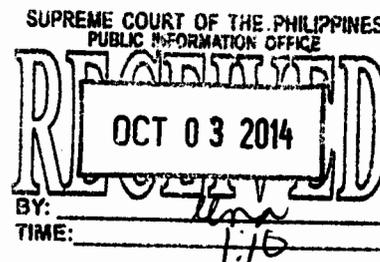




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 17, 2014 which reads as follows:

“G.R. No. 205715 (Mariejoy Mana y Bautista v. People of the Philippines). - After a judicious perusal of the records, the Court resolves to **DENY** the petition and **AFFIRM** the October 30, 2012 Decision¹ and February 4, 2013 Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 32048 for failure of Mariejoy Mana y Bautista (petitioner) to show that the CA committed any reversible error in affirming her conviction for Qualified Theft punishable under Article 310 of the Revised Penal Code.

As correctly held by the CA, petitioner took advantage of her position as cashier at the SM Department Store and gravely abused the trust and confidence reposed on her by the latter when she conspired with Renielyn Manson and Shella Marie Naval (Naval) in taking several items belonging to the SM Department Store without the latter’s consent. Petitioner’s assertion that the crime committed was only in its attempted stage as Naval was still inside the establishment and did not have the free disposal and absolute control of the stolen goods is untenable. In theft, the act of unlawful taking connotes deprivation of personal property of one by another with intent to gain. Hence, it is immaterial that the offender is able or unable to freely dispose of the property stolen since the deprivation from the owner alone has ensued from such acts of execution.³

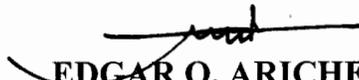
The Court further resolves to **NOTE** and **ACCEPT** the explanation and compliance of Atty. Ulysses L. Gallego, counsel for petitioner, with the Show Cause Resolution dated February 19, 2014 for failure to file a reply to the comment on the petition for review on certiorari and to fully comply with the Resolution dated April 3, 2013 by submitting a certified true copy of the assailed Court of Appeals Decision dated October 30, 2012, both as required in the Resolution dated August 7, 2013, and

¹ Rollo, pp. 16-25. Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Socorro B. Inting and Myra V. Garcia-Fernandez, concurring.
² Id. at 33.
³ *BSB Group, Inc. v. Go*, G.R. No. 168644, February 16, 2010, 612 SCRA 596, 608; citation omitted.

submitting the thereto attached reply to comment on the petition for review on certiorari and the certified true copy of the assailed Court of Appeals decision.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *ma/r*
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Atty. Ulysses L. Gallego
Counsel for Petitioner
L1, A3, Corinthian Villas
Matimyas Street, Gen. T. De Leon
1440 Valenzuela City

Court of Appeals (x)
Manila
(CA-G.R. CR No. 32048)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 224
1100 Quezon City
(Crim. Case No. Q-05-136098)

Public Information Office (x)
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Supreme Court
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No. 12-7-1-SC)

Judgment Division (x)
Supreme Court



SR

