Reduction of Bailbond,[15] she filed the required amount and was released per Order dated March 13, 2009[16] of the RTC-Branch 26.

Accused pleaded Not Guilty during her arraignment on March 27, 2009.[17] Trial ensued thereafter.

In her defense, accused gave this account:

In February 2006, accused, together with Evelyn, went to private complainant's house in order to buy milkfish. Upon learning that she was a businesswoman, Eduardo offered to put up businesses with her, with himself as financier and accused as industrial partner. In fact, private complainant was very insistent that they become business partners that he even went to her house twice to convince her.[18] The businesses were supposed to be located on his property in Gusa, Cagayan de Oro and, to persuade her, he promptly executed a Special Power of Attorney in her favor so she could start developing the property. The plan did not push through, however, because informal settlers had already occupied the lot. Instead, Eduardo decided to put up the piggery and poultry businesses and a sari-sari store in Buko. A business permit was issued for the piggery and poultry businesses[19] by the punong barangay of Buko, Kinoguitan and business taxes were paid to the Kinoguitan Municipal Treasurer.[20] A furniture business,[21] registered under the name of Eduardo and accused's husband, was also put up.[22] In the course of preparation, accused purchased construction supplies and hardware materials.[23] The construction halted only because private complainant filed the estafa complaint against her.

In the course of their business partnership, Evelyn was asked to decorate accused-appellant's new house so some items were brought there.[24] These items have long been returned when the disagreement between private complainant and accused-appellant began.[25] Accused-appellant also admitted while she did send to Eduardo's daughter in Sweden some items, these were Chinese house decorations, not healing oil as claimed by him. Asked pointblank if she believed in paranormal activities, she responded in the negative.

On May 6, 2011, the RTC-Branch [26], Medina rendered the herein assailed Decision finding accused-appellant guilty as charged.[26]

Accused-appellant filed her Notice of Appeal[27] which was granted on June 22, 2011.[28]

In a Resolution dated July 17, 2012, the Appeal was deemed submitted for decision.[29]

**ISSUES:**

- I. WHETHER OR NOT THE PROSECUTION HAS PRESENTED COMPETENT EVIDENCE ESTABLISHING THE NECESSARY ELEMENTS OF ESTAFA TO BE PRESENT IN THE CASE AT BAR;
- II. WHETHER OR NOT THE ACCUSED HAS DEFRAUDED THE PRIVATE COMPLAINANT WHEN HE DELIVERED THE PROPERTIES TO THE ACCUSED;
- III. WHETHER OR NOT THE EVIDENCE OFFERED BY THE PROSECUTION HAS SUFFICIENTLY OVERCOME THE PRESUMPTION OF INNOCENCE ON THE PART OF ACCUSED, OR HAS ESTABLISHED THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT.

**RULING:**

Accused-Appellant bewails her conviction despite what she perceived was insufficiency of evidence to support it. She points out that it was unlikely for an educated person like private complainant to fall victim to a clear hoax. She laments that because their business relations had gone sour, accused-appellant is now trying to pin her for something she is innocent of.

We find the Appeal bereft of merit.

The cumulative acts subject of this complaint are penalized under Article 315, paragraph 2(a) of the RPC, wherein estafa is committed by any person who shall defraud another by false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud. It is committed by using fictitious name, or by pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.[30] Succinctly, she was convicted by the court a quo of estafa by means of deceit after it found that these requisites were present:

- a) that there must be a false pretense or fraudulent representation as to his power, influence, qualifications, property, credit, agency, business or imaginary transactions;
- b) that such false pretense or fraudulent representation was made or executed prior to or simultaneously with the commission of the fraud;
- c) that the offended party relied on the false pretense, fraudulent act, or fraudulent means and was induced to part with his money or property; and,
- d) that, as a result thereof, the offended party suffered damage.[31]

In estafa by deceit, it is essential that such false representation constitutes the very cause which induces the offended party to part with his property.[32] “Deceit” has been defined as “the false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed; and which deceives or is intended to deceive another so that he shall act upon it, to his legal injury.”[33] Perforce, the one giving the representation must know the falsity of his assurances, while the perceived victim must believe in full faith on the representation made, thereby suffering injury as a consequence.

A careful review of the records of the case reveals that the prosecution had successfully established that the elements exist to find accused-appellant guilty beyond reasonable doubt. Eduardo entrusted his properties to Genoveva for a specific purpose. He fully believed her assurances that she, an effective faith healer, will expel the evil spirits residing therein and treat her family from sickness,[34] but he was refused when he demanded for their return because his family members were not getting any better and he began having nagging thoughts on her credibility.

Verily, We find the following findings of the court a quo proper, to wit:

All these elements obtain in the present case. Appellant made Paraguya believe that she can cast away the evil spirits present in his house and/or personal effects and belongings by representing herself as coming from a family famous in Siquijor for doing such exercise. Consequently, as a result of her deceptive scheme, appellant took in her possession the things of Paraguya and brought them to her house. It was only later when Paraguya realized that he was defrauded by appellant when the latter failed and refused to return his personal properties.

On the other hand, notwithstanding that 99 pieces of the Thesaurus had been returned is of no moment because the crime committed attached to the total value of the property proven to have been fraudulently taken. In the crime of estafa, the gravity of the offense is not determined by the value which accused has delivered or has returned upon the obligation to do so and before the institution of the criminal action. It is a well-settled rule in this jurisdiction that payment made subsequent to the commission of the crime of estafa does not alter the nature of the crime committed nor does it relieve the defendant from the penalty prescribed by law.

It is evident that accused-appellant employed deceitful tactics to make Eduardo part with his possessions supposedly in order to have them cleansed from what they believed were evil spirits residing with them. Genoveva's act of posing as an authentic and popular faith healer set in motion the chain of events which ended with her bringing to her own house Eduardo's personal possessions. Without this assurance of healing and exorcism, Eduardo clearly would not have parted with the items. To note, Genoveva could have simply returned the inventoried items to Eduardo when he demanded their return. It is apparent that Genoveva has no intention to return the things she allegedly got from the time these things were entrusted to her.

In her defense, accused-appellant adamantly denied the accusations and relied heavily on her pieces of evidence showing that she and Eduardo had business permits issued in their names.[35] However, these documents fail to persuade us of their partnership as business permits may be obtained without the personal appearance of the purported business owners. In fact, accused-appellant could not even provide any business permit, and she only presented the business clearances and the receipts for the payments made to the barangay treasurer[36] and the approval slip for the issuance of a mayor's permit which documents did not even indicate that it was issued for accused-appellant's alleged businesses.[37]

Accused-Appellant also made a show of submitting receipts covering purchases allegedly made to start the business with Eduardo. However, these do not address the question of why the inventoried items were not returned on demand. As emphasized by the court a quo, these receipts do not prove anything other than the purchases themselves. Her receipts cannot support her claim of business partnership with Eduardo.[38]

Accused-Appellant tried to dismiss Eduardo's accusations as pure falsity because the latter was "not an ignorant person but rather an educated person who has engaged in business and having been a businessman transacting with different [kinds] of people has the sufficient mental capacity to determine the alleged representation of the accused-appellant that she possessed healing powers." [39] It is not unusual based on many accounts that people of all walks of life, even for most educated of them all, to resort to faith healing oftentimes falling as unsuspecting victims in their desire to find cure to all kinds of serious illnesses.

The central element of this type of estafa is the fraud or false representation pretending to have the power or qualification to heal, which induced Eduardo to part with his property. In the case at bench, it is evident that accused-appellant had planned to allocate to herself the items after enticing Eduardo with her claim of healing. Her supposed custody was illegal from its inception having been founded on false pretenses and fabricated claims. The court a quo explicated that:

Regardless of the ridiculous assumption on the Information that "xxx the so-called evil spirits have still

remained in the house xxx” to insinuate that evil spirits did inhabit complainant’s properties but that the accused failed to drive them out, the gist of the complaint remains fraud was allegedly employed to obtain cash and property from the complainant. The Information does not charge the accused with obtaining money by reason of deceitful healing practice as it is clear only personal property with a total value of P180,000.00 is alleged to have been taken through fraudulent representations of casting out evil spirits, thus, the accused may be held accountable only for said amount as charged and this Judgment will deal only with that particular issue.[40]

Even the Special Power of Attorney (SPA) submitted by accused-appellant to show that they have agreed to do business in and develop the area covered by the subject title, does not persuade Us of the legitimacy of her claims. Instead, this supports the prosecution’s case that she had been supposedly entrusted with the custody of the title among other things. Moreover, a close reading of the SPA shows that it was phrased in a way so as not to convey any intent to enter into a business venture on the development of the property. It is just unfortunate that he and his family, like so many in our Philippine culture who repose belief in faith healing and the supernatural, placed full faith and confidence on accused-appellant.

Accused-Appellant’s explanation that the items were brought to her house because Evelyn was supposed to decorate it is flimsy. In fact, her admission that some of the items had been returned after the demand, and the return duly recorded, runs counter to her defense that these were willingly given to her. Neither could she offer any credible explanation as to why the “borrowed” boxes of vinyl tiles were already installed on the veranda of her new house.

