



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 26 April 2021 which reads as follows:

“G.R. No. 254144 (Flordeliza G. Bosi alias ‘Novita Gacias’ v. People of the Philippines). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated September 7, 2020 of the Court of Appeals (CA) in CA-G.R. CR. HC. No. 11823 for failure of petitioner Flordeliza G. Bosi (Bosi) to show that the CA committed any reversible error in finding her guilty of the crime of Qualified Theft, as defined and penalized under Article 310 in relation to Articles 308 and 309 of the Revised Penal Code.³ Accordingly, she is sentenced to suffer the penalty of imprisonment for an indeterminate period of ten (10) years and one (1) day of *prison mayor*, as minimum, to sixteen (16) years, five (5) months, and eleven (11) days of *reclusion temporal*, as maximum; and to pay private complainant Belremond Trading, Inc. (BTI) the amount of ₱2,038,110.14 representing the amount stolen, with legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.⁴

As correctly ruled by the CA, the prosecution was able to establish beyond reasonable doubt all the elements of Qualified Theft,⁵ considering that: (a) as one of BTI’s accountants, Bosi was tasked with, *inter alia*, the preparation and payment of BTI’s taxes, including the checks and vouchers in relation thereto; (b) with grave abuse of authority, she was responsible for the issuance of five (5) checks owned by BTI in the aggregate amount of ₱2,038,110.14 (subject checks) for the payment of certain quarterly taxes; (c) after making the subject checks payable to cash and encashing the same, she did not use the proceeds for the

¹ See Petition for Review on *Certiorari* dated October 14, 2020; *rollo*, pp. 3-15.

² *Id.* at 19-31. Penned by Associate Justice Ricardo R. Rosario (now a member of the Court), with Associate Justices Maria Filomena D. Singh and Florencio Mallanao Marnauag, Jr., concurring.

³ Entitled ‘AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS,’ approved on December 8, 1930.

⁴ *Rollo*, pp. 30-31.

⁵ ‘The elements of Qualified Theft are as follows: (a) the taking of personal property; (b) the said property belongs to another; (c) the said taking be done with intent to gain; (d) it be done without the owner’s consent; (e) it be accomplished without the use of violence or intimidation against persons, nor force upon things; and (f) it be done under any of the circumstances enumerated in Article 310 of the Revised Penal Code, *i.e.*, committed with grave abuse of confidence.’ See *People v. Manlao*, G.R. No. 234023, September 3, 2018, citing *Candelaria v. People*, 749 Phil. 517, 523-524 (2014).

12/19

intended purpose, but instead, took them for her own benefit.⁶ Relatedly, the CA is also correct in ruling that the reprinted vouchers are admissible as secondary evidence as it was duly established on record that the original vouchers are already missing;⁷ and that her continued employment with BTI does not constitute condonation, as in fact, the latter's filing of the instant criminal case negates her claim of condonation.

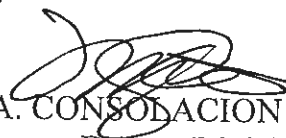
In any event, the petition is likewise dismissible for Bosi's failure to attach a copy of the assailed Decision of the Regional Trial Court, a material portion of the record, pursuant to Section 4(d) in relation to Section 5, Rule 45 of the Rules of Court.⁸

SO ORDERED. (Rosario, *J.*, no part as he penned the assailed CA Decision; Caguioa, *J.*, designated additional member per Raffle dated March 15, 2021)."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:


MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court
19 MAY 2021 P 5/14

⁶ *Rollo*, p. 25.

⁷ *Id.* at 28.

⁸ Entitled '1997 RULES OF CIVIL PROCEDURE, AS AMENDED,' (July 1, 1997).

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Petitioner
c/o The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

THE SUPERINTENDENT (reg)
Correctional Institution for Women
1550 Mandaluyong City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 77
Quezon City
(Crim. Case No. Q-09-160072)

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1/19