

MANUEL S. CONCEPCION, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 48169. December 28, 1942

Ponente: BOCOBO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-48169/>

BOCOBO, J.:

- CRIMINAL LAW; "ESTAFA" UNDER ARTICLE 315, PARAGRAPH 1 (b) OF THE REVISED PENAL CODE; LACK OF POSITIVE FINDING OF MISAPPROPRIATION OR CONVERSION.—Appellant, a civil engineer, gratuitously offered his services to direct and administer the construction of the house of his niece, the herein complainant. For this purpose, he actually received from the latter the amount of P753.54 for the purchase of materials and the wages of laborers. Of this amount, he spent only P39.55 for materials and nothing for labor. In the light of these facts, Held: That appellant is not guilty of estafa under the cited article, for the essence of this crime is the act of misappropriating or converting to the prejudice of another, money, goods or other personal property, and the decision of the Court of Appeals did not make any clear and positive finding that the appellant had actually misappropriated or converted the amount involved. A careful reading of said decision fails to show such unmistakable finding. The fact that appellant, at the time of the trial, had spent only P39.55 for materials and that he had not then paid the laborers does not in itself prove that he had misappropriated or converted the rest of the sum.

- 2. ID.; ID.; ID.; DUTY OF COURTS IN CASES OF OBLIGATIONS WITHOUT ANY FIXED PERIOD.— It appears in the decision of the Court of Appeals that the parties did not fix a definite period within which the appellant was to complete the construction of the house, although they intended some period. In keeping with article 1128 of the Civil Code, it has been held that if the parties intended a period but did not specify it, the fulfillment of the obligation cannot be demanded from the obligor until after the courts have fixed the period for compliance therewith, and such period has arrived. . The Court of Appeals not having fixed the period, as it should have done, and as it does not appear in the decision of said court when the amount of P39.55 was paid by appellant, when he failed to pay the laborers, and how much time had elapsed between the receipt of the money by appellant and the paralyzation of the work, it is extremely difficult to conclude that appellant unreasonably delayed the work. But even supposing that there was delay in the construction and in the payment for material and labor, this fact does not per se constitute misappropriation and conversion.

PETITION for review on certiorari.

Decision penned by Associate Justice Jorge C. Bocobo.

Quintin Paredes and Cortes & Reyes for petitioner.

Assistant Solicitor-General Amparo and Solicitor Guerrero for respondent.

(Text Unavailable)

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.