

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JENNIE MANLAO Y LAQUILA, ACCUSED-APPELLANT.

G.R. No. 234023. September 03, 2018

Ponente: PERLAS-BERNABE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-234023/>

PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal[1] filed by accused-appellant Jennie Manlao y Laquila (Jennie) assailing the Decision[2] dated May 11, 2017 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06882, which affirmed the Decision[3] dated June 19, 2014 of the Regional Trial Court of Quezon City, Branch 85 (RTC) in Crim. Case No. Q-11-171127 convicting her of Qualified Theft, defined and penalized under Article 310, in relation to Article 309, of the Revised Penal Code (RPC).

The Facts

An Information[4] was filed before the RTC, charging Jennie with the crime of Qualified Theft, the accusatory portion of which reads:

That on or about the 1[st] day of July 2011, in Quezon City, Philippines, the said accused, being then employed as housemaid of one CARMEL ACE QUIMPO-VILLARAZA with residential address located at No. 125 Baltimore Street, Vista Real Subdivision, Brgy. Batasan Hills, this City, conspiring together, confederating with other persons whose true names, identities and present whereabouts have not as yet been ascertained and mutually helping each [other] and as such had free access to the property stolen, with grave abuse of confidence reposed upon her by her employer with intent to gain and without the knowledge and consent of the owner thereof, did then and there, willfully, unlawfully and feloniously take, steal and carry away the following:

- Rolex watch worth Php360,000.00
- Omega watch worth Php120,000.00
- Huer watch worth Php60,000.00
- Philip Charriol watch worth Php72,000.00
- Diamond engagement ring worth Php150,000.00
- Wedding diamond earrings worth Php150,000.00
- [Diamond] stud worth Php150,000.00
- Diamond cross pendant (princess cut) worth Php50,000.00
- Diamond cross pendant worth Php25,000.00
- Diamond donut pendant worth Php15,000.00

- [Heart-shaped crushed] diamond earrings and ring worth Php50,000.00
- Princess cut diamond earring and ring, gold worth Php120,000.00
- [Oval-shaped] diamond earring, [ring] and pendant set worth Php100,000.00
- Diamond [Creola] earring and ring set worth Php25,000.00
- Diamond [studded Creola] earring and pendant set worth Php25,000.00
- [White] South Sea Pearl [earring] and pendant set worth Php40,000.00
- South Sea Champagne Pearl earring and pendant set worth Php40,000.00
- Baby South Sea Pearl earring and pendant worth Php30,000.00
- White South Sea Pearl dangling earrings worth Php20,000.00
- South Sea Pearl [choker] worth Php140,000.00
- Pearl long necklace worth Php6,000.00
- Double strand pink pearl necklace worth [Php 6,000.00]
- [Small] Pearl choker and bracelet worth Php3,000.00
- Blue Sapphire with diamonds ring worth Php40,000.00
- Blue Sapphire with diamonds and pendant worth Php15,000.00
- Amethyst earring worth Php10,000.00
- Blue Topaz earring and [pendant] set worth Php15,000.00
- White gold [n]ecklace worth Php8,000.00
- Gold [n]ecklace worth Php4,000.00

all in total [value] of Php1,849,000.00, Philippine Currency, belonging to said CARMEL ACE QUIMPO-VILLARAZA, to the damage [and] prejudice of the said offended party in the amount aforementioned.

CONTRARY TO LAW.[5]

The prosecution alleged that in February 2011, Carmel Ace Quimpo-Villaraza (Carmel) and her husband, Alessandro Lorenzo Villaraza (Alessandro), hired Jennie as their housemaid, who was tasked to iron their clothes and to clean the house, including the second floor. Jennie was referred to Carmel by a certain Maribel, who was a housemaid of her son's friend. Upon hiring, Carmel briefed Jennie about the house's security, gave her a list of phone numbers to call in case of emergency, cautioned her about scammers calling houses, and explicitly instructed her not to entertain people who would visit or call to say that something happened to her employers. Carmel also stressed that if something happens to her, she would not call her housemaids. After two (2) months, Carmel hired another housemaid, Geralyn Noynay (Geraldyn), whose job was to cook, wash clothes, clean the exterior of the house, and do some gardening.[6]

