

## **SECOND DIVISION**

**[ G.R. NO. 169109, September 07, 2006 ]**

**REYNALDO QUEZON, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES AND CLARITA RAMOS, RESPONDENTS.**

### **D E C I S I O N**

**SANDOVAL-GUTIERREZ, J.:**

This is a petition for review on certiorari seeking the reversal of the Decision of the Court of Appeals dated July 28, 2005 in CA-G.R. No. 25649 affirming the judgment of the Regional Trial Court (RTC), Branch 2, Balanga, Bataan, in Criminal Case No. 6205.

Clarita Ramos, respondent, charged Reynaldo Quezon, petitioner, his daughter Teresita, and Arcadio Dumdum with estafa for defrauding her of the amount of P500,000.00 she paid for a gold bar which turned out to be fake.

The Information reads:

That sometime for on the first week of July 1995 at Balanga, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, conspiring, confederating together and mutually aiding one another, did then and there, willfully, unlawfully and feloniously defraud Clarita Ramos in the following manner, to wit: the said accused by means of false pretenses and fraudulent representations which were made to the said Clarita Ramos to the effect that they were selling a bar of gold and by means of other deceits of similar import induced and succeeded in inducing the said private offended party to give and deliver as in fact the latter gave and delivered to the said accused the sum of P500,000.00 on the strength of manifestations and representations, the said accused knowing fully well that the same were false and fraudulent and that were made only to obtain, as in fact they obtained the sum of P500,000.00 but this amount once in possession, with the intent to defraud, misapplied, misappropriated and converted the same to their own personal use or benefit, to the damage and prejudice of the said Clarita Ramos in the aforementioned amount of P500,000.00, Philippine Currency.

Accused Arcadio Dumdum was never arrested and has remained at large.

Upon arraignment, petitioner and Teresita, assisted by counsel, pleaded not guilty. Thereafter, trial ensued.

Evidence for the prosecution shows that sometime in the first week of July 1995, petitioner offered to sell gold bars and a Buddha to respondent Clarita Ramos, who is engaged in jewelry business. Clarita refused the offer as she was not interested and that she had no money to pay for the gold bars. Sometime later, petitioner