

Title: ****Ruth D. Bautista vs. Court of Appeals and Others (The Bouncing Checks Law Case)****

Facts:

In April 1998, Ruth D. Bautista issued a check to Susan Aloña, amounting to P1,500,000.00, dated 8 May 1998, drawn from the Metrobank Cavite City Branch. Bautista assured Aloña that the check would be funded by its maturity date. However, upon presentation for payment on 20 October 1998, the check was dishonored due to insufficient funds.

Subsequently, on 16 March 1999, Aloña filed a complaint-affidavit with the City Prosecutor of Cavite City, in which she also mentioned her failed attempts to arrange payment with Bautista.

Bautista countered the complaint, arguing that the check's presentation for payment beyond 90 days from its date exempts her from criminal liability under Batas Pambansa Bilang 22 (B.P. 22), The Bouncing Checks Law. She also claimed to have assigned a condominium unit to Aloña as payment, thus extinguishing her criminal liability.

The City Prosecutor recommended filing an Information against Bautista, prompting her to seek a review from the Office of the Regional State Prosecutor (ORSP), which was denied, leading her to petition the Court of Appeals. The Court of Appeals dismissed the petition, citing procedural missteps and clarifying the appropriate remedies and hierarchies of court applications.

Issues:

1. Whether the drawer of a dishonored check can be prosecuted under B.P. 22 if the check is presented for payment beyond 90 days from its due date.
2. Whether the presentation of the check within 90 days is an essential element of the offense under B.P. 22.
3. The appropriateness of the remedy sought in the Court of Appeals against the resolution of the ORSP.

Court's Decision:

The Supreme Court affirmed the decision of the Court of Appeals and elucidated that:

1. The presentation of the check within 90 days is not an element of the offense under B.P. 22 but creates a prima facie presumption of knowledge of insufficient funds.
2. The prosecution can still prove knowledge of insufficient funds through evidence other than the dishonored check's presentation within 90 days.
3. The Office of the Prosecutor is not a quasi-judicial agency; hence, its decisions are not

appealable to the Court of Appeals under Rule 43.

Doctrine:

- Under B.P. 22, the prosecution need not solely rely on the prima facie presumption established by a check's dishonor within 90 days to prove knowledge of insufficient funds. Other evidence can also be presented to establish such knowledge.

Class Notes:

- Key Elements of B.P. 22 Violations:

- Making/drawing and issuing a check for value knowing at the time of issue there are insufficient funds.

- Subsequent dishonor of the check for insufficiency of funds or credit.

- 90-day presentment period creates a prima facie presumption but is not an absolute requirement to establish knowledge of insufficient funds.

- Relevant Legal Provisions:

- B.P. 22, Sections 1 and 2.

- Application:

- Knowledge of insufficiency of funds can be proven beyond the prima facie presumption created by the law through various forms of evidence.

Historical Background:

This case adds a significant dimension to the jurisprudence surrounding B.P. 22 by clarifying the law's scope and the procedural approach towards presumptive and actual knowledge of insufficient funds. It underscores the importance of the substantive elements of B.P. 22 violations and delineates the procedural remedies available to individuals accused under this statute, particularly addressing the earlier ambiguity regarding the 90-day presentment period in relation to establishing criminal liability.