

SECOND DIVISION

[G.R. No. 116962, July 07, 1997]

MARIA SOCORRO CACA, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

D E C I S I O N

ROMERO, J.:

Petitioner Maria Socorro Caca was charged with estafa and violation of Batas Pambansa Blg. 22 (BP 22) for issuing a postdated check in favor of Nancy Lim Rile which was dishonored by the drawer bank for having been drawn against a closed account.

The evidence for the prosecution established the following antecedent facts.

On December 16, 1987, petitioner allegedly borrowed P50,000.00 from Nancy Lim Rile who received a postdated check as security therefor. Before its due date, petitioner redeemed the check by paying her obligation in cash. On March 22, 1988, she again borrowed from Rile the amount of P125,000.00, secured by another postdated check which, as in the first instance, was redeemed before its due date. A third loan of P250,000.00 was procured by petitioner on August 17, 1988, secured by Check No. 201596 of the Security Bank and Trust Co. dated February 28, 1989.

When petitioner failed to redeem this third check as was her wont, Rile deposited it with China Bank Magallanes Branch, Cebu City, but it was dishonored for being drawn against a closed account.

Despite several demand letters, petitioner failed to settle her account.

Petitioner, on the other hand, denied that she issued the check for value or for the account of Rile with whom she also denied having any transaction. She testified that she never received the amount of P250,000.00 and could not have borrowed the amount from Rile because she was not financially capable of repaying said amount. Said check which was allegedly pre-signed and kept in her drawer as teller of the Traders Royal Bank (TRB), was purportedly lost and somehow found its way in the hands of Rile who typed "all the entries found on said check, such as the name of the payee, date and amount."^[1]

Defense witness Placido Villarosa, a security guard at TRB, testified that it was his duty "to record the entry and exit of the employees of the bank."^[2] The logbook indicated that on August 17, 1988, petitioner never left the building, implicitly negating the alleged transaction entered into between the parties on such date.

Exaltation Saynes averred that her sister, herein petitioner, could not have borrowed the reported sums of money, for she lacked the financial ability to pay them back.