On the other hand, the prosecution’s positive testimonies distinctly show that accused-appellant left Eduardo’s homes taking with her the named items, had signed inventories listing them, and did not grant the request for their return. The Office of the Solicitor General highlighted in its Appellee’s Brief that:

The receipt by appellant of the personal effects of Paraguya was sufficiently established by the prosecution. Evidence on record showed that appellant affixed her signature on the list of the items she took out of Paraguya’s house. Although it can be gainsaid that appellant’s signature would not prove her receipt of all the other items listed in the inventory, the personal recounts of the prosecution witnesses, who positively and unequivocally testified that they were present when their father’s personal properties were taken little by little by appellant, can fill in this void. Manifestly, such positive testimonies cannot be overcome by a mere denial of appellant. A mere denial, just like alibi, is a self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testified on affirmative matters.[41]

Accused-Appellant also raised the defense that Eduardo was harassing her to prevent her from recovering the investments she made in their businesses. The court a quo found this doubtful since the complaint for estafa would not prevent her from taking back her investment and she had not presented any evidence of ill-motive on the part of Eduardo or his family to fabricate a story against her. Other than the mere claim that Eduardo filed the complaint to prevent her from initiating any legal action against Eduardo, accused-appellant did not submit any evidence to support her claim.

Between the categorical statements of the prosecution witness, on one hand, and the bare denial of the accused-appellant, on the other, the former prevails. An affirmative testimony is far stronger because it comes from the mouth of a credible witness. Time and again, it has been held that alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law. Moreover, denial cannot prevail over the positive testimony of prosecution witnesses who were not shown to have any ill-motive to testify against the accused-appellant.[42]

We find merit in the court a quo’s observation as it had a more intimate knowledge of the attendant facts and the

deportment of testifying witnesses. It is a hornbook doctrine that findings of fact of trial courts are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons because the trial court is in a better position to examine the demeanor of the witnesses while testifying.[43] The court a quo has the opportunity to observe the facial expression, gesture, and tone of voice of a witness while testifying; thus, making it in a better position to determine whether a witness is lying or telling the truth.[44]

Anent the penalty imposable, We find merit in the prosecution's recommendation to lower the damages, to wit:

In view thereof, the court a quo erred in imposing the amount of One Hundred Eighty Thousand [Pesos] (P180,000.00) as damages. As borne by the evidence, the amount of P180,000.00 pertains to the aggregate sum of money appellant demanded Paraguya in the course of healing his wife and child, and not to the total value of the properties taken from Paraguya, amounting to One Hundred Eighty-Eight Thousand Six Hundred Fifty-Five Pesos (P188,655.00). Accordingly, the recovery of the civil liability arising from the crime of Estafa must correspond to the latter amount.

However, considering that some of Paraguya's things were returned to him, it is improper to award him as damages the full amount of P188,655.00. As per Paraguya's testimony, the only things not yet returned to him are as follows, with their corresponding values:

Items

Value (P)

31 pcs. of Thesaurus Dictionary (P150.00 each)

4,650.00

Cabinet doors with cross design

10,000.00

Baluster

2,000.00

Door holder

90.00

Door holder

1,250.00

Door chain

100.00

6 boxes of vinyl tiles

10,000.00

Gemelina lumber

375.00

"Tugas" lumber

720.00

Gemelina lumber

720.00

Giant Ipil-Ipil

1,500.00

Lumber

900.00

Total Value

**P32, 305.00**

Therefore, as civil liability includes: (1) restitution; (2) reparation of the damage caused; and, (3) indemnification for consequential damages, the court a quo should have sentenced appellant to return the above-listed personal [properties] of Paraguay, or in the alternative, ordered her to pay their total value amounting to Thirty-Two Thousand Three Hundred Five Pesos (P32,305.00) only. Consequently, the award of damages should be reduced to that aforesaid amount.[45]

The impossible imprisonment for the crime of estafa under Art. 315, paragraph 2, of the Revised Penal Code (a) is prisión correccional in its maximum period to prisión mayor in its minimum period; and, if the amount of the fraud is over P12,000.00 but does not exceed P22,000.00, and if such amount exceeds the latter sum, the penalty shall be imposed in its maximum period, adding one (1) year for each additional P10,000.00; but the total penalty which may be imposed shall not exceed twenty (20) years.[46] In such cases, the penalty shall be termed prisión mayor or reclusión temporal, as the case may be.[47]

In arriving at the proper impossible penalty, the total number of years included in the two periods in Article 315 should be divided into three equal periods of time, forming one period for each of the three portions. The maximum, medium and minimum periods of the prescribed penalty are therefore:

Minimum period - 4 years, 2 months and 1 day to 5 years, 5 months and 10 days;

Medium period - 5 years, 5 months and 11 days to 6 years, 8 months and 20 days;

Maximum period - 6 years, 8 months and 21 days to 8 years.[48]

Applying the Indeterminate Sentence Law, the minimum impossible penalty should be within the range of the penalty next lower to that prescribed by Article 315, paragraph 2(a) of the Revised Penal Code, which is prisión correccional in its maximum period to prisión mayor in its minimum period. This penalty is prisión correccional minimum (6 months and 1 day to 2 years and 4 months) to prisión correccional medium (2 years, 4 months and 1 day to 4 years and 2 months).[49] Hence, the minimum period of imprisonment of four years and two months imposed is proper.

