

## THIRD DIVISION

[ G.R. NO. 134342, August 11, 2005 ]

**EVELYN PANAHOON, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

### DECISION

**GARCIA, J.:**

Convicted by the Regional Trial Court at Makati City of the crime of Estafa under Article 315, paragraph 2(a) of the Revised Penal Code, which conviction was affirmed by the Court of Appeals in its Decision of February 27, 1998, as reiterated in its Resolution of June 15, 1998 denying her motion for reconsideration, petitioner Evelyn Panahon is now with this Court *via* the instant petition for review on *certiorari* under Rule 45 of the Rules of Court to seek an acquittal.

The facts:

At the trial court, four (4) separate Informations, all for Estafa but involving different offended parties, were filed against petitioner, thereat docketed as Criminal Cases No. 91-4834, 91-4835, 91-4836 and 91-4837.

To all the cases, petitioner entered a plea of "Not Guilty". Thereafter, trial ensued.

Eventually, in a decision dated August 17, 1994, the trial court acquitted petitioner in three (3) of the cases but convicted her in Crim. Case No. 91-4835, thus:

WHEREFORE, premises considered:

xxx      xxx      xxx

2. In Criminal Case No. 91-4835, the prosecution having established the guilt of the accused beyond reasonable doubt of having committed the crime of Estafa defined and penalized under paragraph 2 letter (a) of Article 315 of the Revised Penal Code, she is hereby sentenced to suffer an imprisonment of from six (6) months, as minimum to six (6) years and one (1) day as maximum, and the (accused) is hereby ordered to pay the private complainant Susan Jocson the amount of P21,163.25 plus legal rate of interest of 24% per annum from August 1990 until the full amount is paid and to pay the costs.

Therefrom, petitioner went on appeal to the Court of Appeals (CA) in CA-G.R. CV No. 17050.

As stated at the outset hereof, the appellate court, in its Decision of February 27, 1998,<sup>[1]</sup> affirmed petitioner's conviction, to wit:

WHEREFORE, foregoing considered, the appealed decision in Criminal Case No. 91-4835 is hereby AFFIRMED in all respect.

SO ORDERED.

In time, petitioner moved for a reconsideration but her motion was denied by the same court in its Resolution of June 15, 1998.<sup>[2]</sup>

Hence, petitioner's present recourse on her single submission that the lone testimony of complainant Susan Jocson cannot suffice to sustain her conviction. She thus prayed for the reversal and setting aside of the assailed decision and resolution of the Court of Appeals.

We DENY.

The record shows that on the dates material to this case, petitioner was engaged in the business of selling ready-to-wear (RTW) clothes from Hongkong. In the latter part of July or early August, 1990, she enticed Susan Jocson, her townmate and neighbor, to invest the latter's money in her business. Having won Susan's trust, petitioner obtained from her the amount of P21,163.25 on the pretext of buying RTW clothes abroad for sale in the Philippines. As it turned out, however, petitioner never left the country and was not seen by Susan anymore, except during their meetings at the courthouse when Susan demanded for the return of her money, about which she only received empty promises from petitioner.

Distraught by the loss of her sweat money, Susan then filed a complaint against petitioner, who was accordingly indicted for Estafa under the following Information:

In Criminal Case No. 91-4835

That on or about the 15<sup>th</sup> day of August, 1990 in the Municipality of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, received in trust from Susan Pulido Jocson the amount of P21,163.25, for the purpose of buying Ready to Wear (RTW) dresses, with the agreement to sell the RTW bought and remit the proceeds of the sale thereof, or to return the RTW if unsold, but the accused far from complying with her obligation aforesaid, with unfaithfulness and abuse of confidence and to defraud complainant, did then and there willfully, unlawfully and feloniously misapply, misappropriate and convert to her own personal use and benefit the said RTW dresses and/or the proceeds of the sale in the total of P21,163.25, and the accused despite repeated demands failed and refused and still fails and refuses to pay the value and/or return the same, to the damage and prejudice of the complainant in the aforementioned amount of P21,163.25.

CONTRARY TO LAW.

In the ensuing trial, only Susan Jocson testified. Nonetheless, the trial court, finding Susan's testimony credible, convicted petitioner, which conviction was affirmed by the Court of Appeals in the decision herein assailed, saying, *inter alia*, as follows: