

## FIRST DIVISION

[ G.R. No. 235724, March 11, 2020 ]

**MARIA LOURDES ARTATES Y GALLARDO, PETITIONER, VS.  
PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**PERALTA, C.J.:**

Before this Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court, assailing the Amended Decision<sup>[1]</sup> and Resolution,<sup>[2]</sup> dated April 10, 2017 and September 4, 2017, respectively, of the Court of Appeals (CA) in CA-G.R. CR No. 37551, which affirmed with modification the Decision<sup>[3]</sup> dated January 13, 2015 of the Regional Trial Court (RTC), Branch 20, Vigan City, Ilocos Sur, in Criminal Case No. 5559-V, finding petitioner Maria Lourdes Artates y Gallardo guilty beyond reasonable doubt of the crime of Estafa, defined and penalized under Article 315 paragraph 2(a) of the Revised Penal Code (RPC).

The factual antecedents, as culled from the CA Decision, are as follows:

It was established by the prosecution that on November 16, 2003, private complainant Patrocinia Pablico and her son, Jun Pablico, were in Filart Shoe Store located at Quezon Avenue, Vigan City, when Maria recruited Jun, a criminology graduate, to enter the Philippine National Police (PNP). Maria told Patrocinia that her husband, PO3 Edmundo Artates, was detailed as security of then Governor Luis "Chavit" Singson and could facilitate Jun's entry into the PNP. In return, Maria asked for money for uniform, medical examination, neuro-examination, and "blow-out." She also told Patrocinia that it was no longer necessary for her son to undergo the medical examination because her husband was influential at the PNP. Thus, from November 16, 2003 to February 20, 2004, Maria asked and received from Patrocinia and Jun the total amount of P50,000.00 or more. Despite this, Maria's promise did not happen; Jun was informed that the recruitment at the PNP had already ended. Feeling fooled by Maria, Patrocinia and Jun went to the house of Maria to inquire about Jun's application. There, they discovered that Maria was no longer living with Edmundo, who told them that he had no knowledge of Jun's application and that, in fact, he and Maria were already separated. Consequently, Patrocinia and Jun immediately reported the matter to the Vigan Police Station on February 20, 2004.<sup>[4]</sup>

At the station, Patrocinia, Jun, and Police Senior Inspector (PSI) Nestor Caballes agreed on an entrapment operation where Patrocinia and Jun were to meet Maria to give her the money that the latter previously asked for as payment for Jun's firearm. PSI Caballes photocopied the bills that Patrocinia had in her pocket amounting to P400.00 which she would hand to Maria. Thereafter, Patrocinia and Jun, together with PSI Caballes, SPO4 Alexander Tapaya, and PO3 Peter Area, proceeded to meet Maria. Upon meeting her, the police officers positioned

themselves near a Jollibee branch which was about 20 to 30 meters away from where Patrocinia and Maria were talking. After Patrocinia handed the money, the police officers immediately went to Maria and informed her that they were arresting her for estafa, informed her of her rights, and brought her to the police station. There, the arresting officers frisked Maria and recovered from her the money handed to her by Patrocinia earlier. They marked said money and proceeded to interview and detain Maria.<sup>[5]</sup> Subsequently, an Information for estafa was filed against her, to wit:

That during the period starting November 16, 2003 up to February 20, 2004, in the [C]ity of Vigan, [P]rovince of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously defraud one PATROCINIA PABLICO, as follows, to wit: That said accused by means of false pretenses and fraudulent misrepresentations which she made to said PATROCINIA PABLICO to the effect that she possesses power, influence, and connections to have (sic) employ JUN P. PABLICO, son of said PATROCINIA PABLICO, as Police Officer, provided the amount of P50,000.00, Philippine Currency, be delivered to her for securing such employment, as in fact said PATROCINIA PABLICO was induced and delivered to said accused the total amount of P50,000.00, more or less, that after having received the same, the said accused instead of complying with her assurances, representations, and obligation of securing employment as Police Officer for said JUN PABLICO, did then and there willfully, unlawfully, and feloniously convert and misappropriate the said amount of P50,000.00, more or less, to her own personal use and benefit, to the damage and prejudice of said PATROCINIA PABLICO in the said amount of P50,000.00, more or less.

Contrary to law.<sup>[6]</sup>

Maria posted bail to secure her provisional liberty. She also pleaded not guilty at her arraignment. Then, in the ensuing trial, the prosecution presented as witnesses, Patrocinia, Jun, and PSI Nestor. For the defense, the accused, Maria, solely testified on her behalf.

At the stand, Maria denied the allegations against her. She narrated that Patrocinia was her friend and co-worker at the Filart Shoe Shop. In the afternoon of February 20, 2004, Patrocinia met her at Plaza Maestro and told her that the former had given "lots of money" to Edmundo who reneged on his promise to help Jun enter the PNP. As such, Patrocinia asked her to testify in a case that the former was going to file against Edmundo, but she declined due to the absence of any knowledge on what really transpired between Patrocinia and Edmundo. After 30 minutes, the policemen suddenly arrived and invited her to the police station. There, she was again told about the proposal to testify against her husband, but she still refused. Maria further recalled that Patrocinia also attempted to give her some money which she refused to accept. In the end, she maintained that Patrocinia and Jun filed the case of estafa against her instead of her husband, because they were afraid to file a complaint against him being an influential police officer detailed as security of

former Governor Chavit Singson.<sup>[7]</sup>

On January 13, 2015, the RTC rendered its Decision finding Maria guilty beyond reasonable doubt of the crime charged and disposed as follows:

WHEREFORE, the Court finds accused MARIA LOURDES ARTATES GUILTY beyond reasonable doubt of the crime of Estafa defined and penalized under Art. 315 par. 2(a) of the Revised Penal Code, hereby sentencing her to suffer the indeterminate penalty of FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) day of *prision correccional*, as minimum, to TWELVE (12) years and ONE (1) day of *reclusion temporal*, as maximum. The accused is hereby ordered to return to Patrocinia Pablico the amount of FIFTY THOUSAND (P50,000.00) PESOS.

