

**GERUNCIO H. ILAGAN, CLARO PIÑON AND ROSENDO PIÑON,
PETITIONERS, VS. HON. COURT OF APPEALS, HON. ARTURO A.
ROMERO, SALVADOR Q. QUIMPO AND HOMETRUST DEVELOPMENT
CORPORATION, RESPO...**

G.R. No. 110617. December 29, 1994

Ponente: REGALADO, J.

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REGALADO, J.:

This case presents another instance of the mode of advocacy that bedevils our criminal justice system, evoking thereby the jeremiad of herein respondent corporation against the abuse of certiorari for unnecessary delay in the resolution of a mere interlocutory order. Indeed, considering its revelations and the supporting annexes to its comment,[1] this appeal as initially resolved by the First Division was advisedly accepted by the Court En Banc so that we may write finis to such a simple incident as a motion to quash which for years has regrettably held up the adjudication on the merits of the main criminal actions.

The records show that on July 21, 1992, eight informations were filed and docketed as Criminal Cases Nos. C-40482 to C-40489 in the Regional Trial Court, Branch 120, Kalookan City, charging herein petitioners Geruncio H. Ilagan, Claro Piñon and Rosendo Piñon as co-conspirators in the crime of estafa.

The information in Criminal Case No. C-40482[2] contained the following accusatory allegations:

That on or about covering the period from July, 1990 up to December, 1991 in Kalookan City, MM, Philippines and within the jurisdiction of this Honorable Court, the above-named accused bei(ng) then the President, Finance Manager and Sales Director, respectively, of the Apple Realty and Development Corporation, a Corporation duly appointed Agent of the HOMETRUST DEVELOPMENT CORPORATION, herein represented by its Manager, one SALLY S. GO, defrauded and deceived the latter in the following manner, to wit: said accused conspiring and confederating with one another, by means of false manifestations and fraudulent representations which they made to the prospective lots and houses and lots buyers, namely: Erlinda Sayasa, Rogelio Damasco, Gina G. Teston, Filomena Lanoz(o), Natividad Diaz, Florida Gargoles and Marce(l)ita Ranara, that is, by representing themselves that they are authorized to collect/receive and issue receipts of payments from said buyers, accused knowing fully well that they are not authorized to do so, induced and convinced herein buyers to give and deliver, as in fact, the latter did give and deliver to said accused the total amount of P353,500.00, Philippine Currency, who instead of remitting the same amount to the Hometrust Development Corporation, with deliberate intent to defraud, did then and there wilfully, unlawfully and feloniously misapply, misappropriate and convert to their own personal use and benefit the said amount and despite repeated demands made upon them, refused and failed and still fail and refuse to restitute the same, to the damage and prejudice of the said Corporation, in the aforementioned total amount of P353,500.00. (Corrections in parentheses ours.)'

On the other hand, in Criminal Case No. C-40483,[3] the information alleged as follows:

That on or about the first week of June to Nov. 23, 1991 in Kalookan City, MM, Philippines and within the

jurisdiction of this Honorable Court, the above-named accused, being then a President, Finance Manager and Sales Director, respectively, of the Apple Realty and Development Corporation, conspiring and confederating with one another, defrauded and deceived the HOMETRUST DEVELOPMENT CORPORATION, herein represented by its MANAGER, one SALLY S. GO, in the following manner, to wit: said accused being then duly appointed as Agents of the said Corporation in a Contract of Agency dated July 30, 1990 and they are authorized to sell lots and/or houses and lots to prospective buyers on a commission basis with the restrictions however, that herein Agents cannot receive any form of payment from buyers as well as to issue any receipt therefor, accused knowing fully well of the said agreement the terms and conditions of which are embodied in the said Contract, induced and convinced one MARCELITA RANARA to buy and purchase lots and/or house and lots and receive payments and issue receipts therefor, as in fact herein complainant did give the total amount of P24,000.00 to said accused, representing as the reservation fee/downpayment of the lots and/or houses and lots purchase price, when in truth and in fact, they are not entitled to do so, much less, have no personality to collect whatever amount from said prospective buyers, but said accused, once in possession of the said amount, with deliberate intent to defraud, did then and there wilfully, unlawfully and feloniously misapply, misappropriate and convert to their own personal use and benefit the said amount, and despite repeated demands made upon them to return/deliver the said amount, failed and refused and still fail and refuse to restitute the same, to the damage and prejudice of the complainant thereof, in the aforementioned amount of P24,000.00, Philippine Currency.

