

ANITA CHUA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NOS. 150926 AND 30. March 06, 2006

Ponente: CORONA, J.

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CORONA, J.:

This petition seeks to set aside the decision[2] of the Court of Appeals (CA) dated November 22, 1999, affirming the decision of the trial court in *People v. Anita Chua*, docketed as CA-G.R. Nos. CR-14519 and CR-14520, finding petitioner guilty of violation of Article 315 (2)(d) of the Revised Penal Code (RPC). The decretal portion of the CA decision read:

WHEREFORE, the appealed joint decision of conviction is AFFIRMED, with the modification that appellant ANITA CHUA is, for each of the two felonies of estafa, sentenced to suffer an indeterminate penalty of TWO (2) YEARS, ELEVEN (11) MONTHS and TEN (10) DAYS of prision correccional, minimum term, to SIX (6) YEARS, EIGHT (8) MONTHS and TWENTY (20) DAYS of prision mayor, as maximum. All other aspects of the appealed decision stay. No cost.

SO ORDERED.

The facts, as found by the trial court and upheld by the Court of Appeals, are as follows:

Private complainant Araceli Estigoy was engaged in (the) buy and sell of imported goods from 1982 to 1984 when she met appellant (Anita Chua) who transacted twice with her. On November 25, 1982, appellant issued to complainant in payment of imported (PX) items the following postdated checks drawn against Pacific Bank, Tarlac branch:

Check No.	Date	Amount	Exhibit
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41186	March 10, 1983	P6,500.00	"A"
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41187	March 14, 1983	P5,500.00	"B"
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41188	March 18, 1983	P6,200.00	"C"
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41189	March 22, 1983	P4,800.00	"D"
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41190	March 27, 1983	P5,973.93	"E"
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Total

P28,673.93

On December 4, 1982, appellant again went to complainant's house, purchased some imported items and issued to her the following postdated checks drawn against the same bank in Tarlac, to wit:

Check No. Date Amount Exhibit

91194 March 25, 1983

P3,000.00

"B"

41196 April 2, 1983

P3,000.00

"B-1"

41197 April 6, 1983 P4,500.00 "B-2"

41198 April 9, 1983 P3,500.00 "B-3"

41199 April 13, 1983 P3,800.00 "B-4"

41120 April 16, 1983 P1,875.00 "B-5"

48681 April 30, 1983 P2,500.00 "B-6"

Total

P22,175.00

On their due dates, complainant deposited the checks in the bank but they were dishonored, as evidenced by the check return slips (Exhs. "C" to "C-6" in Crim. Case No. 107 and Exhs. "A-2" to "E-2" in Crim. Case No. 108) with annotations as follows: "drawn against insufficient funds" and/or "account closed" (Exhs. "C-1-A" to "C-6-A" in Crim. Case No. 107 and Exhs. "A-3" to "E-3" in Crim Case No. 108).

Complainant notified appellant of the dishonor and demanded payment of the checks. Appellant failed to redeem or pay the amounts of the checks despite several demands (tsn, Oct. 16, 1984, p. 34, 39 to 40).

Appellant admitted issuing the checks but interposed the defense that she issued the checks as collateral and by way of accommodation of the complainant who requested for the checks.[3]

x x x x x x x x

On September 11, 1992, the trial court rendered the judgment of conviction:

WHEREFORE, IN THE LIGHT OF THE FOREGOING, the Court hereby finds the accused Anita Chua guilty beyond reasonable doubt of the crime as charged. In Criminal Case No. 107-C'83 accused is hereby sentenced to suffer an indeterminate penalty of two (2) years, eleven (11) months and eleven (11) days of prision correccional as minimum to six (6) years, eight (8) months and twenty-one (21) days of prision mayor as maximum and to indemnify the private complainant in the amount of P22,175.00. In Criminal Case No. 108-C'83 accused is hereby sentenced to suffer an indeterminate penalty of two (2) years, eleven (11) months and eleven (11) days of prision correccional as minimum to six (6) years, eight (8) months and twenty-one (21) days of prision mayor as maximum and to indemnify the private complainant in the amount of P28,673.00.

The accused shall simultaneously serve the sentence imposed pursuant to Article 70 of the [RPC].

SO ORDERED.[4]

On appeal to the CA, appellant contended that her liability was purely civil because her transaction with private

complainant merely involved an accounting and liquidation of civil obligations. The CA disagreed.

The trial Court aptly ruled, and We sustain:

"The Court rejects the defense set up by the accused that the checks were issued only as collateral and were issued upon request of the private complainant. xxx

xxx the Court cannot believe that accused will issue checks without realizing her liability as a drawer. xxx A cursory examination of the amounts thereof will indicate these checks could not have been issued except as payment for goods received, as shown in the list of goods she received from the private complainant. One good example is Check No. 41190, in the amount of P5,973.93 (Exh. "E"). If this is an accommodation check, what is the significance of the P0.93 as appearing in the check"

Additionally, accused claims she paid in cash the goods she received from the private complainant and at the same time she also maintains that the checks she issued totaled P710,522.87, while the total price of the goods she received are (sic) only P458,819.95 less the checks given as collaterals amounting to P288,744.00, that is, she paid private complainant an excess of P37,071.08.

