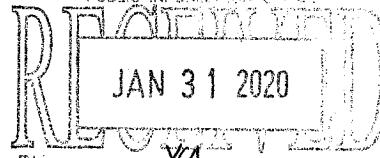




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



BY: YJA
TIME: 10:17

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **25 November 2019** which reads as follows:

G.R. No. 248607 (Mylene L. Caringal v. People of the Philippines)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the January 16, 2019 Decision² and the July 22, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 38001 for failure of petitioner Mylene L. Caringal (petitioner) to sufficiently show that the CA committed any reversible error in upholding her conviction for the crime of *Estafa*, defined and penalized under Article 315, paragraph 1 (b) of the Revised Penal Code, as amended. Accordingly, she is sentenced to suffer the penalty of imprisonment for an indeterminate period of four (4) months of *arresto mayor*, as minimum, to one (1) year and eight (8) months of *prision correccional*, as maximum, and to pay Daisy M. Reyes (Reyes) the amount of ₱277,843.50, plus costs of suit, subject to legal interest at the rate of six percent (6%) per annum from finality of this Resolution until full payment.

As correctly ruled by the CA, there is confluence of all the elements of the crime charged, as it was shown that: (a) the trust receipt agreements⁴ unequivocally confirmed petitioner's obligation to remit the proceeds of the sale or return the unsold pieces of jewelry within the stipulated sixty (60)-day period; (b) there was conversion or misappropriation of the pieces of jewelry in view of petitioner's failure to either remit payment, return the said items, or substantiate her claim on their whereabouts; (c) Reyes was clearly prejudiced by petitioner's failure to pay or return the subject pieces of jewelry amounting to ₱277,843.50; and (d) Reyes' repeated demands for said obligation remained unheeded.⁵

Further, acting on petitioner's motions for first and second extension totaling to forty (40) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*, the Court resolves to **GRANT** petitioner an extension of thirty (30) days, and not 40 days as

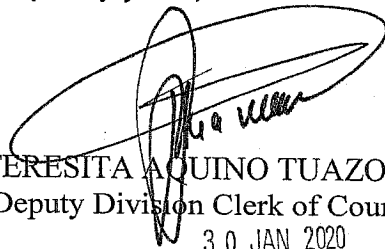
¹ *Rollo*, pp. 15-27.
² *Id.* at 31-42. Penned by Associate Justice Maria Elisa Sempio Diy with Associate Justices Jane Aurora C. Lantion and Perpetua T. Atal-Paño, concurring.
³ *Id.* at 52-54.
⁴ *Id.* at 71-72.
⁵ The elements of *Estafa* under Article 315, paragraph 1 (b) are as follows: (1) that money, goods, or other personal properties are received by the offender in trust, or on commission, or for administration, or under any other obligation involving the duty to make delivery of, or to return, the same; (2) that there is a misappropriation or conversion of such money or property by the offender or a denial of the receipt thereof; (3) that the misappropriation or conversion or denial is to the prejudice of another; and (4) that there is a demand made by the offended party on the offender. (See *Treñas v. People*, 680 Phil. 368, 383 [2012], citing *Salazar v. People*, 480 Phil. 444, 452 [2004].) See also *rollo*, pp. 37-39.

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prayed for, **WITH WARNING THAT THE SAME SHALL BE THE LAST AND NO FURTHER EXTENSION** will be given.

SO ORDERED. (REYES, A., Jr., J., on leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.) "

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
30 JAN 2020 p 1/20

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Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 39
Calapan City, Oriental Mindoro
(Crim. Case No. CR-09-9524)

DAISY M. REYES (reg)
Barangay Lalud
Calapan City, Oriental Mindoro

JUDGMENT DIVISION (x)
Supreme Court, Manila

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GR248607. 11/25/19(75)URES