

MARIA SOCORRO CACA, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 116962. July 07, 1997

Ponente: ROMERO, J.

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ROMERO, J.:

Petitioner Maria Socorro Caca was charged with estafa and violation of Batas Pambansa Blg. 22 (BP 22) for issuing a postdated check in favor of Nancy Lim Rile which was dishonored by the drawer bank for having been drawn against a closed account.

The evidence for the prosecution established the following antecedent facts.

On December 16, 1987, petitioner allegedly borrowed P50,000.00 from Nancy Lim Rile who received a postdated check as security therefor. Before its due date, petitioner redeemed the check by paying her obligation in cash. On March 22, 1988, she again borrowed from Rile the amount of P125,000.00, secured by another postdated check which, as in the first instance, was redeemed before its due date. A third loan of P250,000.00 was procured by petitioner on August 17, 1988, secured by Check No. 201596 of the Security Bank and Trust Co. dated February 28, 1989.

When petitioner failed to redeem this third check as was her wont, Rile deposited it with China Bank Magallanes Branch, Cebu City, but it was dishonored for being drawn against a closed account.

Despite several demand letters, petitioner failed to settle her account.

Petitioner, on the other hand, denied that she issued the check for value or for the account of Rile with whom she also denied having any transaction. She testified that she never received the amount of P250,000.00 and could not have borrowed the amount from Rile because she was not financially capable of repaying said amount. Said check which was allegedly pre-signed and kept in her drawer as teller of the Traders Royal Bank (TRB), was purportedly lost and somehow found its way in the hands of Rile who typed "all the entries found on said check, such as the name of the payee, date and amount."^[1]

Defense witness Placido Villarosa, a security guard at TRB, testified that it was his duty "to record the entry and exit of the employees of the bank."^[2] The logbook indicated that on August 17, 1988, petitioner never left the building, implicitly negating the alleged transaction entered into between the parties on such date.

Exaltation Saynes averred that her sister, herein petitioner, could not have borrowed the reported sums of money, for she lacked the financial ability to pay them back.

Sarah Alfonso, petitioner's officemate at TRB, narrated that she also received a demand letter from Rile in connection with a dishonored check. She went to Rile's residence with petitioner and learned that they were swindled by a certain Annie Pascua who delivered their blank checks to Rile and thereupon directed the amounts to be entered on each check. She corroborated the claim that petitioner never dealt with Rile.

On March 12, 1992, after trial on the merits, Judge Celso M. Gimenez of the Regional Trial Court of Cebu City, Branch 5, rendered judgment finding petitioner guilty only of violation of BP 22, sentencing her to a six-month imprisonment and ordering her to pay Rile the amount of P250,000.00 with legal interest from the filing of the case until it is fully paid.

This was affirmed in toto by the Court of Appeals in its assailed decision of June 30, 1994.

In this action, petitioner mainly questions the appreciation of evidence by the trial and appellate courts.

We find no compelling reason to disturb the trial court's conclusions as affirmed by the Court of Appeals. As consistently held by this Court, the findings of the trial court on the credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal in the absence of any showing that said court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance.[3]

The defense denied that petitioner issued the check in question; much less did she incur any obligation in favor of Rile. As aptly observed by the Court of Appeals, however, the record is bereft of any motive on the part of Rile for her to falsely impute to petitioner the supposed imaginary loan.

Neither can we accept the theory that petitioner's pre-signed check was stolen. She even alleged that a certain Luana Sumalinog, a co-employee at TRB, was the one who took the check. It does not appear, however, that she took any action or filed any case against Sumalinog for the petty theft. On the other hand, petitioner admitted that in the past, she had been issuing pre-signed checks to Sumalinog in payment of her obligations.[4] As a bank teller, petitioner must have been fully aware of the consequences of issuing a pre-signed blank check.

The affirmative declaration of Rile prevails over the bare denial of petitioner. The latter's allegation that she was never acquainted with the former until sometime in April 1989 and, hence, could not have entered into any business dealing with her is untenable. This Court has held that denial is a self-serving negative defense that cannot be given greater weight than the declaration of a credible witness who testified on affirmative matters.[5]

Finally, as regards the implausibility of petitioner's borrowing substantial amounts of money due to her incapacity to repay the loan, we agree with the trial court's conclusion that "people are forced to borrow money because of financial problems, and it is not a valid defense to claim that she could not have borrowed from Mrs. Rile because she is not capable of paying the amount." [6]

WHEREFORE, in view of the foregoing, the judgment appealed from is AFFIRMED. No costs.
SO ORDERED.

Regalado, (Chairman), and Mendoza, JJ., concur.

Puno, and Torres, Jr., JJ., on leave.

[1] Rollo, p. 27.

[2] Ibid., p. 27.

[3] *People v. Paragua*, 257 SCRA 118 (1996).

[4] Rollo, p. 20.

[5] *People v. Carizo*, 233 SCRA 687 (1994).

[6] Rollo, p. 30.

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