xxx xxx xxx

Such an admission is in conflict with her claim that she paid in cash the amount of the goods received and that the checks were issued only as collateral for if she maintains that the amount of her checks is even in excess of P71,502.92, it is inconceivable why in addition to the checks issued, she still paid in cash. xxx for if she paid in cash for the goods she obtained from the private complainant, it is hard to believe she did not ask for the return of her checks. Assuming, however, she issued postdated checks at the time she obtained the goods, upon payment of the goods, she could have stopped payment of the checks.[5]

We affirm the CA decision upholding the judgment of conviction rendered by the court a quo, with a slight modification as to the penalty imposed.[6]

Procedurally, the petition suffers from a fatal infirmity and must therefore be denied on this basis alone. Petitioner raises purely questions of fact:

- (1) that the trial court and the CA erred in not finding that there was no evidence of intent to defraud private complainant;
- (2) that complainant [did] not [suffer] from the act complained [of and]
- (3) that the transactions between the parties [were] purely civil in nature, i.e., they merely involved accounting and liquidation of civil obligations.[7]

The legal aphorism is that the factual findings of the trial court, its evaluation of the testimonies of the witnesses and its assessment of their probative weight are given respect if not conclusive effect unless the trial court ignored, misconstrued, misunderstood or misinterpreted certain facts and circumstances of substance which, if considered, will alter the outcome of the case.[8] Here, we meticulously reviewed the records of the case and found no reason to deviate from the factual findings of the trial court. Moreover, the CA affirmed these findings on appeal. It is well-settled that the factual findings of the trial court, when adopted and confirmed by the Court of Appeals, are final and conclusive and may not be reviewed on appeal to us.[9] The Court is not a trier of facts hence, as a rule, we do not weigh anew the evidence already passed on by the trial court and affirmed by the Court of Appeals.

Now the merits of the case.

Article 315 (2)(d) of the RPC penalizes any person who defrauds another by postdating a check or issuing a check

in payment of an obligation when the offender has no funds in the bank or his funds deposited therein are not sufficient to cover the amount of the check.[10]

The elements of estafa under Article 315, paragraph 2(d) of the RPC, as amended by RA 4885, are:

- (1) that the offender postdated or issued a check in payment of an obligation contracted at the time of the postdating or issuance;
- (2) that at the time of the issuance of the check, the offender had no funds in the bank or the funds deposited were insufficient to cover the amount of the check; and,
- (3) that the payee has been defrauded.[11]

All the elements of the crime of estafa under par. 2(d) of Art. 315, RPC are present in this case. The evidence showed and petitioner Chua admitted issuing the questioned checks in favor of private respondent in exchange for the imported goods she obtained from the latter. It is likewise not disputed that the checks she issued bounced or were dishonored due to insufficiency of funds and/or because her bank account had already been closed by the bank due to lack of funds. As a result, private respondent suffered damage. She had to close down her business because she could not recoup her losses due to the huge amount petitioner owed her.

Petitioner's defense that she issued the unfunded checks as collateral or security for the goods she got from private respondent was not worthy of credence. As correctly found by the trial court and affirmed by the CA, the amounts of the checks issued by petitioner clearly showed that they were intended as payments for the items she obtained from private respondent. Private respondent would not have parted with her goods in exchange for bum checks. It was likewise contrary to ordinary human experience and to sound business practice for petitioner to issue so many unfunded checks as "collateral" or "by way of accommodation." As an experienced businesswoman, petitioner could not have been so naïve as not to know that she could be held criminally liable for issuing unfunded checks.

WHEREFORE, premises considered, the petition is hereby DENIED for lack of merit.

Costs against petitioner.

SO ORDERED.

Puno, J., Chairperson, Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

[1] The Court of Appeals was impleaded as a party. However, we have excluded it since this is a petition for review under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Ruben T. Reyes (now Presiding Justice) and concurred in by then Acting Presiding Justice Jinal D. Rasul and Associate Justice Eloy R. Bello, Jr. of the First Division of the Court of Appeals, rollo, pp. 45-60.

[3] CA Decision, rollo, pp. 47-49.

[4] Penned by Judge Josefina D. Ceballos, Branch 66 of Capas, Tarlac RTC; records, pp. 89-101.

[5] Rollo, pp. 57-58.

[6] The CA decision modified the decision of the trial court by deleting from each imposition of indeterminate penalty the excess of one day in both the minimum and maximum terms there being no mitigating or aggravating circumstance. The reduction of the penalty is more favorable to appellant.

[7] Assignment of Errors, Petition, p. 11.

[8] People v. Cajurao, G.R. No. 122767, 20 January 2004, 420 SCRA 207.

[9] Go v. Court of Appeals, G.R. No. 112550, 5 February 2001, 351 SCRA 145; International Corporate Bank v. Gueco, G.R. No. 141968, 12 February 2001, 351 SCRA 516; Bortalba v. Court of Appeals, 425 Phil. 407 (2002).

[10] People v. Tan, 392 Phil. 877 (2000).

[11] People v. Gulion, G.R. No. 141183, 18 January 2001, 349 SCRA 610; People v. Flores, 426 Phil. 187 (2002).

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