Uniformly, all the indictments in Criminal Cases Nos. C-40484 to 40489[4] contained the same allegations as those in Criminal Case No. C-40483, except with respect to the offended party, the date of commission of the offense, and the amount subject of the offense, thus:

CASE NO.

OFFENDED PARTY

DATE OF COMMISSION

AMOUNT

C-40484

Rogelio Damasco

April 30, 1991 to

August 22, 1991

P60,000.00

C-40485

Gina G. Teston

June, 1991 to

November 4, 1991

169,000.00

C-40486

Natividad Diaz

May, 1991 to July,

1991

19,000.00

C-40487

Erlinda Sayasa

July 21, 1991 to

October 18, 1991

133,500.00

C-40488

Filomena Lanozo

May, 1991 to July,

1991

19,000.00

C-40489

Florida Gargoles

May, 1991 to July

1991

29,000.00

I

According to petitioners, on July 30, 1992 they moved to quash the informations in Criminal Cases Nos. C-40483 to C-40489 on the ground of duplicity of offenses charged therein. The same was dismissed by the trial court in its order of December 10, 1992 which is hereunder reproduced:

Acting on the "Motion to Quash" and the "Opposition" thereto, and considering, as urged, that each Information filed against the accused in Crim. Cases Nos. 40482, 40483, 40484, 40485, 40486, 40487, 40488 and 40489 indubitably show different private complainants involving different transactions committed on different dates, which assertion is further reinforced by the averment in the affidavit-complaints executed by the complainants in each (of the) aforesaid criminal cases, the movant's contention therefore that the ground alleged in the Motion to Quash is within the provision of Sec. 3, Rule 117, is untenable.

The applicable rule on the question of duplicitous Information is Sec. 2(e), Rule 117, not Sec. 3 of Rule 117 as urged.

As correctly pointed out by the public prosecutor, the duplicitous Information presupposes one or more offenses contained in one or (a) single Information under Sec. 2(e), Rule 117, Rules of Court.

But read as it should be, each Information here clearly alleges only one offense for one single act, consequently, the Rule in question does not apply.

Accordingly, the Motion to Quash is hereby DENIED.[5]

Unfazed, and obviously for the same purpose since they raised exactly the same contentions, petitioners sought the extraordinary writ of certiorari and prohibition from the Court of Appeals to set aside the aforesaid denial order of the trial court. In its decision[6] in CA-G.R. SP No. 31021 promulgated on June 22, 1993, said appellate court made short shrift of the pretensions of petitioners in these terse observations:

Petitioners allege that the informations are duplicitous and the trial court should have quashed them. They contend that the complainants in Criminal Case No. 40482 and the individual complainants in the seven other cases (Criminal Case No. 40483-40489) are one and the same and that the acts alleged in the first case (No. 40482) to have been committed during the period July, 1990 to December, 1991 are the same acts charged individually in the other seven cases (Nos. 40483-40489) on dates covered by the same period alleged in the first case. Petitioners argue that in refusing to quash the informations, the trial court committed a grave abuse of discretion.

These contentions are without merit. To be sure, an information is considered duplicitous and therefore subject to dismissal if it charges more than one offense except in cases in which a single punishment is prescribed for various offenses. (Rule 117, Sec. 3(e)). In the case at bar, each information charges only one offense of estafa and, therefore, there is no basis for moving to quash on the ground of duplicity of offense.

Nonetheless, in an apparent gesture of understanding accommodation and by way of guidance to petitioners on the error of their ways even on such elementary procedural matters, respondent court deigned to proceed further and extended this solicitous explanation to them:

What probably petitioners want to say is that for the same act alleged to constitute the crime of estafa they are being held liable to two complainants. For the theory of the prosecution appears to be that during the period July 1990 to December 1991, petitioners, as agents of the respondent Hometrust Development Corp. defrauded and deceived both Hometrust Development and the lot buyers by representing to the latter that they (petitioners) were authorized to receive payments when in fact they were not, and were thus able to collect from the lot owners the total amount of P353,000.00 which they subsequently misappropriated and converted to their personal use and benefit. For this reason eight informations were filed against petitioners from which it is clear that the cases involve different parties and amounts and that the acts alleged to constitute estafa were committed on different dates, to wit:

x x x

Thus for every single act of misappropriation both those from whom the amounts were received and the Hometrust Development to which the payments were intended have brought estafa cases against the herein petitioners in (the) latter's capacity as president, finance manager and sales director respectively of the Apple Realty and Development Corp., sales agent (without authority to receive payments) of Hometrust Development Corp. It is clear that each information charges only one offense.[7]

