

## THIRD DIVISION

**[ G.R. No. 161178, February 05, 2010 ]**

**ADELA B. DELGADO, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES AND EMMANUEL ANG JARANILLA, RESPONDENTS.**

### D E C I S I O N

**VELASCO JR., J.:**

Before the Court is a Petition for Review on Certiorari contesting the September 30, 2003 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 23701, which affirmed the July 15, 1999 Decision of the Regional Trial Court (RTC), Branch 54 in Manila, in Crim. Case No. 95-142409, entitled *People of the Philippines v. Adela Delgado*. The RTC convicted petitioner Adela Delgado of estafa.

#### The Facts

Proceeding from a complaint filed by private respondent Emmanuel Ang Jaranilla, petitioner was charged with estafa in an information that reads:

That on or about July 9, 1993, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud EMMANUEL ANG JARANILLA, in the following manner, to wit: the said accused by means of false manifestations and fraudulent representations which she made to the said EMMANUEL ANG JARANILLA to the effect that she is in possession of \$74,000.00 that she needs Philippine peso and asked him to change her dollars and by means of other similar deceits, induced and succeeded in inducing the said EMMANUEL ANG JARANILLA to give and deliver as in fact he gave and delivered to said accused the amount of P 2,029,820.00 on the strength of said manifestations and representations said accused knowing fully well that same were false and fraudulent and were made solely to obtain, as in fact he did obtain the said amount P2,029,820.00 which amount once in her possession with intent to defraud absconded herself with the same and misappropriated, misapplied and converted the said amount of P2,029,820.00 to her own personal use and benefit, to the damage and prejudice of said EMMANUEL ANG JARANILLA in the aforesaid amount of P2,029,820.00 Philippine currency.

Contrary to law.<sup>[2]</sup>

The facts of the case, as determined by the trial court, are as follows:

Private respondent Jaranilla was engaged in the money changing business, and had

previous transactions with petitioner Delgado.

On July 9, 1993, Delgado proposed exchanging USD 74,000 with Jaranilla for Philippine pesos at the rate of PhP 27.43 to the dollar. After consulting with his father, Manuel Ang, Jaranilla agreed to the proposal. Manuel drew Metrobank Check No. 061224813 in the amount of PhP 2,029,820, payable to cash.

Jaranilla entrusted the check to his secretary, Fely Aquino (also known as Lily Ang). Aquino then met with Delgado on July 9, 1993, at the Binondo Metrobank branch to encash the check. They both endorsed and affixed their signatures on the check, Aquino using the name Lily Ang, the name by which Metrobank knew her. Delgado then received the amount of PhP 2,029,820 from the bank teller. She then claimed not to have the dollars with her, and had Aquino wait while she got the money from her car. Delgado left and did not return.

Jaranilla contacted Delgado, but she failed to deliver the USD 74,000, despite repeated demands for it, prompting him to file a criminal complaint against her.

In her defense, Delgado claimed to have met Aquino only on that afternoon of July 9, 1993, and that another person, Carina Alabado, who was presented as a witness, delivered the subject dollars to Aquino. This was denied by Aquino.

The trial court found the witnesses for the prosecution more credible, and rendered its decision convicting Delgado, the dispositive portion of which reads:

JUDGMENT is hereby rendered adjudging the accused guilty beyond reasonable doubt of the crime of Estafa punishable under Art. 315 involving the amount of P2,029,820, considering the provisions of Art. 315, the accused is therefore sentenced to a penalty of imprisonment of twenty (20) years of reclusion temporal and to pay as indemnity the amount of P2,029,820 to the aggrieved party Manuel Ang Jaranilla, with interest thereon at a legal rate, compounded annually, until the entire amount is paid.

SO ORDERED.<sup>[3]</sup>

Both Jaranilla and Delgado raised the matter to the CA on appeal. Jaranilla prayed for interest on the amount of PhP 2,029,820.00 from the date of extra-judicial demand; moral and exemplary damages; and attorney's fees and litigation expenses. The essence of Delgado's appeal was that the trial court erred in finding the prosecution witnesses more credible and convicting her.

### **The Ruling of the CA**

The CA affirmed the conviction of Delgado, but found application for the Indeterminate Sentence Law, and that Delgado may be sentenced to an indeterminate penalty ranging from 4 years and 2 months of *prision correccional* as minimum to 20 years of *reclusion temporal*.

The CA also set the reckoning period from when to compute the interest that would