

Title:

****People of the Philippines vs. Hon. Regino Veridiano II and Benito Go Bio, Jr.:
Interpretation of the Effectivity of Batas Pambansa Bilang 22****

Facts:

Benito Go Bio, Jr. was accused of violating Batas Pambansa Bilang 22 (Bouncing Checks Law) for issuing a check worth P200,000 during the second week of May 1979 that was dishonored due to insufficient funds in September 1979. Before arraignment, Go Bio Jr. moved to quash the information, arguing that the law was not in effect at the time of issuing the check, as it was publicly released for circulation only on June 14, 1979, while the check was issued in May 1979. The Court of First Instance of Zambales and Olongapo City, under Judge Regino Veridiano II, granted the motion, emphasizing that Batas Pambansa Bilang 22 could not be applied retroactively to penalize actions before its effectivity. The prosecution contended that the law was applicable since the check was dishonored well after the law's effectivity, but the court dismissed the criminal action. This led to the filing of a petition for review on certiorari by the People of the Philippines before the Supreme Court, challenging the dismissal.

Issues:

1. Whether Batas Pambansa Bilang 22 was effectively in force at the time Go Bio, Jr. issued the check.
2. Whether the act of issuing a check without sufficient funds can be penalized under Batas Pambansa Bilang 22 if the check was issued before the law's publication and effectivity but was dishonored thereafter.

Court's Decision:

The Supreme Court affirmed the decision of the lower court, underscoring the importance of publication for the effectivity of penal laws. It held that Batas Pambansa Bilang 22 was only made public on June 14, 1979, hence not in effect at the time Go Bio, Jr. issued the check in May 1979. The law clearly penalizes the act of making or drawing and issuing a bouncing check, not the act of dishonor per se. Since the accused issued the check at a time when there was no law penalizing such act, he did not commit any violation thereof. The Court reiterated that a penal law cannot be applied retroactively and emphasized the necessity of public knowledge of the law before any penalties can be imposed.

Doctrine:

- ****Publication Doctrine:**** For a law, especially a penal statute, to be effective and

enforceable, it has to be published. The law's penal provisions cannot be applied to offenses committed before its publication and effectivity.

- **Principle of Non-retroactivity of Penal Laws:** Penal laws cannot be applied retroactively to punish acts committed before the law was in effect, in accordance with the principle of legality.

Class Notes:

- **Batas Pambansa Bilang 22:** This law penalizes the act of making or drawing and issuing any check that is dishonored due to insufficiency of funds.

- **Importance of Publication:** The date of publication is crucial in determining the effectivity of laws. For penal laws, in particular, this serves as a safeguard for the principle of legality and due process.

- **Non-retroactivity:** Penal laws apply only to acts committed after their effectivity. This principle protects individuals from being prosecuted for acts that were not considered offenses at the time they were committed.

Historical Background:

This case highlights the critical intersection between the need for public knowledge of laws and the principle of legality in criminal law. It underscores the importance of publication as a requisite for a law's effectivity, particularly for penal statutes which cannot be applied retroactively. Through its decision, the Supreme Court reaffirmed these fundamental legal principles, ensuring that individuals are only held accountable under laws that are effectively in force and publicly known at the time of the commission of the alleged criminal act.