

ADELA B. DELGADO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND EMMANUEL ANG JARANILLA, RESPONDENTS.

G.R. No. 161178. February 05, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

Before the Court is a Petition for Review on Certiorari contesting the September 30, 2003 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR No. 23701, which affirmed the July 15, 1999 Decision of the Regional Trial Court (RTC), Branch 54 in Manila, in Crim. Case No. 95-142409, entitled *People of the Philippines v. Adela Delgado*. The RTC convicted petitioner Adela Delgado of estafa.

The Facts

Proceeding from a complaint filed by private respondent Emmanuel Ang Jaranilla, petitioner was charged with estafa in an information that reads:

That on or about July 9, 1993, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud EMMANUEL ANG JARANILLA, in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which she made to the said EMMANUEL ANG JARANILLA to the effect that she is in possession of \$74,000.00 that she needs Philippine peso and asked him to change her dollars and by means of other similar deceits, induced and succeeded in inducing the said EMMANUEL ANG JARANILLA to give and deliver as in fact he gave and delivered to said accused the amount of P 2,029,820.00 on the strength of said manifestations and representations said accused knowing fully well that same were false and fraudulent and were made solely to obtain, as in fact he did obtain the said amount P2,029,820.00 which amount once in her possession with intent to defraud absconded herself with the same and misappropriated, misapplied and converted the said amount of P2,029,820.00 to her own personal use and benefit, to the damage and prejudice of said EMMANUEL ANG JARANILLA in the aforesaid amount of P2,029,820.00 Philippine currency.

Contrary to law.[2]

The facts of the case, as determined by the trial court, are as follows:

Private respondent Jaranilla was engaged in the money changing business, and had previous transactions with petitioner Delgado.

On July 9, 1993, Delgado proposed exchanging USD 74,000 with Jaranilla for Philippine pesos at the rate of PhP 27.43 to the dollar. After consulting with his father, Manuel Ang, Jaranilla agreed to the proposal. Manuel drew Metrobank Check No. 061224813 in the amount of PhP 2,029,820, payable to cash.

Jaranilla entrusted the check to his secretary, Fely Aquino (also known as Lily Ang). Aquino then met with Delgado on July 9, 1993, at the Binondo Metrobank branch to encash the check. They both endorsed and affixed their signatures on the check, Aquino using the name Lily Ang, the name by which Metrobank knew her. Delgado

then received the amount of PhP 2,029,820 from the bank teller. She then claimed not to have the dollars with her, and had Aquino wait while she got the money from her car. Delgado left and did not return.

Jaranilla contacted Delgado, but she failed to deliver the USD 74,000, despite repeated demands for it, prompting him to file a criminal complaint against her.

In her defense, Delgado claimed to have met Aquino only on that afternoon of July 9, 1993, and that another person, Carina Alabado, who was presented as a witness, delivered the subject dollars to Aquino. This was denied by Aquino.

The trial court found the witnesses for the prosecution more credible, and rendered its decision convicting Delgado, the dispositive portion of which reads:

JUDGMENT is hereby rendered adjudging the accused guilty beyond reasonable doubt of the crime of Estafa punishable under Art. 315 involving the amount of P2,029,820, considering the provisions of Art. 315, the accused is therefore sentenced to a penalty of imprisonment of twenty (20) years of reclusion temporal and to pay as indemnity the amount of P2,029,820 to the aggrieved party Manuel Ang Jaranilla, with interest thereon at a legal rate, compounded annually, until the entire amount is paid.

SO ORDERED.[3]

Both Jaranilla and Delgado raised the matter to the CA on appeal. Jaranilla prayed for interest on the amount of PhP 2,029,820.00 from the date of extra-judicial demand; moral and exemplary damages; and attorney's fees and litigation expenses. The essence of Delgado's appeal was that the trial court erred in finding the prosecution witnesses more credible and convicting her.

The Ruling of the CA

The CA affirmed the conviction of Delgado, but found application for the Indeterminate Sentence Law, and that Delgado may be sentenced to an indeterminate penalty ranging from 4 years and 2 months of prision correccional as minimum to 20 years of reclusion temporal.

The CA also set the reckoning period from when to compute the interest that would accrue on the amount of PhP 2,029,820 from July 9, 1993, the date when Delgado absconded with the money. The CA also awarded Jaranilla with PhP 250,000 as moral damages, PhP 250,000 as exemplary damages, and PhP 100,000 as attorney's fees, plus costs of litigation.

The dispositive portion of the CA decision reads:

WHEREFORE, the appelaed decision is AFFIRMED with the modifications to the effect that accused appellant is hereby ordered to pay the complainant the following:

- P2,029,820.00 with legal interest compounded annually from July 9, 1993;
- P250,000.00 in concept of moral damages;
- P250,000.00 as exemplary damages;
- P100,000 for attorneys fees plus cost of the litigation.

The penalty against the accused-appellant should be modified in accord with the penultimate paragraph of this decision.

SO ORDERED.[4]

Dissatisfied with the ruling, Delgado now brings the matter before this Court.

Assignment of Errors

In support of her petition, Delgado alleges that the RTC and the CA erred in failing to find: that the injured party and, thus, the proper private complainant was Manuel Ang, father of Jaranilla; that she was in the business of money changing and had the capacity to possess the USD 74,000 subject of the transaction; and that Alabado's testimony was more credible than that of Aquino.

