



Republic of the Philippines
Supreme Court
Manila
SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Appellee,

G.R. No. 199208

Present:

- versus -

CARPIO, J., Chairperson,
BRION,
BERSAMIN,*
PEREZ, and
PERLAS-BERNABE, JJ.

TRINIDAD A. CAHILIG,
Appellant.

Promulgated:
JUL 30 2014

X ----- X

DECISION

CARPIO, J.:

The Case

Before the Court is an appeal by Trinidad A. Cahilig (Cahilig) from the Decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01381 affirming the Decision of the Regional Trial Court (RTC), Branch 137, Makati City in Criminal Case Nos. 03-2178 to 2207 finding her guilty of thirty (30) counts of Qualified Theft.

The Facts

Cahilig worked as cashier at Wyeth Philippines Employees Savings and Loan Association, Inc. (WPESLAI) from December 1992 until 7 November 2001. She was tasked with handling, managing, receiving, and disbursing the funds of the WPESLAI.¹

* Designated additional member per Raffle dated 17 October 2012.
¹ CA rollo, p. 125.

It was discovered that from 31 May 2000 to 31 July 2001, Cahilig made withdrawals from the funds of WPESLAI and appropriated the same for her personal benefit.² Cahilig would prepare disbursement vouchers, to be approved by the WPESLAI president and Board of Directors, in order to withdraw funds from one of WPESLAI’s bank accounts then transfer these funds to its other bank account. The withdrawal was done by means of a check payable to Cahilig, in her capacity as WPESLAI cashier. This procedure for transferring funds from one bank account to another was said to be standard practice at WPESLAI. However, Cahilig did not actually transfer the funds. Instead, she made it appear in her personal WPESLAI ledger that a deposit was made into her account and then she would fill out a withdrawal slip to simulate a withdrawal of said amount from her capital contribution.³

The trial court found that Cahilig employed the same scheme in each of the 30 cases of qualified theft filed against her, allowing her to pilfer from WPESLAI’S funds a total of ₱6,268,300.00, broken down into the following amounts:

Criminal Case No. 03-2178	₱200,000.00
Criminal Case No. 03-2179	₱250,000.00
Criminal Case No. 03-2180	₱200,000.00
Criminal Case No. 03-2181	₱ 55,000.00
Criminal Case No. 03-2182	₱ 55,000.00
Criminal Case No. 03-2183	₱ 85,000.00
Criminal Case No. 03-2184	₱350,000.00
Criminal Case No. 03-2185	₱250,000.00
Criminal Case No. 03-2186	₱ 20,000.00

² Id.
³ Id. at 126.

Criminal Case No. 03-2187	₱250,000.00
Criminal Case No. 03-2188	₱ 60,000.00
Criminal Case No. 03-2189	₱150,000.00
Criminal Case No. 03-2190	₱ 50,000.00
Criminal Case No. 03-2191	₱ 46,300.00
Criminal Case No. 03-2192	₱205,000.00
Criminal Case No. 03-2193	₱200,000.00
Criminal Case No. 03-2194	₱ 25,000.00
Criminal Case No. 03-2195	₱500,000.00
Criminal Case No. 03-2196	₱500,000.00
Criminal Case No. 03-2197	₱ 30,000.00
Criminal Case No. 03-2198	₱400,000.00
Criminal Case No. 03-2199	₱300,000.00
Criminal Case No. 03-2200	₱500,000.00
Criminal Case No. 03-2201	₱ 65,000.00
Criminal Case No. 03-2202	₱ 47,000.00
Criminal Case No. 03-2203	₱500,000.00

Criminal Case No. 03-2204	₱ 40,000.00
Criminal Case No. 03-2205	₱400,000.00
Criminal Case No. 03-2206	₱ 35,000.00
Criminal Case No. 03-2207	₱500,000.00

All 30 cases were consolidated and jointly heard. Upon agreement of the parties, only three of the 30 cases went thru trial. The remaining 27 cases were the subject of a written stipulation of facts, on the basis of which these were submitted for resolution. The stipulation stated, among others:

That for purposes of efficient and speedy administration of these cases, the parties herein agreed, during the pre-trial conference and approved by the Honorable Court, that the actual trial and presentation of evidence will be done only on the first three (3) counts of the cases, i.e., on Cases Numbers 03-2178 to 03-2180, with the understanding and agreement that after the termination of the hearing on said three (3) cases, the parties shall adopt the results thereof in the remaining twenty-seven (27) counts, considering that all the cases arose from similar transactions with the same methods or *modus operandi* used in committing the crime charged, and involving the same accused and the same offended party[.]⁴

The Ruling of the Regional Trial Court

The RTC found Cahilig guilty of the crimes charged, in a Decision dated 16 June 2005, the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing, this Court hereby finds Trinidad Cahlig guilty beyond reasonable doubt of the crime of qualified theft in each of the informations, and sentences her to suffer the penalty of:

1. In Criminal Case No. 03-2178, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱200,000.00;
2. In Criminal Case No. 03-2179, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱250,000.00;
3. In Criminal Case No. 03-2180, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱200,000.00;
4. In Criminal Case No. 03-2181, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱55,000.00;

⁴ Id. at 54.

