

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. A.C.V. ROSA AND SY CHUY CHIN, DEFENDANTS AND APPELLANTS.

G.R. No. 4934. September 20, 1909

Ponente: MORELAND, J.

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MORELAND, J.:

"ESTAFA." — From the Court of First Instance of Manila. Smith, J.

Defendants were convicted of estafa under article 535, subdivision 1, Penal Code, and sentenced to five months' imprisonment and indemnity, with subsidiary imprisonment in case of solvency. Defendant Rosa presented to the complaining witness a check for P113, issued by the other defendant, and payment was refused by the bank because drawer had no money on deposit. He claimed that he believed that funds in the bank, but it was shown that the bank had notified him. Following the decisions of the supreme court of Spain of February 16, 1881, and February 13, 1885, and U.S. vs. Mendezona (12 Phil. Rep., 73), judgment affirmed.

Per Moreland, J.

For appellants: Marcelo Cariñgal.

For appellee: Attorney-General Villamor.

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