COSTS DE [OFICIO].

SO ORDERED.<sup>[8]</sup>

The RTC found that the prosecution duly established all the elements of estafa by means of deceit, giving more credence to the positive testimonies of the prosecution over Maria's bare denial. It also held that the validity of Maria's arrest could no longer be assailed because the defense neither moved for the quashal of the Information nor made any reservation to question the same.<sup>[9]</sup>

In its Decision dated March 28, 2017, the CA affirmed the RTC ruling with the modification as to the penalty, to wit:

WHEREFORE, the instant appeal is hereby DENIED. The January 13, 2015 Decision of the Regional Trial Court, Branch 20, Vigan City, Ilocos Sur in Criminal Case No. 5559-V is AFFIRMED with the following MODIFICATIONS: 1) accused-appellant Maria Lourdes Artates y Gallardo is sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to eight (8) years, eight (8) months, and twenty (21) days of *prision mayor*, as maximum; and 2) the P50,000.00 actual damages awarded to Patrocinia Pablico shall earn 6% interest *per annum* from the day the Information was filed on February 23, 2004 until full payment.

SO ORDERED.<sup>[10]</sup>

In its subsequent Resolution and Amended Decision, both dated April 10, 2017, the CA rectified the typographical error in its March 28, 2017 Decision where the maximum penalty was written as "eight (8) years, eight (8) months, and **twenty** (21) days of prision mayor." Thus, it was corrected to read as follows:

WHEREFORE, the instant appeal is hereby DENIED. The January 13, 2015 Decision of the Regional Trial Court, Branch 20, Vigan City, Ilocos Sur in Criminal Case No. 5559-V is AFFIRMED with the following MODIFICATIONS: 1) accused-appellant Maria Lourdes Artates y Gallardo is sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to eight (8) years, eight (8) months, and **twenty-one** (21) days of *prision mayor*, as maximum; and 2) the P50,000.00 actual damages awarded to Patrocinia Pablico shall earn 6% interest *per annum* from the day the Information was filed on February 23, 2004 until full payment.

SO ORDERED.<sup>[11]</sup>

In said Amended Decision, the CA accorded great respect to the findings of the trial court, considering that it is in a better position to decide the issue of Maria's guilt having heard the witnesses themselves and observed their deportment and manner of testifying during trial. It held that Maria's defense of denial cannot prevail over the categorical declarations of the prosecution's witnesses that it was Maria, not PO3 Edmundo, who defrauded Patrocinia and Jun.<sup>[12]</sup>

Aggrieved, petitioner filed the instant petition before the Court raising the following errors:

I.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT'S CONVICTION OF THE PETITIONER FOR ESTAFA, DESPITE THE PROSECUTION'S FAILURE TO PROVE ALL ITS ELEMENTS.

II.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT'S CONVICTION OF THE PETITIONER, DESPITE THE PROSECUTION'S FAILURE TO PROVE HER GUILT BEYOND REASONABLE DOUBT.

III.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT'S CONVICTION OF THE PETITIONER, DESPITE THE ILLEGALITY OF HER ARREST, AND THE CONSEQUENT INADMISSIBILITY OF THE MARKED MONEY USED IN EVIDENCE AGAINST HER.

III.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT'S DECISION OF IMPOSING THE PENALTY OF IMPRISONMENT ON THE PETITIONER, AND THE AWARDING OF DAMAGES TO PRIVATE COMPLAINANT PATROCINIA PABlico, DESPITE THE LACK OF ANY CREDIBLE EVIDENCE TO SHOW ACTUAL DAMAGE SUFFERED BY THE LATTER.<sup>[13]</sup>

Maria seeks her acquittal raising several errors committed by the courts below. *First*, Maria insists that the prosecution failed to prove all the elements of the crime charged against her, specifically, the first and third elements. According to Maria, there is no proof, other than the testimonies of Patrocinia and Jun, that her representation that she had the influence to facilitate Jun's application was untrue. Neither is there proof that said misrepresentation was the very cause which induced Patrocinia to part with her money. Further, there is also an absence of any evidence to show that Patrocinia, indeed, suffered a loss of P50,000.00. *Second*, Maria maintained that there are glaring inconsistencies in the testimonies of the prosecution witnesses which render their narration dubious. *Third*, she argued that the marked money obtained from her during the alleged entrapment operation is inadmissible in evidence for being a product of an unlawful arrest. *Finally*, Maria posited that while maintaining her innocence, the recent passage of Republic Act (R.A.) No. 10951<sup>[14]</sup> effectively lowered the imposable penalty of the crime charged against her.

The petition lacks merit.

Estafa, under paragraph 2 (a), Article 315 of the RPC, is committed in the following manner:

Article 315. Swindling (estafa).— Any person who shall defraud another by any of the means mentioned herein below x x x

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.

Thus, it requires the concurrence of the following elements: (1) there must be a false pretense, fraudulent acts or fraudulent means; (2) such false pretense, fraudulent act or fraudulent means must be made or executed prior to or simultaneously with the commission of the fraud; (3) the offended party must have relied on the false pretense, fraudulent act or fraudulent means and was thus induced to part with his money or property; and (4) as a result thereof, the offended party suffered damage.<sup>[15]</sup>

In the present case, the Court affirms the findings of the courts below as to the presence of all the elements of the crime charged herein. As the appellate court ruled, the acts of Maria of deliberately misrepresenting herself to the Pablicos as having the capacity to facilitate Jun's entry into the police force through her