

FIRST DIVISION

[G.R. No. 223998, March 05, 2018]

**AMANDO JUAQUICO, PETITIONER, V. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

TIJAM, J.:

This is a Petition for Review on *Certiorari*^[1] filed under Rule 45 of the Rules of Court assailing the Decision^[2] dated October 14, 2015 and Resolution^[3] dated March 14, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 36267, which upheld the Judgment^[4] dated August 16, 2013 of the Regional Trial Court (RTC) of Manila, Branch 51 finding Amando Juaquico (petitioner) guilty for the crime of *Estafa* under Article 315 (2)(d) of the Revised Penal Code (RPC).

Facts of the Case

In 1991, petitioner went to Robert Chan's (private complainant) store in Juan Luna, Tondo, Manila and asked to exchange for cash the following checks all issued by Home Bankers Trust, namely: (i) Check No. 128033 dated October 3, 1991, for P9,000; (ii) Check No. 128038 dated October 4, 1991, for P30,000; (iii) Check No. 128040 dated October 10, 1991, for P20,000; (iv) Check No. 128039 dated October 11, 1991, for P30,000; (v) Check No. 128043 dated October 12, 1991, for P10,000; (vi) Check No. 128044 dated October 26, 1991, for P60,000; (vii) Check No. 128045 dated November 7, 1991, for P30,000; (viii) Check No. 128046 dated November 9, 1991, for P40,000; (ix) Check No. 147505 dated November 20, 1991, for P50,000; and (x) Check No. 147504 dated November 24, 1991, for P50,000.^[5]

Considering that private complainant knew petitioner, being both his customer and godson, he accommodated the latter's request. On their maturity dates, however, the checks were all returned due to insufficient funds.^[6]

Immediately, private complainant sent a demand letter dated October 17, 1991 to petitioner. The same, however, was ignored by the petitioner. Consequently, private complainant was constrained to file the instant case.^[7]

For his defense, petitioner averred that he is engaged in the embroidery business. Since 1977, he purchased the threads and other accessories for his business with private complainant. At first, he paid in cash, but starting 1980, he paid in the form of checks issued to him by his customers.^[8]

According to him, he did not receive cash from petitioner in exchange of the checks indorsed to him. He explained that the subject checks were issued to him by his customer, Ho Myong Ham (Ham), a Korean lady,^[9] which he subsequently indorsed as payment to private complainant for the materials he purchased from him. Upon

learning that the checks bounced, he tried to search for the Korean, but his efforts remained futile.^[10]

Ruling of the RTC

On August 16, 2013, the RTC rendered its Judgment wherein it convicted the petitioner for the crime charged. The dispositive portion thereof reads:

WHEREFORE, having been found guilty beyond reasonable doubt of the crime of *Estafa* under Article 315 (2) (d) of the [RPC], and after applying the Indeterminate Sentence Law, [petitioner] is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from four (4) years and two (2) months of *prision correccional* as minimum to twenty (20) years of *reclusion temporal* as maximum and to pay [private complainant] the amount of three hundred twenty-nine thousand pesos (Php329,000.00) as actual damages, representing the amount of check that bounced.

SO ORDERED.^[11]

The RTC held that the evidence presented by the prosecution was sufficient to prove the guilt of petitioner beyond reasonable doubt. It held that the act of petitioner in endorsing the subject checks to private complainant, in exchange of cash, and with the knowledge that the drawer had no sufficient funds in the bank, made him liable for estafa.^[12]

Aggrieved, petitioner appealed the decision of the RTC to the CA.

Ruling of the CA

On October 14, 2015, the CA issued its Decision^[13] wherein it denied the appeal of petitioner and accordingly affirmed the Judgment rendered by the RTC. The dispositive portion thereof reads:

ACCORDINGLY, the appeal is **DENIED** and the Decision dated August 16, 2013, **AFFIRMED**.

SO ORDERED.^[14]

Hence, this Petition.

Issue

Essentially, the issue in the present case is whether or not petitioner is guilty of the crime charged.

Ruling of the Court

The petition is meritorious.

Paragraph 2(d), Article 315 of the RPC provides:

Art. 315. *Swindling (estafa)*. Any person who shall defraud another by any of the means mentioned hereinbelow x x x:

x x x x