At around 5:30 in the afternoon of July 1, 2011, Geraldyn was cooking in the kitchen when she noticed Jennie talking to someone over the house phone and crying. When asked, Jennie replied that their employers met an accident. Geraldyn saw Jennie going up and down the stairs and decided to follow her. Upstairs, Geraldyn found the

bathroom inside the master's bedroom open, and saw Jennie in the act of opening the bathroom drawer using a knife, screwdriver, and hairpins. When Geralyn asked why she destroyed the lock, Jennie responded that Carmel instructed her to open the drawer to look for dollars and told Geralyn not to interfere. Thereafter, Jennie went downstairs to talk to someone over the phone and later on, went up again to the master's bedroom to take Carmel's jewelry. Meanwhile, Geralyn comforted their employers' eight (8)-year old son who began crying due to the commotion. As she comforted the child, Geralyn noticed the pearls as among those which Jennie took from Carmel's drawer. Jennie then left the house with all the pieces of jewelry with her.[7]

Meanwhile, at around 3:30 in the afternoon of even date, Carmel kept calling the house phone to check on her son but the line was continuously busy. She also tried reaching her two (2) housemaids through their mobile phones, but to no avail. After fetching Alessandro, they decided to call the latter's brother, Carlo, who lives in the same village, to ask if he could send his maid to their house and inform the housemaids that they have been calling the house phone. Finally, Geralyn answered the phone and, when asked why the line was busy, Geralyn explained that Jennie used it earlier and left the line hanging. She then informed them that Jennie left the house at around six (6) o'clock in the evening after taking Carmel's jewelry. Upon the couple's request, Carlo stayed in the latter's house and confirmed that he found the bathroom door and drawer open, with the keyhole destroyed.[8]

Upon reaching their house, Carmel found her drawer inside the bathroom open with all of her jewelry, which she accumulated for 20 years, missing. At around 11:30 in the evening of even date, Carmel received a call from the village guards that Jennie was with them. Alessandro then picked up Jennie from the gate, and when they arrived a few minutes later, Carmel opened the car's rear door and immediately asked Jennie if the latter took her jewelry, to which the latter answered yes while crying. When asked for a reason, Jennie stated that somebody called to inform her that Carmel figured in an accident, and asked her to look for dollars in Carmel's cabinet. Instead, she took the jewelry and brought them to a fair-skinned woman in Caloocan. At this juncture, Carmel reminded Jennie again about the house rules on callers, but Jennie kept crying. Thus, the couple decided to bring Jennie to the nearby police station and filed the complaint.[9] The following day, police officers went to the house of Maribel's employers, but they were told that she left on the day of the incident.[10]

For her part, Jennie pleaded not guilty to the crime charged,[11] and presented her own narration of the events. She averred that at three (3) o'clock in the afternoon of that fateful day, a certain Beth Garcia (Beth) called the house phone, asked her if she was Jennie, and apprised her that her employers met an accident. Beth briefed her that "Carmel" would talk over the phone slowly because she has a wound in her mouth. Then, a woman who purported herself to be Carmel instructed Jennie to open the bedroom door and look for dollars, prompting Jennie to go to the kitchen to get a knife. Unable to find dollars, Jennie talked to "Carmel" over the phone again and the latter instructed her to get the jewelry instead, and thereafter, to go to Cubao and ride a bus going to Monumento, where a woman will meet her at 7-Eleven. Upon arrival, a woman approached Jennie, introduced herself as "Carmel's" companion, then took the bag containing the jewelry. After which, Jennie went home. When she arrived at the subdivision gate, the security guards asked her to proceed to the second gate where Alessandro was waiting for her.[12]

The RTC Ruling

In a Decision[13] dated June 19, 2014, the RTC found Jennie guilty beyond reasonable doubt of Qualified Theft, and accordingly, sentenced her to suffer the penalty of reclusion perpetua and ordered her to restitute to Carmel the amount of P1,189,000.00, representing the value of the jewelry and watches stolen.[14]

The RTC held that all the elements of Qualified Theft are present, having found that Jennie is a domestic servant who admittedly took Carmel's jewelry and watches without the latter's consent, but without using violence or

intimidation against persons nor force upon things. As regards intent to gain, the RTC held that it is presumed from Jennie's overt acts such as: (a) calmly opening the drawer which is contrary to a person's behavior under stressful situations; (b) intentionally leaving the phone hanging; and (c) deliberately deviating from Carmel's instructions regarding scammers. Anent the value of the missing items, the Court noted that while the Information stated that the aggregate value of the jewelry is P1,849,000.00, such amount was merely Carmel's estimates, and thus, cannot be taken on its face value. Nonetheless, since the stolen items consist of various luxury watches and jewelry, including diamonds and pearls, the RTC pegged their aggregate value at, more or less, P1,189,000.00.[15]

Aggrieved, Jennie appealed[16] to the CA.