That was all, that was enough, and that was correct. In fine, respondent Court of Appeals frontally and succinctly confronted the sole issue of the alleged multifariousness of the informations which was the same and only ground invoked by petitioners in both the trial court and the respondent court. It did not digress into the arcanum of the application to said criminal cases of the rule on a delito continuado or the inapplicability of a supposed non-existent rule of *litis pendentia* as applied to double jeopardy, as was done during the deliberations in this case. Rationally, it did not have to and, legally, it could not do so.

For, in no uncertain terms, Section 2, Rule 117 of the 1985 Rules on Criminal Procedure, as intentionally amended for that purpose, mandatorily provides that "(t)he motion to quash shall be in writing signed by the accused or his counsel. It shall specify distinctly the factual and legal grounds therefor and the court shall consider no grounds other than those stated therein, except lack of jurisdiction over the offense charged" (Stress supplied).

All the way from the lower court, through the respondent court, and now before this Court, petitioners have at least been consistent in obdurately cleaving and limiting their plaint to the lone issue of supposed duplicitous informations. We cannot, therefore, conceive of how the foregoing pithy dispositions of the two courts before us could have failed to put that matter to rest. We also cannot understand why, despite the aforecited prohibition in Rule 117, this Court should still be expected to consider other grounds intrusive upon the merits of the criminal cases involved which would disturb the correct pronouncements of the two lower courts, instead of summarily denying this petition. However, if only to dissipate intransigent reservations on our decision on this incident, and to serve as bearings to the court a quo with regard to our ultimate resolution thereof, we shall tread on the virtual merits of the estafa cases in question as the facts thereof appear from the pleadings of record.

II

Indulging all inferences in favor of petitioners, what appears to be the implication in their otherwise defective submissions is that despite the number of aggrieved parties, they committed only one offense of estafa, and solely against respondent corporation which is now the subject of Criminal Case No. C-40482. They would postulate that into said case should be deemed integrated the separate offenses complained of by the seven individual lot buyers, instead of the latter being made the respective subjects of Criminal Cases Nos. C-40483 to C-40489.

What would seem to be the reason for that theory is that the essential allegations of facts and the specifications of the offenses charged in the informations in Criminal Cases Nos. C-40483 to C-40489 are supposedly the same as those stated in the information in Criminal Case No. C-40482, hence respondent corporation is the offended party in all the eight informations. They would rebuke respondent Court of Appeals for holding that the seven complainants in the seven other informations are different from the complainant corporation in Criminal Case No. C-40482. Their thesis would be that since the informations also state that petitioners had defrauded respondent corporation, the allegations in the informations in Criminal Cases Nos. C-40483 to C-40489 that the acts of petitioners caused damage and prejudice to the individual complainants mentioned therein should be treated as superfluities.

Now, the function of the extraordinary writ of certiorari, as it is here invoked, would be to annul and set aside a purported grave abuse of discretion by the prosecutor in filing several informations involving, according to petitioners' theory, one and the same offense. This argument, however, would completely ignore the fact that the ground of double jeopardy was never raised in a motion to quash, hence that ground cannot be made the basis for attributing grave abuse of discretion to the prosecutor. It is also inconsistent with the reasoning advanced during our deliberations that these cases would fall within the purview of the constitutional right against double jeopardy were it not for the failure of existing rules on criminal procedure to address the instant situation. If *ex hypothesi* there is no rule on double jeopardy to govern such situation and, for that matter, it has not even been invoked in the motion to quash, it is then unpardonably absurd to claim that its non-application by the prosecutor could constitute grave abuse of discretion on his part.

The core issue is, therefore, whether the offenses separately charged in the eight informations actually constitute only one offense or were correctly considered as eight separate crimes of estafa. No hearing on this issue was ever conducted in the court below as it was never raised therein; and the sole ground of multifariousness was, since it could properly be, resolved by the court only on the bases of the allegations in the motion to quash without introduction of evidence aliunde.

