

****Title:**** Jesusa T. Dela Cruz vs. People of the Philippines

****Facts:****

In 1984-1985, Jesusa T. Dela Cruz (petitioner) engaged in business transactions involving textile materials worth P27,090,641.25 provided by Tan Tiac Chiong, also known as Ernesto Tan (Tan). As payment, Dela Cruz issued various post-dated checks which were dishonored due to insufficient funds or account closure. Replacement checks issued also failed. Specifically, 23 replacement checks dated March 30, 1987, drawn against Family Bank & Trust Co. (FBTC) and totaling P6,226,390.29, were dishonored for "Account Closed." Tan issued a demand letter, but the debt remained unpaid.

On March 1989, 23 informations for violation of Batas Pambansa Blg. 22 (B.P. Blg. 22) were filed against Dela Cruz. Dela Cruz pleaded not guilty, but trial was delayed due to defense postponements. On July 27, 2000, the RTC deemed Dela Cruz to have waived her right to present evidence and rendered a decision on August 31, 2001, finding her guilty of 23 counts of B.P. Blg. 22 violations, sentencing her to one year per count and requiring her to indemnify Tan for the check amounts.

Dela Cruz appealed to the CA alleging procedural deficiencies and unfair prejudice. The CA affirmed the RTC decision in its entirety.

****Issues:****

1. Whether Dela Cruz was accorded due process and ample opportunity to present her defense evidence.
2. The applicability of previous acquittal in B.P. Blg. 22 cases on similar grounds.
3. Whether there was valid service and receipt of notice of dishonor for the subject checks.
4. The application of Administrative Circulars Nos. 12-2000 and 13-2001 regarding penalties for B.P. Blg. 22.

****Court's Decision:****

1. ****Due Process and Presentation of Evidence:**** The Supreme Court disagreed with Dela Cruz's claim of not being properly notified. The records showed effective notice to her counsel, who failed to appear consistently. The multiple delays and resettings were at the defense's request, leading the RTC to reasonably consider a waiver of her right to present evidence.
2. ****Prior Acquittal:**** The Supreme Court held that Dela Cruz's previous acquittal on different B.P. Blg. 22 charges due to overpayment did not preclude prosecution under these

separate charges. The existence of overpayments with Tan did not sufficiently establish a defense for the present charges.

3. **Notice of Dishonor:** The Court found critical that there was insufficient proof that Dela Cruz received notice of dishonor for the subject checks. The Court underscored the importance of proving actual receipt of notice by Dela Cruz to invoke a prima facie presumption of knowledge of insufficient funds, which was not satisfactorily established in this instance.

4. **Penalty Provisions:** Although Dela Cruz raised the point on penalty circulars in her plea, the acquittal on substantive grounds rendered this point moot. The Supreme Court prioritized procedural fairness and proof of elements over administrative guidelines.

Doctrine:

- **Doctrine of Prima Facie Evidence under B.P. Blg. 22:** The presumption of knowledge of insufficient funds arises only after proof of actual notice of dishonor to the issuer and subsequent non-payment within five banking days. Procedural due process necessitates this notice for a valid conviction under B.P. Blg. 22.

- **Acquittal vs. Civil Liability:** Despite acquittal due to non-fulfillment of all criminal elements, civil liability for the face value of the dishonored checks remains.

Class Notes:

- **B.P. Blg. 22 Elements:** (1) Issuance of check for value, (2) Knowledge of insufficient funds, (3) Dishonor due to insufficient funds.

- **Key Jurisprudence:** Proper establishment of receipt of notice of dishonor significantly affects the presumption of knowledge of insufficient funds.

- **Penal vs. Civil Liability:** Acquittal in criminal proceedings doesn't negate civil responsibility arising from the same acts.

- **Section 2 B.P. Blg. 22:** Emphasis on procedural due process and requisite proof to uphold criminal liability.

Historical Background:

The enforcement of B.P. Blg. 22 during the economic turbulence of the 1980s aimed to reinforce trust in banking systems amidst rampant financial malpractices. Addressing the balance between strict penal measures and due process protections became critical over the years, influencing modern jurisprudence as reflected in this case.