The CA Ruling

In a Decision[18] dated May 11, 2017, the CA affirmed the RTC ruling.[19] It held that the prosecution had established all the elements of the crime charged, highlighting that the element of intent to gain may be presumed from the proven unlawful taking, as in this case. It also stated that the intent to gain is immediately discernable from Jennie's acts – i.e., she did not show any sign of emotional distress upon learning that Carmel figured in an accident, she damaged only the keyhole of the drawer where the stolen items were kept, and she left the phone hanging after the call – all of which ensured the commission of the crime. The CA further noted that Jennie's low educational attainment is not a basis to presume that she was not fully aware of the consequences of her actions. Moreover, the CA found no error in the RTC's reduction of the value of the jewelry taken by ascertaining their value based on the pictures presented before it.[20]

Hence, this appeal.[21]

The Issue Before the Court

The issue for the Court's resolution is whether or not Jennie is guilty beyond reasonable doubt of Qualified Theft.

The Court's Ruling

The appeal is without merit.

Time and again, it has been held that an appeal in criminal cases opens the entire case for review, and it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.[22] "The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law." [23]

Guided by this consideration, the Court affirms Jennie's conviction with modification as to the penalty and award of damages to private complainant, as will be explained hereunder.

Article 310 of the RPC states:

Article 310. Qualified theft. – The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding articles, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of the plantation or fish taken from a fishpond or fishery, or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance.

The elements of Qualified Theft are as follows: (a) the taking of personal property; (b) the said property belongs to another; (c) the said taking be done with intent to gain; (d) it be done without the owner's consent; (e) it be

accomplished without the use of violence or intimidation against persons, nor force upon things; and (f) it be done under any of the circumstances enumerated in Article 310 of the RPC, i.e., committed by a domestic servant.[24]

Verily, the Court finds that these elements concur in this case as the prosecution, through its witnesses, was able to establish that Jennie, while employed as Carmel's housemaid, admittedly took all of the latter's pieces of jewelry from the bathroom drawer without her authority and consent.

In maintaining her innocence, Jennie insists that as a naive kasambahay who hailed from a rural area and only had an educational attainment until Grade 4, she was merely tricked in a modus operandi when she complied with the verbal instructions relayed over the phone by a person whom she thought to be Carmel. She further points out that her non-flight manifests her lack of intent to gain; otherwise, she would not have returned to her employers' residence and face prosecution for the enormous value of the items taken.[25]

The Court is not convinced.

Jurisprudence provides that intent to gain or animus lucrandi is an internal act which can be established through the overt acts of the offender[26] and is presumed from the proven unlawful taking.[27] Actual gain is irrelevant as the important consideration is the intent to gain.[28] In this case, suffice it to say that Jennie's animus lucrandi is presumed from her admitted taking of the stolen items. Further, her aforesaid excuse that she was merely tricked cannot be given credence for likewise being illogical, especially in view of Carmel's warning against scammers and explicit directive not to entertain such phone calls.

Thus, the Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the CA, as there is no indication that it overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. In fact, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.[29] As such, Jennie's conviction for Qualified Theft must be upheld.

Anent the proper penalty to be imposed on Jennie, it is well to stress that pending the final resolution of this case, Republic Act No. (RA) 10951[30] was enacted into law. As may be gleaned from the law's title, it adjusted the value of the property and the amount of damage on which various penalties are based, taking into consideration the present value of money, as opposed to its archaic values when the RPC was enacted in 1932.[31] While it is conceded that Jennie committed the crime way before the enactment of RA 10951, the newly-enacted law expressly provides for retroactive effect if it is favorable to the accused,[32] as in this case.

