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Republic of the Philippines  
Department of Justice  
National Prosecution Service  
OFFICE OF THE CITY PROSECUTOR  
Makati City

INVESTIGATION DATA FORM

To be accomplished by the Office

DATE RECEIVED:

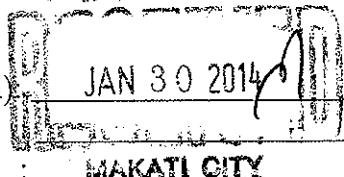
OFFICE OF THE CITY PROSECUTOR

NPS DOCKET NO.:

(stamped and initialed)

Time Received

Receiving Staff



Assigned to:

Date Assigned:

XV-05-INV-14A0269

To be accomplished by complainant/counsel/law enforcer

(Use back portion if space is not sufficient)

COMPLAINANT/S: Name, Sex, Age & Address

RESPONDENT/S: Name, Sex, Age & Address



PATRIK SELIN, IAN ROBERT GUSTAFSSON,  
SYLVIA BERNADETTE GONZALES DE  
GUZMAN, SHERWIN QUIAMBAO, JASMIN  
SINGH, ANTHONY ARCILLA, ROSEMARIE  
FEGUEROA FRIALDE, MARIANO MONTERAS,  
MARY JANE DE GUZMAN, et al.

LAW/S VIOLATED:

Estafa under Article 315 (2) (a) or Qualified  
Theft under Article 310 of the Revised Penal  
Code

WITNESS/ES: Name & Address



DATE & TIME OF COMMISSION:

May 2013

PLACE OF COMMISSION:

Makati City

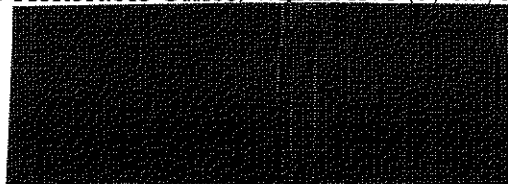
1. Has a similar complaint been filed before any other office? \* YES \_\_\_ NO ☒  
2. Is this complaint in the nature of counter-affidavit? \* YES \_\_\_ NO ☒ If yes, indicate details below.  
3. Is this complaint related to another case before this office? \* YES \_\_\_ NO ☒ If yes, indicate details below.

I.S. No.:

Handling Prosecutor:

CERTIFICATION \*

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasijudicial agency, and that if I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office, within five (5) days from knowledge thereof.

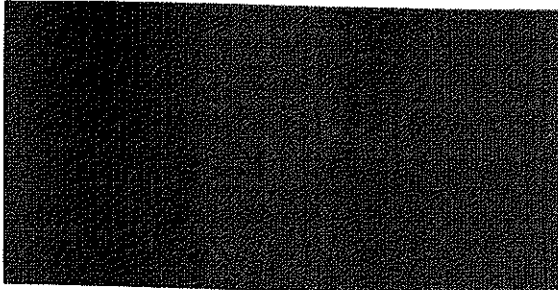


SUBSCRIBED AND SWORN TO before me this \_\_\_ day of \_\_\_, 20\_\_ in

EDNA J. CONDE  
Asst. City Prosecutor

Prosecutor Administering Oath

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF JUSTICE  
NATIONAL PROSECUTION SERVICE  
**Office of the City Prosecutor**  
MAKATI CITY



Complainant,

- versus -

NPS Docket No. \_\_\_\_\_  
For: Estafa under Article 315 (2) (a) or  
Qualified Theft under Article 310 of the  
Revised Penal Code

**PATRIK SELIN, JAN ROBERT  
GUSTAFSSON, SYLVIA  
BERNADETTE GONZALES  
DE GUZMAN, SHERWIN  
QUIAMBAO, JASMIN  
SINGH, ANTHONY  
ARCILLA, ROSEMARIE  
FEGUEROA FRIALDE,  
MARIANO MONTERAS,  
MARY JANE DE GUZMAN,  
EDWIN REJANO ERPE,  
MARIA ARLEEN ALDABA,  
and JOHN DOES and JANE  
DOES,**

Respondents.

