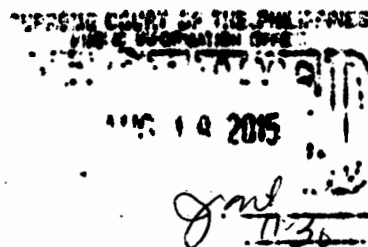




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 8, 2015 which reads as follows:

“G.R. No. 192743 (*Imelda San Pedro v. People of the Philippines*).— We resolve the Petition filed by accused Imelda San Pedro from the Decision of the Court of Appeals (CA) dated 16 April 2010 and Resolution dated 25 June 2010 in C.A.-G.R. CR No. 31849.¹

THE RTC RULING

In its Decision² dated 29 September 2004, the Regional Trial Court (RTC) of Pasig (Branch 267) found petitioner guilty of the crime of *estafa*³ and sentenced her to suffer imprisonment ranging from 1 year, 8 months and 21 days as minimum to 6 years, 8 months and 20 days as maximum, and to pay indemnity amounting to ₱25,000.⁴

The RTC found that the prosecution was able to establish all the elements of *estafa*. It was shown that petitioner received amounts totalling ₱25,000 from complainant as payment for a “package deal” of surveying and titling of a parcel of land purchased by the latter. Petitioner failed to have the land registered in the name of the complainant nor obtain the title. Despite repeated confrontations and demands by complainant, petitioner consistently failed to return the amount.⁵

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¹ Penned by Associate Justice Estela M. Perlas-Bernabe (now a member of this Court) and concurred in by Associate Justices Bienvenido L. Reyes (now also a member of this Court) and Elihu A. Ybañez; *rollo*, pp. 47-57.

² Docketed as Criminal Case No. 118787, penned by Judge Florito S. Macalino; *id.* at 95-104.

³ Defined and penalized under Article 315, par. 1(b) of the Revised Penal Code.

⁴ *Supra* note 2, at 104.

⁵ *Rollo*, p. 102.

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THE CA RULING

On intermediate appellate review, the CA fully affirmed the conviction. It agreed with the RTC which accorded full faith and credence to the prosecution witnesses, specifically Aurea Cruz, petitioner's own real estate agent. However, the CA modified the penalty by increasing the maximum sentence to 6 years, 8 months and 21 days.⁶

It was established that petitioner herself issued provisional receipts for ₱6,000, ₱4,000, ₱12,000, and ₱3,000, respectively. Witness Cruz candidly narrated that she was present on all three incidents when petitioner received the amounts, and confirmed that they were payment for the titling of complainant's property.⁷ The CA ruled that the foregoing facts indubitably established the crime of *estafa*.

We now rule on the final review of the case.

OUR RULING

We deny the petition.

After a review of the records, we see no reason to reverse the conviction, especially in this case where the CA affirmed the factual findings of the RTC.

The CA correctly held that petitioner received the partial payment of ₱25,000 as fee for facilitating the titling of complainant's unregistered land, thereby creating a fiduciary relationship between the parties.⁸ As held by the appellate court: "(A) perusal of Receipt No. 129 dated 3 August 1996 for ₱12,000 reveals that it was issued specifically to cover titling and other expenses. Hence, no reversible error was committed by the RTC in ruling that the 'package deal' forged between the parties 'encompasses everything necessary in order that end goal is achieved, in the case at bar, that title of the subject property is transferred in the name of complainant.'⁹

Before this Court, petitioner raises several issues which essentially boil down to whether or not complainant's acts amounted to prior demand that could give rise to a charge of *estafa*. Despite alleging that her petition raises "pure questions of law,"¹⁰ this Court sees no need for further review as the very issues raised by the Petitioner are hinged upon questions of fact, which have already been profusely analyzed and deliberated upon by both the Regional Trial Court and the Court of Appeals.

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⁶ Supra note 1, at 56.

⁷ Rollo, p. 50.

⁸ Id. at 53.

⁹ Id. at 54.

¹⁰ Id. at 16.

Sifting through the issues raised in the petition, one can see that they revolve on the following factual grounds: (a) the existence of prior demand by the private complainant; (b) whether or not there was misappropriation of funds by the Petitioner; (c) whether or not the private complainant suffered prejudice; and (d) whether or not Petitioner had criminal intent.¹¹ Such grounds being clearly factual in nature, we cannot impinge upon the findings of the lower courts, especially the Regional Trial Court, which was able to properly observe the conduct of the parties' witnesses and check the veracity of all documentary evidence.

The jurisdiction of this Court in cases brought before it from the Court of Appeals is limited to reviewing or revising errors of law. The findings of facts of the latter are conclusive for it is not the function of this Court to analyze and weigh such evidence all over again. Our jurisdiction is in principle limited to reviewing errors of law that might have been committed by the Court of Appeals. Factual findings of courts, when adopted and confirmed by the Court of Appeals, are final and conclusive on this Court, unless these findings are not supported by the evidence on record.¹²

As in the present case, the Court of Appeals wholly affirmed the substance of the Regional Trial Court's ruling (except for the meted punishment) as to the existence of demand, misappropriation of funds, prejudice, and criminal intent. The RTC and CA have exhaustively passed upon these factual issues, leaving nothing else for this Court to do but to affirm their findings. Moreover, even if the Court deemed this Petition as an exception to the rule and did a factual review by giving it due course, it would only be an exercise in superfluity for all the issues raised herein have already been ably resolved by the RTC and the CA.

WHEREFORE, herein Petition is **DENIED** and the Decision of the Court of Appeals (CA) dated 16 April 2010 and its Resolution dated 25 June 2010 in C.A.-G.R. CR No. 31849 are hereby **AFFIRMED**. *Perlas-Bernabe, J.*, no part; *Peralta, J.* designated additional member per raffle dated 4 February 2015.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court per raffle

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¹¹ Id. at 23-24.

¹² *Republic v. Regional Trial Court, Br. 18, Roxas, Capiz*, G.R. No. 172931, 18 June 2009.

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The Solicitor General (x)
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The Hon. Presiding Judge
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