Our Ruling

The petition is without merit.

As to the allegation that the injured party was Manuel Ang, and not private respondent Jaranilla, to show that there was no damage to private respondent, this is a novel argument, but one that has already been disposed of. Delgado claims that the source of the funds was Manuel Ang, that the check was issued by Manuel Ang, so if there were any damage, it would have been to Manuel Ang, not Jaranilla.

The argument is merely an attempt by Delgado to distract the court from the proven facts. Manuel Ang was not the one with whom Delgado transacted, but his son, private respondent Jaranilla. This is not contested by Delgado, nor does she dispute having received PhP 2,029,820 as a result of said transaction with Jaranilla. The source of the funds is of no moment for determining Delgado's criminal liability.

Ownership is not a necessary element of the crime of estafa.[5] In a string of cases, it has been held that the person prejudiced or the immediate victim of the fraud need not be the owner of the goods.[6] Thus, the allegation of Delgado that the injured party was Manuel Ang has no bearing in the resolution of this case. It was proved that in the transaction between Jaranilla and Delgado, Delgado would deliver USD 74,000 in exchange for PhP 2,029,820, and though Jaranilla lived up to his end of the bargain, Delgado failed to live up to hers. The allegation of Delgado that the PhP 2,029,820 did not belong to Jaranilla, had it been proved, would not matter.

Next, the argument of Delgado that she was engaged in the business of money-changing and, thus, had the capacity to possess the USD 74,000 subject of the transaction is of no moment. As found by the trial court, she failed to deliver the dollars in exchange for the PhP 2,029,820 to Jaranilla's secretary at the Binondo branch of Metrobank, and she failed to deliver it despite repeated demands from private respondent. This belatedly alleged capacity of hers to possess the USD 74,000 cannot in any way excuse her failure. The most eloquent refutation to this argument is the plain fact that she has not delivered what was promised till this day, without explanation or restitution. Delgado cannot rely on past transactions to argue that there was no deceit involved when she cannot give a reason for her failure to deliver the promised dollars at the time agreed upon. The only conclusion that can be reached, barring any explanation from Delgado, is that she did not possess the said dollars when the transaction was made; thus, deceit attended the deal.

Lastly, Delgado argues that her witness, Alabado, who testified giving the dollars to Aquino, should be accorded more credibility than Aquino.

This last-ditch effort at convincing the Court must fail.

Delgado presents no reason for us to take the word of Alabado over that of Aquino. When it comes to weighing the credibility of the witnesses, this Court must bow to the trial court. In this regard, we reiterate the rule that appellate courts will generally not disturb factual findings of the trial court since the latter has the unique opportunity to weigh conflicting testimonies, having heard the witnesses themselves and observed their deportment and manner of testifying.[7] The well-entrenched rule is that findings of fact of the trial court in the

ascertainment of the credibility of witnesses and the probative weight of the evidence on record affirmed, on appeal, by the CA are accorded high respect, if not conclusive effect, by the Court and in absence of any justifiable reason to deviate from the said findings.[8] Petitioner has failed to present justification for this Court to disregard the factual findings of the trial court.

The elements of the crime of estafa, under Article 315(2) of the Revised Penal Code are: (1) the accused made false pretenses or fraudulent representations as to his or her power, influence, qualifications, property, credit, agency, business, or imaginary transactions; (2) such false pretenses or fraudulent representations were made prior to or simultaneous with the commission of the fraud; (3) such false pretenses or fraudulent representations constitute the very cause which induced the offended party to part with his or her money or property; and (4) as a result of those acts, the offended party suffered damage.[9] As all the elements have been duly proved, as found by the RTC and affirmed by the CA, the conviction of petitioner must be upheld.

WHEREFORE, the September 30, 2003 Decision of the CA in CA-G.R. CR No. 23701 is hereby AFFIRMED.

SO ORDERED.

Corona, (Chairperson), Carpio[*], Nachura, and Peralta, JJ., concur.

[*] Additional member per Special Order No. 818 dated January 18, 2010.

[1] Penned by Associate Justice Rodrigo V. Cosico and concurred in by Associate Justices Mariano C. Del Castillo (now a member of this Court) and Rosalinda Asuncion-Vicente.

[2] Rollo, p. 27.

[3] Id. at 47. Penned by Judge Manuel T. Muro.

[4] Id. at 33.

[5] *People v. Dy*, Nos. L-54912-13, November 23, 1981, 109 SCRA 403, 408.

[6] *Salazar v. People*, G.R. No. 149472, October 15, 2002, 391 SCRA 162, 173; *First Producers Holding Corporation v. Co*, G.R. No. 139655, July 27, 2000, 336 SCRA 551, 560; *Hernandez v. Court of Appeals*, G.R. No. 104874, December 14, 1993, 228 SCRA 429, 437.

[7] *People v. Tuason*, G.R. No. 175783, September 3, 2007, 532 SCRA 152, 162.

[8] *Martinez v. Court of Appeals*, G.R. No. 168827, April 13, 2007, 521 SCRA 176, 193.

[9] *Mangangey v. Sandiganbayan*, G.R. Nos. 147773-74, February 18, 2008, 546 SCRA 51, 63.

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