5. In Criminal Case No. 03-2182, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱55,000.00;
6. In Criminal Case No. 03-2183, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱85,000.00;
7. In Criminal Case No. 03-2184, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱350,000.00;
8. In Criminal Case No. 03-2185, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱250,000.00;
9. In Criminal Case No. 03-2186, ten (10) years and one (1) days (sic) as minimum to twenty (20) years as maximum and to indemnify the private complainant in the amount of ₱20,000.00;
10. In Criminal Case No. 03-2187, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱250,000.00;
11. In Criminal Case No. 03-2188, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱60,000.00;
12. In Criminal Case No. 03-2189, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱150,000.00;
13. In Criminal Case No. 03-2190, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱50,000.00;
14. In Criminal Case No. 03-2191, ten (10) years and one (1) day as minimum to twenty (20) years as maximum and to indemnify the private complainant in the amount of ₱4[6],300.00;
15. In Criminal Case No. 03-2192, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱205,000.00;
16. In Criminal Case No. 03-2193, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱200,000.00;
17. In Criminal Case No. 03-2194, ten (10) years and one (1) day as minimum to twenty (20) years as maximum and to indemnify the private complainant in the amount of ₱25,000.00;
18. In Criminal Case No. 03-2195, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱500,000.00;
19. In Criminal Case No. 03-2196, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱500,000.00;
20. In Criminal Case No. 03-2197, ten (10) years and one (1) day as minimum to twenty (20) years as maximum and to indemnify the private complainant in the amount of ₱30,000.00;

21. In Criminal Case No. 03-2198, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱400,000.00;

22. In Criminal Case No. 03-2199, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱300,000.00;

23. In Criminal Case No. 03-2200, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱500,000.00;

24. In Criminal Case No. 03-2201, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱65,000.00;

25. In Criminal Case No. 03-2202, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱47,000.00;

26. In Criminal Case No. 03-2203, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱500,000.00;

27. In Criminal Case No. 03-2204, ten (10) years and one (1) day as minimum to twenty (20) years as maximum and to indemnify the private complainant in the amount of ₱40,000.00;

28. In Criminal Case No. 03-2205, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱400,000.00;

29. In Criminal Case No. 03-2206, ten (10) years and one (1) day as minimum to twenty (20) years as maximum and to indemnify the private complainant in the amount of ₱35,000.00;

30. In Criminal Case No. 03-2207, *reclusion perpetua* and to indemnify the private complainant in the amount of ₱500,000.00.

Costs against accused in each of the above numbered cases.

SO ORDERED.⁵

The RTC held that Cahilig, as cashier of WPESLAI, was granted trust and confidence by the key officers of the association. The RTC noted that Cahilig “enjoyed access to the funds and financial records of the association, a circumstance that understandably facilitated her easy withdrawal of funds which she converted to her personal use in the manner heretofore described. Undoubtedly, she betrayed the trust and confidence reposed upon her by her employer.”⁶

The Ruling of the Court of Appeals

Cahilig appealed her conviction to the CA. In a Decision dated 18 February 2011, the CA denied her appeal and affirmed the RTC’s Decision.

⁵ Id. at 138-141.

⁶ Id. at 136.

The CA held that all the elements of Qualified Theft were present in every charge:

x x x First, there was taking of personal property, when accused-appellant took the proceeds of the WPESLAI checks issued in her name as cashier of the association which are supposed to be redeposited to another account of WPESLAI. Second, the property belongs to another, since the funds undisputably belong to WPESLAI. Third, the taking was done without the consent of the owner, which is obvious because accused-appellant created a ruse showing that the funds were credited to another account but were actually withdrawn from her own personal account. Fourth, the taking was done with intent to gain, as accused-appellant, for her personal benefit, took the funds by means of a modus operandi that made it appear through the entries in the ledgers that all withdrawals and deposits were made in the normal course of business and with the approval of WPESLAI. Fifth, the taking was accomplished without violence or intimidation against the person [or] force upon things. And finally, the acts were committed with grave abuse of confidence considering that her position as cashier permeates trust and confidence.⁷

The Court's Ruling

The Court denies the petition. However, the penalties imposed by the trial court in six of the 30 cases are incorrect and, therefore, must be modified.

Qualified Theft

Article 310, in relation to Article 308, of the Revised Penal Code defines the crime of Qualified Theft:

Art. 310. *Qualified theft.* - The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding articles, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of a plantation, fish taken from a fishpond or fishery, or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance.

