Title:

Susan Go and the People of the Philippines vs. Fernando L. Dimagiba (GR No. 151903)

Facts:

Respondent Fernando L. Dimagiba issued 13 checks to petitioner Susan Go, which were dishonored for the reason "account closed." Dimagiba was prosecuted for 13 counts of violation of BP 22. The Municipal Trial Court in Cities (MTCC) in Baguio City convicted him, sentencing him to three months imprisonment for each count, and ordered him to indemnify Go PHP 1,295,000 with legal interest and attorney's fees, and to pay the costs.

Dimagiba's appeal to the RTC of Baguio City was denied, resulting in the issuance of a Certificate of Finality. His subsequent motions for reconsideration and partial quashal of the writ of execution were also denied by the MTCC. He was arrested and imprisoned on September 28, 2001, for the service of his sentence.

On October 9, 2001, Dimagiba filed a petition for a writ of habeas corpus with the RTC of Baguio City, questioning his conviction's validity and the propriety of his imprisonment based on SC-AC No. 12-2000, which allegedly prescribed a fine instead of imprisonment for BP 22 violations. The RTC granted the petition and ordered his release, substituting the imprisonment penalty with a fine. This decision was challenged by petitioner Susan Go through a Petition for Review under Rule 45 of the Rules of Court.

Issues:

1. Was the RTC, Branch 5 of Baguio City correct in modifying the final and executory judgment of the MTCC by releasing Dimagiba from confinement through a writ of habeas corpus?
2. Could SC-AC No. 12-2000 modify the penalties in a final judgment of conviction for BP 22 violations by applying it retroactively?

Court's Decision:

The SC held that the writ of habeas corpus was improperly granted by the RTC as it was misused by Dimagiba to reopen a case that had already become final. SC-AC No. 12-2000, a guideline but not an amendment to the law, should not alter final judgments. SC-AC No. 12-2000 does not have retroactive effect, as declared in De Joya v. Jail Warden of Batangas City, and cannot be used to modify final judgments of conviction. The special circumstances in So v. Court of Appeals were not applicable. The SC nullified the RTC's orders and remanded the case to the MTCC for the re-arrest of Dimagiba to complete his sentence.

Doctrine:
SC-AC No. 12-2000 establishes a rule of preference that when the circumstances of both the offense and the offender indicate good faith or a clear mistake of fact without taint of negligence, the imposition of a fine alone — instead of imprison. However, this Circular applies only to pending or future litigations and does not possess retroactive effect.

Class Notes:
– The writ of habeas corpus cannot be utilized to modify or reopen final judgments.
– SC-AC No. 12-2000 provides preferences for the imposition of fines over imprisonment under certain circumstances, but does not have the power to retroactively modify final judgments.
– Judges must consider the individual circumstances of each BP 22 case to determine the appropriate penalty.
– SC-AC No. 12-2000 cannot confer new rights to those convicted by a final judgment.
– An extraordinary remedy (like habeas corpus) must not be used for purposes of forum shopping to seek a favorable ruling from another forum.
– The rule of retroactivity favors the accused insofar as it is in his benefit and does not contravene the penal law's principles.

Historical Background:
Batas Pambansa Blg. 22 (BP 22), or the "Bouncing Checks Law," penalizes the making or drawing and issuance of a check without sufficient funds or credit and was enacted to safeguard the banking system and the public interest from the harm inflicted by worthless checks. The interpretation and application of penalties under this law have evolved, with Administrative Circulars providing guidelines for judicial discretion in imposing penalties to promote the interests of justice. This case marks a significant interpretation of how such guidelines should be applied, particularly concerning final and executory judgments.