The issue of double jeopardy should properly have been raised in and resolved by the trial court in the first instance as it would necessitate evidence on the terms of the contracts or documentation of the transactions with the lot buyers, the rights and obligations of the parties thereunder, the binding effects thereof, the resolatory

conditions or grounds for rescission, any confirmation or repudiation thereof as may have been made by respondent corporation, and the like. In any event, the present petition could also have been rejected outright, without thereby causing any undue prejudice to the parties, even merely on the bases of the present contents and state of the records before us.

1. The crime of estafa committed against respondent corporation, on the one hand, and those committed against the lot buyers, on the other, are definitely separate felonies. They were dictated by different criminal intents, committed under different modes of commission provided by the law on estafa, perpetrated by different acts, consummated on different occasions, and caused injury to different parties.

The crime of estafa against respondent corporation was committed through unfaithfulness or abuse of confidence, specifically as provided in Paragraph 1(b) of Article 315, Revised Penal Code. The operative act in the perpetration thereof was the failure to turn over or deliver to respondent corporation the amounts collected by the accused, despite their duty to do so. The felony was consummated on the dates when and at the places where such amounts were to be delivered to respondent corporation under the agency agreement therefor or within a reasonable time from receipt of the payments made by the lot buyers. The aggrieved party was respondent corporation which suffered damages basically to the extent of the sums collected in its behalf but not delivered or accounted for by the accused.

With respect to the lot buyers, the offense of swindling was committed by deceit or false pretenses employed prior to or simultaneously with the commission of the fraud, more specifically as provided in Paragraph 2(a) of the same article of the Code, that is, by the accused falsely pretending to possess the power to collect the payments due from said buyers, despite the peculiar but specific prohibition imposed by their said principal. The felony was perpetrated through the aforesaid the deceitful misrepresentations which made possible the unauthorized collections. The offense was consummated upon receipt by the accused of the amounts in the different occasions and places where the payments were made by the lot buyers. The aggrieved parties were the lot buyers who individually and separately suffered damages by being deprived not only of their money but primarily of their property rights to and in the lots they respectively purchased.

In either instance, the requisite ingredients of estafa as separate offenses are present, that is, for respondent corporation the elements of abuse of confidence and damage, and for the lot buyers the elements of deceit and damage. It has been held that estafa can be committed with the attendance of both modes of commission, that is, abuse of confidence and deceit employed against the same victim and causing damage to him. Thus, where an agent deliberately misrepresented to the landowner, the real position of the prospective buyer of the land in order to induce said owner to agree to a lower price and, thereafter, the agent sold the land for the higher amount which was actually agreed upon by him and the buyer, and he then clandestinely misappropriated the excess, the crime of estafa was committed under both modes and he could be charged under either.[8] Withal, it has also been held that such estafa is more properly categorized as one committed through abuse of confidence.[9]

With much more reason, therefore, should the offense of estafa against respondent corporation be considered discretely and separately from those committed against the lot buyers since, inter alia, different modes of commission and different parties are concerned. Furthermore, to underscore the distinction between the estafa committed against respondent corporation and the lot buyers, in estafa through abuse of confidence prior demand should be made by the offended party on the accused to comply with the obligation before the latter may be charged criminally,[10] but there is no such requirement where the estafa was committed through deceit.[11]

As earlier stated, the damage sustained by the lot buyers is distinct from that suffered by respondent corporation, since, primarily, the injury to the lot buyers was the deprivation of their rights or the exercise thereof over the

properties they respectively purchased. It has long been the rule that actual damage is not necessary in estafa, as long as it is capable of pecuniary estimation, hence mere temporary disturbance of property rights is equivalent to damage.[12] Even if the prejudice is temporary, that would suffice for the element of damage in estafa.[13] Here, the lot buyers involved in the criminal cases subject of the present recourse have, as a direct consequence of the acts of petitioners, been deprived of the exercise of their rights of actual or potential ownership over their properties since 1991 up to the present.