x-----x

**COMPLAINT-AFFIDAVIT**

I, [REDACTED] of legal age, Filipino, and with postal address at the [REDACTED] Ayala Avenue, Makati City, respectfully complain against Patrik Selin, Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman, Sherwin Quiambao, Jasmin Singh, Anthony Arcilla, Rosemarie Fegueria Frialde, Mariano Monteras, Mary Jane de Guzman, Edwin Rejano Erpe, Maria Arleen Aldaba and John Does and Jane Does for Estafa under Article 315 (2) (a) or Qualified Theft under Article 310 of the Revised Penal Code, and after having been duly sworn to in

accordance with law, respectfully state:

1. Complainant is a corporation duly organized and validly existing under Philippine laws, with office address at the [REDACTED] City.<sup>1</sup>

2. Respondents are all of legal age. The other pertinent details of respondents are as follows:

NAME	NATIONALITY	LAST KNOWN ADDRESS
Patrik Selin	Swedish	c/o 25A Amorsolo East Tower, Rockwell Center, Makati City
Jan Robert Gustafsson	Swedish	14C Luna Gardens, Rockwell Center, Makati City
Sylvia Bernadette Gonzales de Guzman	American and Spanish	2 Embassy Gardenhomes, T. Benitez Street, West Triangle, Quezon City
Sherwin Quiambao	Filipino and Canadian	321 L Joya Lofts and Towers, Rockwell Center, Makati City
Jasmin Singh	Filipino	14 Dama de Noche Street, De Castro Subdivision, Ortigas Avenue Extension, Pasig City
Anthony Arcilla	Filipino	14 Dama de Noche Street, De Castro Subdivision, Ortigas Avenue Extension, Pasig City
Rosemarie Fegueroa Frialde	Filipino	7766 JB Roxas Street, Brgy. Olympia, Makati City

<sup>1</sup> A copy of complainant's Amended Articles of Incorporation is hereto attached and made integral part hereof as **Annex "A."**

Mariano Monteras	Filipino	7766 JB Roxas Street, Brgy. Olympia, Makati City
Mary Jane Buenafe de Guzman	Filipino	Block 8, Lot 3, Elizabeth Serrano Street, BF Resort Village, Las Piñas City
Edwin Rejano Erpe	Filipino	422 Plaridel Street, San Roque, Cavite City
Maria Arleen Aldaba	Filipino	11 Sampaloc Place, Ayala West Grove Height, Silang, Cavite

3. Respondents may be served with *subpoena* and other processes of this Honorable Office at their foregoing addresses.

4. I am a [REDACTED], which conducted a forensic audit on complainant. As such and in the course of a forensic audit on complainant, I reviewed all the pertinent records of certain suspicious and irregular transactions, including the transaction complained of herein, as well as conducted interviews.

5. I was duly authorized by complainant's Board of Directors to institute the instant criminal complaint and to represent complainant herein.<sup>2</sup>

6. The following were culled from the records:

7. On 29 April 2013 at Makati City, respondent Jasmin Singh, acting allegedly in behalf of complainant (as project owner), executed a *Construction Contract* dated 29 April 2013 with NVSP Construction and Development, Inc. (as contractor).<sup>3</sup>

7.1 At that time, respondent Jasmin Singh was a director and the Corporate Secretary of complainant.

<sup>2</sup> A copy of the *Secretary's Certificate* dated 29 January 2014 is hereto attached and made integral part hereof as **Annex "B."**

<sup>3</sup> A copy of the *Construction Contract* dated 29 April 2013 is hereto attached and made integral part hereof as **Annex "C."**

7.2 The contract was originally valued at P94,988,887.50, and was supposedly for, among other things, the design, construction, and supply of office systems and furniture for the 38<sup>th</sup> floor and 39<sup>th</sup> floor offices of complainant at Yuchengco Tower 1, RCBC Plaza, Makati City.

8. The construction contract was unauthorized and was executed in violation of company policy. It was the policy of complainant to have contracts and payments in excess of US\$100,000.00 approved first by its Board of Directors. No such required board approval was obtained by respondent Jasmin Singh prior to the execution of the construction contract.

9. In spite of the absence of any prior or subsequent board approval, on 3 May 2013, respondent Jasmin Singh caused complainant to pay to the contractor the 50% downpayment under the construction contract.

9.1 Respondent Jasmin Singh caused the preparation of Payment Voucher No. 600-5013 dated 3 May 2013 for P40 million.<sup>4</sup> The corresponding Check No. 0588667 dated 3 May 2013 for P40 million was signed by respondents Sylvia Bernadette de Guzman and Sherwin Quiambao, and drawn from complainant's Account No. 003568019190 maintained with BDO Unibank, Inc., Pacific Star, Makati City Branch.<sup>5</sup> The contractor issued Official Receipt No. 0009 dated 3 May 2013 to acknowledge receipt of the payment.<sup>6</sup>

9.2 Respondent Jasmin Singh approved Payment Voucher No. 600-5057 dated 9 May 2013 for P7,494,443.75.<sup>7</sup> A corresponding Check No. 0588709 dated 9 May 2013 for said amount was signed by respondents Sylvia Bernadette de Guzman and Sherwin Quiambao, and drawn from complainant's Account No. Account No. 003568019190 maintained with BDO Unibank, Inc., Pacific Star, Makati City

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4 A copy of Payment Voucher No. 600-5013 dated 3 May 2013 is hereto attached and made integral part hereof as **Annex "D."**

5 A copy of Check No. 0588667 dated 3 May 2013 is hereto attached and made integral part hereof as **Annex "E."**

6 A copy of Official Receipt No. 0009 dated 3 May 2013 is hereto attached and made integral part hereof as **Annex "F."**

7 A copy of Payment Voucher No. 600-5057 dated 9 May 2013 is hereto attached and made integral part hereof as **Annex "G."**

Branch.<sup>8</sup> The check was deposited, on 15 May 2013, at Metrobank, GT Tower Center, Makati City Branch in the contractor's account with said bank, as shown in the dorsal portion of the check and the corresponding deposit slip.<sup>9</sup>

10. Said payments of the 50% downpayment were again made without prior board approval and were contrary to said company policy, which requires contracts and payments in excess of US\$100,000.00 to be approved by complainant's Board of Directors.

11. Moreover, said payments were made in violation of Article 7.1 (a) of the construction contract, which required the contractor to first post a performance bond under Article 5.1 (a) prior to the release of the downpayment.

12. A forensic audit revealed that respondents Jan Robert Gustafsson, Sylvia Bernadette de Guzman, Sherwin Quiambao and Maria Arleen Aldaba *inter alia* acted in concert in stealing various amounts from complainant and its related companies while they were still connected thereat. Various cases for qualified theft and/or estafa have been filed against these individuals, to wit:

NPS Docket No. 13J4055

██████████ *vs. Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman and Sherwin Quiambao*"  
(ACP Danilo Emelo, Office of the City Prosecutor, Makati)

NPS Docket No. 13K4122

██████████ *vs. Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman, Sherwin Quiambao and Maria Arleen Aldaba*"  
(ACP Analie O. Brual, Office of the City Prosecutor, Makati)

NPS Docket No. 13K4279

██████████ *vs. Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman, Sherwin Quiambao and Maria Arleen Aldaba*"  
(ACP Amador Y. Pineda, Office of the City Prosecutor, Makati)

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8 A copy of Check No. 0588709 dated 9 May 2013 is hereto attached and made integral part hereof as **Annex "H."**

9 A copy of the deposit slip dated 9 May 2013 is hereto attached and made integral part hereof as **Annex "I."**

NPS Docket No. 13K4280

[REDACTED] vs. Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman, Sherwin Quiambao and Maria Arleen Aldaba"

(ACP Amador Y. Pineda, Office of the City Prosecutor, Makati)

NPS Docket No. 13K4281

[REDACTED] vs. Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman, Sherwin Quiambao and Maria Arleen Aldaba"

(ACP Amador Y. Pineda, Office of the City Prosecutor, Makati)

13. Within months during the middle part of 2013, all of the above-named respondents resigned, or were removed or separated from complainant and its related companies for various reasons. Respondents were not happy about it and harbored ill will against these companies. Respondents banded together to get back at these companies by committing various illegal acts like planting drugs, making unauthorized withdrawals from corporate bank accounts, making baseless claims on nominal shares that they knew full well were not theirs, and fabricating and filing baseless suits.

14. The illicit plans and deeds of respondents were admitted, disclosed and revealed, among other things, when they tried but failed to recruit certain individuals to join their gang, to whom respondents disclosed the conspiracy, the members thereof, and their nefarious plans and deeds.

14.1 Starting in the middle of 2013, respondent Sylvia Bernadette de Guzman frequently called [REDACTED]. Among other things, the former told the latter about her plan to plant drugs and stage an entrapment.

14.2 Sometime in August 2013, respondent Sylvia Bernadette de Guzman called Ms. [REDACTED] encouraging the latter to join the former's group. Respondent Sylvia Bernadette de Guzman told [REDACTED] that all of those who resigned, or were removed or separated have

10 A copy of the *Affidavit* dated 6 November 2013 of Nonnato Lopez is hereto attached and made integral part hereof as **Annex "J."**

11 A copy of the *Affidavit* dated 16 January 2014 of Victoria Tavera is hereto attached and made integral part hereof as **Annex "K."**

banded together to get back at the companies. A few days later, respondent Jasmin Singh called Ms. Victoria Tavera. With the help of another confederate (who is a politician's associate and who then posed as a lawyer), respondent Jasmin Singh disclosed to Ms. Victoria Tavera the cases, albeit all fabricated and baseless, which they will file in order for them to exact revenge.

14.3 On 28 August 2013, [REDACTED]<sup>12</sup> was invited by respondents Sylvia Bernadette de Guzman and Jasmin Singh to a meeting at Zuellig Building, Makati City. Respondents Sylvia Bernadette de Guzman, Jasmin Singh and Jan Robert Gustafsson, among others, were present during the meeting. Said respondents encouraged Ms. Katherine Antonio to join their group and discussed their plans, including falsely claiming ownership over certain nominal shares in their names and filing bogus cases to take these shares. Later that day, respondents Sylvia Bernadette de Guzman and Jasmin Singh took [REDACTED] to another meeting, this time respondents Mary Jane de Guzman, Edwin Erpe and Anthony Arcilla joined the meeting. Said respondents again persuaded [REDACTED] to join them. Respondent Anthony Arcilla discussed how he planned to plant drugs.

14.4 [REDACTED]<sup>13</sup> was bribed and threatened by respondent Sylvia Bernadette de Guzman with suits and imprisonment in order to persuade her to join their group. Respondent Sylvia Bernadette de Guzman disclosed the plan of her group to plant drugs and stage an entrapment. Respondent Sylvia Bernadette de Guzman also revealed that respondent Rosemarie Frialde was spying for her, and that respondents Jan Robert Gustafsson and Jasmin Singh were part of the group. Moreover, respondents Sylvia Bernadette de Guzman, Jasmin Singh, Anthony Arcilla, Mary Jane de Guzman, Edwin Erpe, Rosemarie Frialde and Mariano Monteras detained and watched over [REDACTED] in a hotel in Makati City, then in an apartment in Hulo, Mandaluyong City while she was being recruited. During her captivity, respondent Edwin Erpe admitted that the group tried but failed to illegally withdraw corporate funds, and that he took and retained a corporate

<sup>12</sup> A copy of the *Affidavit* dated 31 October 2013 of [REDACTED] is hereto attached and made integral part hereof as **Annex "L."**

<sup>13</sup> A copy of the *Affidavit* dated 31 October 2013 of [REDACTED] is hereto attached and made integral part hereof as **Annex "M."**

motorcycle upon the instructions of respondent Sylvia Bernadette de Guzman. Meanwhile, respondent Rosemarie Frialde admitted that she filed a fabricated rape case upon the instructions of respondent Sylvia Bernadette de Guzman, which respondent Rosemarie Frialde thus later recanted.<sup>14</sup> Furthermore, respondents Sylvia Bernadette de Guzman, Rosemarie Frialde and Mariano Monteras coerced [REDACTED] into executing certain false deeds and affidavits.

15. The conspiracy was also revealed through the crimes perpetrated by respondents.

15.1 Respondents Sylvia Bernadette de Guzman, Jasmin Singh, Anthony Arcilla and Mary Jane de Guzman coerced Ms. [REDACTED] into signing a bogus secretary's certificate to enable respondents' group to illegally withdraw corporate funds. Their attempts were thwarted because of the vigilance of the bank.

15.2 Respondent Sylvia Bernadette de Guzman threatened bank officials with physical harm by cutting off their tongues, and in the same process confirmed that respondents Jan Robert Gustafsson, Jasmin Singh and Edwin Erpe were her confederates. The matter was recorded in the following police blotter<sup>15</sup> made at the instance of bank officials:

FACTS OF THE CASE: AT 9:30 AM A TEL. CALL RECEIVE BY [REDACTED] COMING FROM SYLVIA BERNADETTE DE GUZMAN. THAT SHE IS THREATENING ALL EMPLOYEE OF B.D.O. THAT SHE WILL CUT THERE TONGUE AND SHE IS VERY POWERFUL BECAUSE SHE WAS ALSO WELL KNOWN BY CHAVIT SINGSON. AND SHE MENTION SOME OF HIS COLLEAGUES THEY ARE JASMIN A. SINGH, ROBERT GUSTAFSSON, EDWIN ERPE, [REDACTED] ATTY: GAYLE & ATTY. ALINTAHAN AND SHE WILL SUE HIM. . .

<sup>14</sup> A copy of the *Sinumpaang Salaysay ng Pagtiwalag* dated 14 October 2013 of Rosemarie Frialde is hereto attached and made integral part hereof as **Annex "N."**

<sup>15</sup> A copy of the police blotter dated 3 September 2013 is hereto attached and made integral part hereof as **Annex "O."**

15.3 True to their threats, respondents filed various fabricated cases against those who refused to join their group,

NPS No. XV-05-INV-131-03562

"Sylvia Bernadette de Guzman vs. [REDACTED]"

(ACP Alex G. Bagaoisan, Office of the City Prosecutor, Makati)

NPS No. XV-07-INV-131-06282

"Sylvia Bernadette de Guzman vs. [REDACTED]"

(ACP Roman T. Cobrado, Office of the City Prosecutor, Manila)

The bogus case docketed as NPS No. XV-07-INV-131-06282 was dismissed in a *Resolution* dated 10 January 2014.<sup>16</sup>

16. Clearly, the theft herein was not an isolated crime. It was perpetrated during the course of an organized effort to steal from and exact revenge against complainant and its related companies by persons who commonly harbored malice and spite towards them, and who banded together, and planned and executed various illicit acts in concert with one another.

17. The stolen money was also used by the conspirators to fund and further their conspiracy.

18. I was advised by my counsel that respondents may be indicted for Estafa under Article 315 (2) (a) of the Revised Penal Code, which provides in part:

ART. 315. Swindling (estafa). — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

xxx                      xxx                      xxx  
[P]rovided that in the four cases mentioned, the fraud be committed by any of the following means:

xxx                      xxx                      xxx

<sup>16</sup> A copy of the *Resolution* dated 10 January 2014 is hereto attached and made integral part hereof as **Annex "P."**

(2) By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneous with the commission of the fraud:

(a) By using a fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits;

xxx

xxx

xxx

19. All of the essential elements of the foregoing offense were present, to wit:

- i) there must be false pretense, fraudulent act or fraudulent means - respondents Jasmin Singh, Sylvia Bernadette de Guzman and Sherwin Quiambao falsely made it appear that complainant was obliged to pay the contractor the 50% downpayment amounting to P47,494,443.75; when, in truth and in fact, there was no such liability because there was no prior board approvals for the construction contract and payment, the same were executed or performed in violation of company policy, and the contractor did not post the required Performance Bond;
- ii) such false pretense, fraudulent act or fraudulent means must be made or executed prior to or simultaneously with the commission of the fraud - respondents made the false pretense prior to the issuance of the payment voucher, the drawing, issuance and delivery of the check to the contractor, and the debiting of complainant's bank account and crediting of the contractor's bank account;
- iii) the offended party must have relied on the false pretense, fraudulent act or fraudulent means, that is, he must have been induced to part with his money or property because of the false pretense, fraudulent act or fraudulent means - complainant relied on said false pretense of respondents; and, without said false pretense, complainant would not have issued the payment voucher, and drawn, issued and delivered the check to the contractor; and

- iv) as a result thereof, the offended party suffered damage – complainant drew, issued and delivered the check in the amount of P47,494,443.75 to the contractor, and the amount was credited to its bank account, in spite of the absence of any legal and valid obligation, to complainant's damage and prejudice; and
- v) the issuance of the check voucher, and the drawing, issuance, delivery and depositing of the check were all performed in Makati City, within the territorial jurisdiction of this Honorable Office.<sup>17</sup>

20. I was also advised by my counsel that respondents are guilty of Qualified Theft under Article 310 in relation to Articles 308 and 309 of the Revised Penal Code.

