

SC ADMINISTRATIVE CIRCULAR NO. 12-2000, November 21, 2000

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RE

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PENALTY FOR VIOLATION OF B.P. BLG. 22

Section 1 of B.P. Big. 22 (An Act Penalizing the Making or Drawing and Issuance of a Check Without Sufficient Funds for Credit and for Other Purposes) imposes the penalty of imprisonment of not less than thirty (30) days but not more than one (1) year OR a fine of not less than but not more than double the amount of the check, which fine shall in no case exceed P200,000, OR both such fine and imprisonment at the discretion of the court.

In its decision in *Eduardo Vaca, v. Court of Appeals* (G.R. No. 131714, 16 November 1998; 298 SCRA 656, 664) the Supreme Court (Second Division) per Mr. Justice Vicente V. Mendoza, modified the sentence imposed for violation of B.P. Blg. 22 by deleting the penalty of imprisonment and imposing only the penalty of fine in an amount double the amount of the check. In justification thereof, the Court said:

Petitioners are first-time offenders. They are Filipino entrepreneurs who presumably contribute to the national economy. Apparently, they brought this appeal, believing in all good faith, although mistakenly, that they had not committed a violation of B.P. Big. 22. Otherwise, they could simply have accepted the judgment of the trial court and applied for probation to evade a prison term. It would best serve the ends of criminal justice if in fixing the penalty within the range of discretion allowed by §1, par. 1, the same philosophy underlying the Indeterminate Sentence Law is observed, namely, that of redeeming valuable human material and preventing unnecessary deprivation of personal liberty and economic usefulness with due regard to the protection of the social order. In this case we believe that a fine in an amount equal to double the amount of the check involved is an appropriate penalty to impose on each of the petitioners.

In the recent case of *Rosa Lim v. People of the Philippines* (G.R. No. 130038, 18 September 2000), the Supreme Court en banc, applying *Vaca* also deleted the penalty of imprisonment and sentenced the drawer of the bounced check to the maximum of the fine allowed by B.P. Big. 22, i.e., P200,000, and concluded that "such would best serve the ends of criminal justice."

All courts and judges concerned should henceforth take note of the foregoing policy of the Supreme Court on the matter of the imposition of penalties for violations of B.P. Blg. 22.

The Court Administrator shall cause the immediate dissemination of this Administrative Circular to all courts and judges concerned.

This Administrative Circular, referred to and approved by the Supreme Court en banc, shall take effect upon its issuance.

Issued this 21st day of November 2000.

(Sgd.) HILARIO G. DAVIDE, JR

Chief Justice

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