In the present case, accused-appellant defrauded private complainant in the amount of P188,655.00. Hence, the penalty should be imposed in the maximum period of 6 years, 8 months and 21 days to 8 years. One year is then added for every P10,000.00 in excess of P22,000.00, or 16 years in addition, with a 20-year cap. Thus, the maximum period of her indeterminate sentence should be 20 years due to the 20-year limit provided in Article 315.

In the crime of estafa, the gravamen is the intent to deceive, or the fraudulent intent.[50] Counting on the strong

belief in the supernatural ingrained in our Filipino culture, accused-appellant deluded private complainant to part with personal belongings in the guise of performing acts of exorcism. That some of the items were eventually returned, after a legal action had already been initiated, is immaterial. The fact remains that she had made false statements to Eduardo for material gain knowing fully well that she could not make good on these representations. In the end, Eduardo fell victim to her duplicitous words and suffered damages as a consequence.

WHEREFORE, premises considered, the Appeal is DENIED. The Judgment dated May 6, 2011 of the Regional Trial Court of Medina, Misamis Oriental in Crim. Case No. 1822-M (2009) is AFFIRMED with MODIFICATION. Accused-Appellant Genoveva A. Cabana is hereby sentenced to suffer the indeterminate penalty of Four (4) years and Two (2) months prision correccional, as minimum, to Twenty (20) years of reclusion temporal, as maximum; and, to pay private complainant the amount of Thirty-Two Thousand Three Hundred-Five Pesos (P32,305.00) as damages equivalent to the value of the unreturned items. With costs.

**SO ORDERED.**

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Camello, J., Ch., and Inting, JJ., concur.

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[1] Records, pp. 405-419.

[2] TSN dated August 27, 2009, p. 5.

[3] TSN dated December 16, 2009, pp. 52-53.

[4] Ibid., p. 9.

[5] Ibid., p. 11.

[6] Ibid., p. 9.

[7] Folder of Exhibits, pp. 12-16.

[8] TSN dated August 27, 2009, p. 8.

[9] Records, pp. 4-5.

[10] Records, pp. 2-3.

[11] Records, pp. 16-17.

[12] Ibid., p. 18.

[13] Ibid., p. 19.

[14] Ibid., pp. 21-22.

[15] From P40,000.00 to P20,000.00; Records, p. 26.

[16] Ibid., p. 32.

[17] Ibid., p. 40.

- [18] TSN dated October 14, 2010, p. 27.
- [19] Under the name and style “Linross Agrivet & General Merchandise.”
- [20] Folder of Exhibits, pp. 50-51.
- [21] Under the name and style “Linnross Furniture.”
- [22] Folder of Exhibits, pp. 52-53.
- [23] Folder of Exhibits, pp. 55-82.
- [24] TSN dated October 14, 2010, p. 20.
- [25] Folder of Exhibits, p. 83.
- [26] *Supra.* at note 1.
- [27] Records, pp. 424-428.
- [28] Records, p. 429.
- [29] Rollo, pp. 90-92.
- [30] *Sy vs. People*, G.R. No. 183879, April 4, 2010.
- [31] *Gabianza vs. CA*, G.R. No. 161057, September 12, 2008.
- [32] *Preferred Home Specialties, Inc. and Yu vs. CA*, G.R. No. 163593, December 16, 2005.
- [33] *Ortega vs. People*, G.R. No. 177944, December 24, 2008.
- [34] TSN dated August 27, 2009, pp. 6-10-11, 15.
- [35] Folder of Exhibits, pp. 50-54.
- [36] *Ibid.*, pp. 50-53.
- [37] *Ibid.*, p. 54.
- [38] Records, p. 416.
- [39] Rollo, p. 35.
- [40] Rollo, 52.
- [41] Rollo, pp. 80-81.
- [42] *Gan vs. People*, G.R. No. 165884, April 23, 2007.
- [43] *Dimaranan vs. Heirs of Arataya*, G.R. No. 184193, March 29, 2010.
- [44] *People v. Pillas*, G.R. Nos. 138716-19, September 23, 2003.
- [45] Rollo, pp. 84-85.
- [46] *Lateo vs. People*, G.R. No. 161651, June 8, 2011; *Sy vs. People*, G.R. No. 183879, April 14, 2010.
- [47] *Sy vs. People*, *ibid.*
- [48] *People vs. Chua*, G.R. No. 187052, September 13, 2012.

[49] Supreme Court Resolution on People vs. Bersabe, G.R. No. 201183; People vs. Chua, *ibid*.

[50] Preferred Home Specialties, Inc. and Yu vs. CA, G.R. No. 163593, December 16, 2005.

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