

FIRST DIVISION

[G.R. No. 128033, March 20, 2002]

**GLORIA CHANGCO, PETITIONER, VS. HON. COURT OF APPEALS
AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

DECISION

YNARES-SANTIAGO, J.:

In an Information^[1] filed before the Regional Trial Court of Manila, Branch 1, petitioner Gloria Changco was charged with the crime of Estafa, allegedly committed as follows:

That on or about March 10, 1987, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously defraud BETTY ROSALES in the following manner, to wit: the said accused, by means of false manifestations and fraudulent representations which she made to said BETTY ROSALES to the effect that she had the power and capacity to recruit and employ the five (5) seamen applicants namely: Ernesto G. Hervoso, Federico G. Tuazon, Jr., Randy T. Carrera, Nestor S. Carbolido, and Leomi T. Laurizo and could facilitate the processing of the pertinent papers if given the necessary amount to meet the requirements thereof, and by means of other similar deceit, induced and succeeded in inducing said BETTY ROSALES to give and deliver, as in fact she gave and delivered to said accused the amount of P30,000.00 on the strength of said manifestations and representations, said accused well knowing that the same were false and fraudulent and were made solely to obtain, as in fact she did obtain the amount of P30,000.00 which amount once in possession, with intent to defraud, she willfully, unlawfully and feloniously misappropriated, misapplied and converted to her own personal use and benefit, to the damage and prejudice of said BETTY ROSALES in the aforesaid amount of P30,000.00, Philippine currency.

Contrary to law.

Petitioner pleaded not guilty when arraigned, and thereafter, the case proceeded to trial.

On May 22, 1990, a decision^[2] was rendered, the dispositive portion of which reads:

WHEREFORE, there being proof beyond reasonable doubt, this court convicts the accused Gloria Changco of estafa as defined under Article 315, par. 2 (a) of the Revised Penal Code and pursuant to law, sentences her to suffer an indeterminate prison term of four (4) years and two (2) months of *prision correccional* as minimum to eight (8) years of *prision mayor* as maximum. Further, she is ordered to indemnify the private

complainant, Betty Rosales, the sum of P30,000.00 without subsidiary imprisonment in case of default and to pay the costs.

SO ORDERED.

Petitioner appealed the judgment of conviction to the Court of Appeals,^[3] which affirmed the decision of the trial court.

Petitioner filed the instant petition for review raising the following issues:

FIRST. Whether or not the trial court acquired jurisdiction over the case; and

SECOND. Whether or not both the trial court and the respondent appellate court gravely abused their discretion in finding the petitioner guilty beyond reasonable doubt of the crime of Estafa as charged.

At the outset, it should be stressed that under the Rules of Court and the 1997 Rules of Civil Procedure, only questions of law may be raised in the petition for review to this Court and the same must be distinctly set forth.^[4] Thus, this Court has uniformly held that the jurisdiction of the Supreme Court is limited only to the review and revision of errors of law allegedly committed by the Court of Appeals.^[5]

Despite petitioner's assertion that the instant petition raises only questions of law, a disquisition of the issues raised reveals that petitioner actually seeks this Court's reevaluation of the facts and evidence. In fact, the issues raised herein are the very same questions of fact raised in the appeal before the Court of Appeals. Moreover, the petition does not clearly and distinctly set forth the errors of law allegedly committed by the Court of Appeals and the trial court.

For one, the resolution of the issue of lack of jurisdiction, which was raised for the first time on appeal, would necessitate an examination of the records and assaying the credibility of the witnesses to determine the veracity of their testimonies on the matter of where the offense was committed – whether in the City of Manila or Makati. The same is not warranted since the Court of Appeals had already affirmed the trial court's factual findings on the matter. The second issue begs the Court to evaluate the evidence once more to determine whether or not the same is sufficient to support the conviction of petitioner. The Court of Appeals had earlier fully concurred with the conclusion of the trial court that all the elements of the crime were present and that the prosecution's evidence established without a shred of doubt the guilt of petitioner.

There is no mention of any law that was wrongly interpreted or applied by the lower courts despite the requirement under Rule 45 that the questions of law raised "must be distinctly set forth." Petitioner's mere allegation that only questions of law are raised in this petition cannot detract from the reality that the petition seeks a reexamination of the facts and evidence, as well as a reevaluation of the credibility of the witnesses, despite the findings of the Court of Appeals that no error was committed by the trial court in this regard.

Basic and long-settled is the doctrine that findings of fact of the trial court, when affirmed by the Court of Appeals, are binding upon the Supreme Court.^[6] It is not