That the names of the seven lot buyers and the amounts they paid are mentioned in the information in Criminal Case No. C-40482 does not have the significance claimed by petitioners. These were only mentioned therein to explain the source of and the amounts involved, the totality whereof constituted the element of damage to respondent corporation. On the other hand, the statement in Criminal Cases Nos. C-40483 to C-40489 that the accused "defrauded and deceived" respondent corporation is the phrase which should be considered as a surplusage. The information in each of the latter seven cases specifically refers to the individual complainant therein, alleges how the accused "induced and convinced (the complainant) to buy and purchase lots and/or houses and lots and receive(d) payments and issue(d) receipts therefor," which amounts they represented "as the reservation fee/downpayment" for the properties sold "when in truth and in fact they were not entitled to do so x x x to the damage and prejudice of the complainant thereof." Such allegations constitute the estafa contemplated in Paragraph 2(a) of Article 315, with the respective complainants as the offended parties separately from respondent corporation.

2. Consequent to the theory of identity of the offense committed against respondent corporation vis-a-vis those against the lot buyers, we reject petitioners' plea for the dismissal of Criminal Cases Nos. C-40483 to C-40489 which were filed each with one lot buyer as the offended party therein. While the felonious acts perpetrated against said lot buyers do not constitute a delito continuado, there must be an explication as to whether, under the taxonomy in the Spanish concept of concurso de delitos, the seven acts of defraudation under said informations constitute material or real plurality, hence there are seven crimes of estafa, or should be considered as in the nature of formal or ideal plurality, hence there is only one crime of estafa. We rule that said seven cases fall under the category of concurso real, hence there are seven juridically independent crimes involving said lot buyers.

The series of acts committed against the seven lot buyers was not the product of a single criminal intent. The misrepresentation or deceit was employed against each lot buyer on different dates and in separate places, hence they originated from separate criminal intents and consequently resulted in separate felonies.[14] Furthermore, even assuming arguendo that the defraudations were pursuant to an identical design, they were committed over a period of about one and a half years and at substantial intervals both in time and in distance of situs.

More conclusive is the fact that, after the commission of one estafa, the accused could not have had the foreknowledge as to when or whether they could replicate the same felony against another victim still necessarily unknown. This lack of prevision on their part definitely proves that the criminal intent entailed in a preceding swindle could not operate as the same criminal intent in futuro as regards another subsequent estafa.[15] The inescapable conclusion is that, all told, a total of eight crimes of estafa were actually committed by the accused against different victims.

3. There is, therefore, no cogency in the proposition that the prosecutor acted with grave abuse of discretion in filing eight separate charges of estafa, or, for that matter, that the trial court and respondent court are guilty of the same discretionary error in refusing to quash the eight informations.

If, as petitioners seem to apprehend, the adverse actions of two lower courts could create a scenario of multiple

prosecutions for the same offense or, more candidly expressed, of double jeopardy, then this is neither the procedural stage nor the proper occasion to pass upon that possibility. For, squarely imputable to petitioners is the evident lack of factual basis for and a grossly defective presentation of that issue for this Court to rule thereon in this proceeding and at this time.

However, this observation would not foreclose relief to petitioners if at the trial of this case the evidence presented and the developments therein suffice to establish the supervenient fact that indeed there could possibly be a breach of the rule of double jeopardy. Under Section 8 of Rule 117, they can still hereafter raise that defense of non bis in idem, provided that they can lay the evidentiary bases therefor and refute from the standpoint of substantive penal law what was earlier said on the nature and the non-identity of the several crimes of estafa involved which, to repeat, we pronounced purely on the bases of existing records sans the benefit of any evidentiary fact since none has been adduced.

ACCORDINGLY, the impugned decision of respondent Court of Appeals is **AFFIRMED** and the instant petition is hereby **DENIED**, with treble costs against petitioners. This judgment is immediately executory and, upon entry thereof in due course, the record of this case is ordered to be forthwith remanded to the court a quo which is hereby **DIRECTED** to take appropriate action therein with all deliberate and practicable dispatch.

SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, and Kapunan, JJ., concur.

Quiason, J., see concurring opinion.

Feliciano, J., on leave.

Mendoza, J., no part.

[1] Rollo, 39-84. The offenses involved here were committed from July, 1990 to December, 1991, the challenged informations were filed in July, 1992, but up to the present the accused, petitioners herein, have yet to be arraigned. On the other hand, a criminal case (No. 92--111175, RTC, Manila) and a civil case (No. C-15413, RTC, Kalookan City) based on the same transactions were filed at the instance of petitioners against private respondent and both cases appear to have been dismissed by the trial courts.

[2] Ibid., 18-19.