Section 81 of RA 10951 adjusted the graduated values where the penalties for Theft are based. Pertinent portions of which read:

Section 81. Article 309 of the same Act is hereby amended to read as follows:

"ART. 309. Penalties. – Any person guilty of theft shall be punished by:

x x x x

2. The penalty of prision correccional in its medium and maximum periods, if the value of the thing stolen is more than Six hundred thousand pesos (P600,000) but does not exceed One million two hundred thousand pesos (P1,200,000).

x x x x"

Thus, applying the provisions of RA 10951, the Indeterminate Sentence Law, the increase of the aforesaid penalty by two (2) degrees in instances of Qualified Theft under the RPC,[33] and considering further the absence of any

mitigating or aggravating circumstances and the fact that the aggregate value of the stolen items amounts to P1,189,000.00, the Court finds it proper to sentence Jennie to suffer the penalty of imprisonment for an indeterminate period of seven (7) years, four (4) months, and one (1) day of prision mayor, as minimum, to eleven (11) years, six (6) months, and twenty-one (21) days of reclusion temporal, as maximum.

Finally, the monetary awards due to Carmel shall earn legal interest at the rate of six percent (6%) per annum from the date of finality of this Decision until full payment, pursuant to prevailing jurisprudence.[34]

WHEREFORE, the appeal is DENIED. The Decision dated May 11, 2017 of the Court of Appeals in CA-G.R. CR-H.C. No. 06882 finding accused-appellant Jennie Manlao y Laquila GUILTY beyond reasonable doubt of the crime of Qualified Theft, defined and penalized under Article 310, in relation to Article 309, of the Revised Penal Code is hereby AFFIRMED with MODIFICATIONS, sentencing her to suffer the penalty of imprisonment for an indeterminate period of seven (7) years, four (4) months, and one (1) day of prision mayor, as minimum, to eleven (11) years, six (6) months, and twenty-one (21) days of reclusion temporal, as maximum, and ordering her to pay private complainant Carmel Ace Quimpo-Villaraza the amount of P1,189,000.00 as actual damages, with legal interest at the rate of six percent (6%) per annum from the date of finality of this Decision until full payment.

SO ORDERED.

Carpio, (Chairperson), Caguioa, A. Reyes, Jr., and J. Reyes, Jr.[*], JJ., concur.

[*] Designated Additional Member per Special Order No. 2587 dated August 28, 2018.

[1] See Notice of Appeal dated May 31, 2017; rollo, pp. 14-15.

[2] Id. at 2-13. Penned by Associate Justice Leoncia Real-Dimagiba with Associate Justices Ramon R. Garcia and Henri Jean Paul B. Inting, concurring.

[3] CA rollo, pp. 46-60. Penned by Acting Presiding Judge Luisito G. Cortez.

[4] Records, pp. 1-2 and 3-4.

[5] Id.

[6] See rollo, p. 4. See also CA rollo, p. 49.

[7] See rollo, pp. 4-5.

[8] See id. at 5-6.

[9] See id. at 6-7.

[10] CA rollo, p. 51.

[11] Rollo, p. 3.

[12] See id. at 7-8.

[13] CA rollo, pp. 46-60.

[14] Id. at 59.

[15] See id. at 55-59.

[16] See Notice of Appeal dated June 19, 2014; id. at 10-11.

[18] Rollo, pp. 2-13.

[19] Id. at 12.

[20] See id. at 8-12.

[21] See Notice of Appeal dated May 3, 2017; id. at 14-15.

[22] See *People v. Dahil*, 750 Phil. 212, 225 (2015).

[23] *People v. Comboy*, G.R. No. 218399, March 2, 2016, 785 SCRA 512, 521.

[24] See *Candelaria v. People*, 749 Phil. 517, 523-524 (2014).

[25] See Appellant's Brief; CA rollo, p. 40.

[26] *People v. Del Rosario*, 411 Phil. 676, 686 (2001).

[27] See *People v. Cabanada*, G.R. No. 221424, July 19, 2017.

[28] See id.

[29] See *Peralta v. People*, G.R. No. 221991, August 30, 2017.

[30] Entitled "AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS 'THE REVISED PENAL CODE,' AS AMENDED," approved on August 29, 2017.

[31] See Article 1 of the RPC.

[32] See Section 100 of RA 10951. See also *Rivac v. People*, G.R. No. 224673, January 22, 2018.

[33] See Article 310 of the RPC, as amended.

[34] See *People v. Jugueta*, 783 Phil. 806, 854 (2016).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.