20.1 Article 308 of the Revised Penal Code provides:

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 object of the damage caused by him; and
3. Any person who shall enter an inclosed 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.

20.2 Article 309 of the Revised Penal Code provides:

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

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<sup>17</sup> *Uy vs. People*, 564 SCRA 542, 558-559 (2008).

be the maximum period of the one prescribed in this paragraph and one year of 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.

2. The penalty of *prision correccional* in its medium and maximum periods, if the value of the property stolen is more than 6,000 pesos but does not exceed 12,000 pesos.

3. The penalty of *prision correccional* in its minimum and medium periods, if the value of the property stolen is more than 200 pesos but does not exceed 6,000 pesos.

4. *Arresto mayor* in its medium period to *prision correccional* in its minimum period, if the value of the property stolen is over 50 pesos but does not exceed 200 pesos.

5. *Arresto mayor* in its full extent, if such value is over 5 pesos but does not exceed 50 pesos.

6. *Arresto mayor* in its minimum and medium periods, if such value does not exceed five pesos.

7. *Arresto menor* or a fine not exceeding 200 pesos, if the theft is committed under the circumstances enumerated in paragraph 3 of the next preceding article and the value of the thing stolen does not exceed 5 pesos. If such value exceeds said amount, the provisions of any of the five preceding subdivisions shall be made applicable.

8. *Arresto menor* in its minimum period or a fine not exceeding 50 pesos, when the value of the thing stolen is not over 5 pesos, and the offender shall have acted under the impulse of hunger, poverty, or the difficulty of earning a livelihood for the support of himself or his family.

### 20.3 Article 310 of the Revised Penal Code provides:

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 article, 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.

21. All of the essential elements of the offense of Theft under Article 308 of the Revised Penal Code were present in the instant case, to wit:

- i) there was taking of personal property – the amount of P47,494,443.75 was withdrawn from complainant's bank account in Makati City, within the territorial jurisdiction of this Honorable Office, and taken, converted or misappropriated by respondents since they used the money for a purpose that was neither intended or authorized by complainant, or the money was used to pay a non-existing liability;
- ii) the property belonged to another – the funds withdrawn belonged complainant, not respondents;
- iii) the taking was done with intent to gain – which is presumed from the unlawful taking of personal property belonging to another, and, in fact, the money was not returned to complainant;
- iv) the taking was done without the consent of the owner – the money was used for another purpose that was neither intended nor authorized by complainant; and
- v) the taking was accomplished without the use of violence against or intimidation of persons or force upon things.<sup>18</sup>

22. The theft herein was qualified under Article 310 of the Revised Penal Code by the circumstance that it was committed with grave abuse of confidence. Respondents, who were former managerial officers, corporate officers or check signatories, gravely abused the trust and confidence reposed in them, and violated their fiduciary duties when they colluded in feloniously taking, converting or misappropriating corporate funds.

23. I am executing this *Complaint-Affidavit* to attest to the truth of the foregoing and to support complainant's criminal

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<sup>18</sup> Reyes, Luis B. *The Revised Penal Code Criminal Law*. 2012 Eighteenth Revised Edition. Book Two, p. 732; citing *U.S. vs. de Vera*, 43 Phil. 1000 and *People vs. Yusay*, 50 Phil. 598.

complaint against respondents for Estafa under Article 315 (2) (a) or Qualified Theft under Article 310 of the Revised Penal Code.

24. Complainant has not commenced any other action or proceeding involving the same criminal liability or issue in the Supreme Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency.

25. To the best of my knowledge, no other action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency.

26. If I should thereafter learn that a similar action or proceeding has been filed or is pending in the Supreme Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency, I undertake to report such fact within five (5) days therefrom to this Honorable Office.



CERTIFICATION

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_, I hereby certify that I have personally examined the affiant, and that I am satisfied that the foregoing *Complaint-Affidavit* was freely and voluntarily executed by him.

*Edna J. Conde*  
EDNA J. CONDE  
Asst. City Prosecutor  
1/30/14

ASSISTANT CITY PROSECUTOR