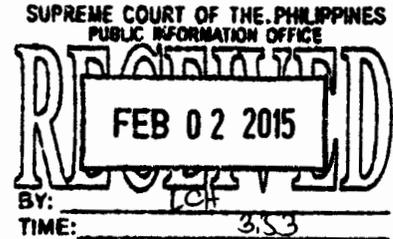




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated November 10, 2014 which reads as follows:*

**“G.R. No. 209737 (Felipe S. Dy v. People of the Philippines).-** After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the September 24, 2012 Decision<sup>1</sup> and August 7, 2013 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 00383-MIN for failure of Felipe S. Dy (petitioner) to show that the CA committed any reversible error in affirming his conviction for the crime of *Estafa*, defined and penalized under Article 315 (2)(a) of the Revised Penal Code, sentencing him to suffer the penalty of imprisonment for an indeterminate period of 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 ₱350,000.00, with legal interest from the date of the filing of the complaint until the amount is paid in full.

As correctly ruled by the CA, all the elements of the aforesaid crime are present,<sup>3</sup> in that: (a) petitioner falsely represented that Cynthia Malicay’s three (3) postdated checks in the aggregate amount of ₱350,000.00 represented her payment to his business; (b) petitioner delivered the said checks and obtained the amount of ₱350,000.00 from

<sup>1</sup> Rollo, pp. 29-44. Penned by Associate Justice Edgardo A. Camello with Associate Justices Marilyn B. Lagura-Yap and Renato C. Francisco, concurring.

<sup>2</sup> Id. at 45-46. Penned by Associate Justice Edgardo A. Camello with Associate Justices Renato C. Francisco and Oscar V. Badelles, concurring.

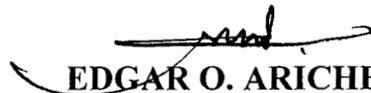
<sup>3</sup> “The elements of *estafa* by means of deceit are the following: (a) That there must be a false pretense, fraudulent act or fraudulent means; (b) That such false pretense, fraudulent act or fraudulent means must be made or executed prior to or simultaneously with the commission of the fraud; (c) That the offended party must have relied on the false pretense, fraudulent act, or fraudulent means, that is, he was induced to part with his money or property because of the false pretense, fraudulent act, or fraudulent means; (d) that as a result thereof, the offended party suffered damage.” (*Galvez v. CA*, G.R. Nos. 187919, 187979, & 188030, April 25, 2012, 671 SCRA 222, 231, citing *Montano v. People*, 423 Phil. 141, 147-148 [2001]).

private complainant Gonzalo Go (Gonzalo) because of the former's assurances to, and close relationship with, the latter; and (c) consequently, Gonzalo suffered damage or prejudice in the amount of ₱350,000.00.

Moreover, the petition remains dismissible for failure to attach material portions of the record, *i.e.*, the Decision dated March 17, 2006 and Order dated June 29, 2006 of the Regional Trial Court of Misamis Oriental, pursuant to Section 4(d), Rule 45 of the Rules of Court.

**SO ORDERED.** SERENO, C.J., on official travel; DEL CASTILLO, J., acting member per S.O. No. 1862 dated November 4, 2014. BERSAMIN, J., on official travel; VELASCO, JR., J., acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court *pk 12/10*  
**225**

TABOR MORDENO TAN-  
GAN & SUMICAD-  
HUERBANA LAW OFFICES  
Counsel for Petitioner  
1000 Dongallo Cmpd.  
Arch. Hayes Ext., Camaman-an  
9000 Cagayan de Oro City

Court of Appeals  
9000 Cagayan de Oro City  
(CA-G.R. CR No. 00383-MIN)

The Solicitor General (x)  
Makati City

The Hon. Presiding Judge  
Regional Trial Court, Br. 22  
9000 Cagayan de Oro City  
(Crim. Case No. 97-1334)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

SR

*fi*