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Administrative Circular No. 45-2003 Normal 5 6 2005-05-04T02:54:00Z 2005-06-01T02:36:00Z 1 409 2336 19 5 2740 10.2625 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

Administrative Circular No. 45-2003

**RETROACTIVE APPLICATION OF THE
AMENDMENT TO THE RULE ON SUMMARY PROCEDURE
OF CRIMINAL CASES TO INCLUDE WITHIN ITS
COVERAGE VIOLATIONS OF B.P. BLG. 22, OTHERWISE
KNOWN AS THE BOUNCING CHECKS LAW**

WHEREAS, in its resolution of 25 March 2003 in A.M. No. 00-11-01-SC, the Court En Bane resolved to expand the scope of the Rule on Summary Procedure of criminal cases by including within its coverage violations of B.P. Big. 22, otherwise known as the Bouncing Checks Law,

WHEREAS, after its publication in newspapers of general circulation, the aforementioned amendment became effective on 15 April 2003;

WHEREAS, the Court, in its decision as early as 1946 in *People v. Sumilang* (11 Phil. 764) and reiterated in its subsequent decisions in *Alday v. Camilon* (120 SCRA 521 [1983]), *Liam Law v. Olympic Sawmill Co.* (129 SCRA 439 [1984]), and *Municipal Government of Coron, Palawan v. Carino* (154 SCRA 216 [1987]), held that "[s]tatutes regulating the procedure of the courts will be construed as applicable to actions pending and undetermined at the time of their passage," and that "[p]rocedural laws are restrospective in that sense and to that extent";

WHEREAS, the Court, in its decision in *Laguio, Jr. v. Garnet* (171 SCRA 392 [1989]) and reiterated in its subsequent decision in *Atlas Consolidated Mining and Development Corporation v. Court of Appeals* (201 SCRA 51 [1991]), prescribed a limitation on the retroactive application of procedural laws, holding that the statutes regulating the procedure of the courts do not apply "to the extent that in the opinion of the court their application would not be feasible or would work injustice in which event the former procedure shall apply "; and

WHEREAS, taking into consideration the above-mentioned decisions, the Court En Bane approved in its

resolution of 29 July 2003 the issuance of a circular informing all judges of the retroactive application of the Amendment to the Rule on Summary Procedure of Criminal cases as approved by the Court in its resolution of 25 March 2003.

NOW THEREFORE, pursuant to the Resolution of the Court En Bane of 25 March 2003, and in relation in its Resolutions of 29 July 2003 and 16 September 2003, in A.M. No. 00-11-01-SC, all judges are hereby directed to apply the Rule on Summary Procedure, as amended, to criminal cases involving violations of B.P. Big. 22, otherwise known as the Bouncing Checks Law, which have been pending as of 15 April 2003, provided that such retroactive application would be feasible or would not work an injustice; otherwise, the ordinary procedure shall apply.

This Circular shall take effect immediately.

For strict compliance.

18 September 2003.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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