[3] Ibid., 20-21.

[4] Ibid., 22-33.

[5] Ibid., 34; per Judge Arturo A. Romero, in Criminal Case No. C-40482-9, RTC, Branch 120, Kalookan City. The citation therein of "Sec. 2(e)" should be understood to now refer to Sec. 3(e).

[6] Ibid., 13-14; penned by Associate Justice Vicente V. Mendoza, with the concurrence of Associate Justices Jorge S. Imperial and Quirino D. Abad Santos, Jr.

[7] Ibid., 14-15.

[8] U.S. vs. Lim, 36 Phil. 682 (1917).

[9] Balitaan vs. Court of First Instance of Batangas, etc., et al., L-38544, July 30, 1982, 115 SCRA 729.

[10] U.S. vs. Bleibel, 34 Phil. 227 (1916); Cf. Tubb vs. People, et al., 101 Phil. 114 (1957), and People vs. Sullano, L-18209, June 30, 1966, 17 SCRA 488.

[11] U.S. vs. Asensi, 34 Phil. 750 (1916); People vs. Claudett Scott, 62 Phil. 553 (1935).

[12] U.S. vs. Goyenechea, 8 Phil. 118 (1907); People vs. Sevilla, 43 Phil. 186 (1922).

[13] People vs. Santiago, 54 Phil. 814 (1930).

[14] People vs. Cid, 66 Phil. 354 (1938).

[15] People vs. Dichupa, L-16943-44, October 28, 1961, 3 SCRA 327; Gamboa, et al. vs. Court of Appeals, et al., L-41054, November 28, 1975, 68 SCRA 308.

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CONCURRING OPINION

QUIASON, J.:

I concur with Mr. Justice Florenz Regalado that the informations in Criminal Cases Nos. C-40483 to C-40489 did not allege the same offense charged in Criminal Case No. C-40482.

The information in Criminal Case No. C-40482 alleged that on or about the period from July 1990 to December 1991, in Kalookan City:

(1) The accused were the President, Finance Manager and Sales Director, respectively of the Apple Realty and Development Corporation;

(2) The Apple Realty and Development Corporation was appointed an agent of the Hometrust Development Corporation to sell houses and lots;

(3) The accused defrauded and deceived the Hometrust Development Corporation in the following manner:

By means of false manifestation and fraudulent representation, that is, by misrepresenting that they were authorized to collect and receive payments from buyers of the houses and lots and to issue the receipts therefor, when they knew fully well that they were not authorized to do so, the accused, acting in conspiracy and confederating with one another, were able to collect the total amount of P353,500.00 from the following buyers:

Erlinda Sayasa

Rogelio Damasco

Gina G. Teston

Filomena Lanozo

Natividad Diaz

Florida Gargoles

Marcelita Ranara

Instead of remitting their collection to the Hometrust Development Corporation, the accused unlawfully misappropriated and failed to restitute the said amount to the damage and prejudice of the Hometrust Development Corporation (Rollo, pp. 18--19).

The informations in Criminal Cases Nos. C-40483 to C-40489 uniformly alleged that on or about the period from

May 1991 up to November 1991:

(1) The accused were the President, Finance Manager and Sales Director, respectively, of the Apple Realty and Development Corporation;

(2) The accused were duly appointed agents of the Hometrust Development Corporation to sell houses and lots on commission basis but were expressly prohibited from receiving payments from the buyers or from issuing receipts of such payments;

(3) The accused defrauded and deceived the Hometrust Development Corporation in the following manner:

By receiving payment from the buyers when they were not authorized to do so and by misappropriating the money.

The accused failed to reconstitute the money to the damage and prejudice of the buyers-complainants (Rollo, pp. 20-33).

While all the informations involve the same transactions and allege that the accused had defrauded the Hometrust Development Corporation, a closer study thereof shows that the estafa alleged to have been committed in Criminal Case No. C-40482 is not the same estafa alleged to have been committed in Criminal Cases Nos. C-40483 to C-40489. The offense charged in Criminal Case No. C-40482 was the failure of the agents to turn over their collections to their principal, while the offenses charged in Criminal Cases Nos. C-40483 to C-40489 were the collections of the purchase price by the agents from the customers (the individual complainants in said criminal cases) without informing said buyers that they had no authority to do so. To this extent, the buyers suffered a disturbance of their property rights.

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