Art. 308. *Who are liable for theft.* - Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent.

Theft is likewise committed by:

1. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner;
2. Any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or objects of the damage

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Rollo, p. 12.

caused by him; and

3. Any person who shall enter an enclosed estate or a field where trespass is forbidden or which belongs to another and without the consent of its owner, shall hunt or fish upon the same or shall gather fruits, cereals, or other forest or farm products.

Thus, the elements of Qualified Theft, committed with grave abuse of confidence, are as follows:

1. Taking of personal property;
2. That the said property belongs to another;
3. That the said taking be done with intent to gain;
4. That it be done without the owner's consent;
5. That it be accomplished without the use of violence or intimidation against persons, nor of force upon things;
6. That it be done with grave abuse of confidence.⁸

It is clear that all the elements of Qualified Theft are present in these cases.

Cahilig took money from WPESLAI and its depositors by taking advantage of her position. Her intent to gain is clear in the use of a carefully planned and deliberately executed scheme to commit the theft.

Grave abuse of confidence, as an element of Qualified Theft, “must be the result of the relation by reason of dependence, guardianship, or vigilance, between the appellant and the offended party that might create a high degree of confidence between them which the appellant abused.”⁹

Cahilig's position was one reposed with trust and confidence, considering that it involves “handling, managing, receiving, and disbursing” money from WPESLAI's depositors and other funds of the association. Cahilig's responsibilities as WPESLAI cashier required prudence and vigilance over the money entrusted into her care.

However, instead of executing her duties, she deliberately misled the board of directors into authorizing disbursements for money that eventually ended up in her personal account, a fact that Cahilig did not deny.

Proper Penalty

The trial court, however, erred in the penalty imposed in Criminal Case Nos. 03-2186, 03-2191, 03-2194, 03-2197, 03-2204, and 03-2206.

⁸ *People v. Mirto*, G.R. No. 193479, 19 October 2011, 659 SCRA 796, 807, citing *People v. Puig*, 585 Phil. 555, 561-562 (2008); *Roque v. People*, 486 Phil. 288, 311 (2004). See also *Miranda v. People* G.R. No. 176298, 25 January 2012, 664 SCRA 124, 130-131.

⁹ *Ringor v. People*, G.R. No. 198904, 11 December 2013. Citations omitted.

To recall, the amounts involved in the aforesaid cases are ₱20,000.00, ₱46,300.00, ₱25,000.00, ₱30,000.00, ₱40,000.00, and ₱35,000.00, respectively.

Article 310 provides that Qualified Theft “shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding article.” Article 309, in turn, states:

Art. 309. *Penalties.* - Any person guilty of theft shall be punished by:

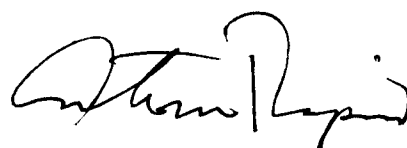
1. The penalty of *prision mayor* in its minimum and medium periods, if the value of the thing stolen is more than 12,000 pesos but does not exceed 22,000 pesos; but if the value of the thing stolen exceeds the latter amount, the penalty shall be the maximum period of the one prescribed in this paragraph, and one year for each additional ten thousand pesos, but the total of the penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed *prision mayor* or *reclusion temporal*, as the case may be.

x x x x

In the aforementioned six cases, none of the amounts are below ₱12,000.00. Hence, if the crime charged had been simple theft, the penalty in any of these six cases would have been, at least, *prision mayor* in its minimum and medium periods. Since it was established that the crime was qualified by grave abuse of confidence, Article 310 provides that the penalty to be imposed shall be the one “next higher by two degrees,” which in this case is *reclusion perpetua*. Accordingly, the penalty in these six cases should be *reclusion perpetua*.

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01381 is **AFFIRMED with MODIFICATION**. In lieu of the penalties meted out by the trial court in Criminal Case Nos. 03-2186, 03-2191, 03-2194, 03-2197, 03-2204, and 03-2206, appellant Trinidad A. Cahilig is hereby sentenced to suffer the penalty of *reclusion perpetua* for each count of qualified theft in the aforesaid cases. The judgment to indemnify the amounts in each of the corresponding charges stands.

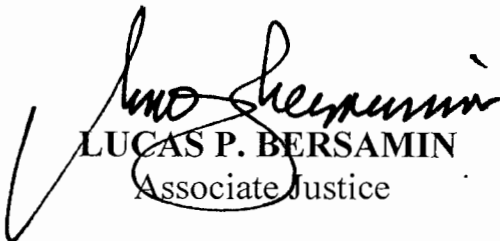
SO ORDERED.




ANTONIO T. CARPIO
Associate Justice

WE CONCUR:


ARTURO D. BRION
Associate Justice



LUCAS P. BERSAMIN
Associate Justice


JOSE PORTUGAL BEREZ
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice