TERESITA D. GAITE, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 137545. July 19, 2001

Ponente: PARDO, J.

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PARDO, J.:

Teresita D. Gaite appeals to this Court seeking to review the decision[1] of the Court of Appeals that denied her motion to reopen the case convicting her of violation of Batas Pambansa Bilang 22, and the resolution[2] denying her motion for reconsideration of the decision.

On September 3, 1993, the trial court convicted accused Teresita D. Gaite of violation of B.P. Blg. 22 on five counts.[3]

Accused Gaite interposed an appeal to the Court of Appeals.[4]

On December 18, 1995, the Court of Appeals promulgated a decision[5] acquitting petitioner Gaite in three of the five cases,[6] but convicting her in two cases.[7]

On May 28, 1996, petitioner Gaite elevated her conviction to the Supreme Court on certiorari;[8] however, on August 12, 1996, the Court dismissed the case. On December 9, 1996, the Supreme Court issued an entry of judgment and remanded the records to the court of origin.

On May 28, 1997, petitioner Gaite filed with the trial court a petition for new trial.[9] However, on June 23, 1997, the court denied the petition for lack of merit and for having been filed out of time.[10]

On June 30, 1997, petitioner Gaite filed with the trial court a motion for inhibition of the presiding judge.[11] On July 7, 1997, the court denied the motion and issued a warrant of arrest against petitioner Gaite.[12]

On July 15, 1997, petitioner Gaite filed with the trial court a motion for reconsideration and recall of warrant of arrest.[13]

On July 28, 1997, the trial court denied the motion.[14]

On August 11, 1997, petitioner filed with the trial court an urgent petition for relief from judgment and/or reopen the cases, with ancillary prayer for immediate recall of warrant of arrest.[15] On August 27, 1997, the trial court denied the petition for lack of merit.[16]

On September 10, 1997, petitioner filed with the Court of Appeals a petition for certiorari alleging that the trial court committed grave abuse of discretion in denying the above-mentioned motions and petitions.[17]

On June 29, 1998, the Court of Appeals dismissed the petition.[18]

On August 31, 1998, petitioner filed a motion for reconsideration; however, on February 1, 1999, the Court of Appeals denied the motion.[19]

Hence, this petition.[20]

Petitioner contended that the Court of Appeals erred in not allowing the reopening of the cases because she possessed newly discovered evidence that would materially affect her conviction. Also, she alleged that her conviction should not have been affirmed in the two cases, considering her defense of payment or overpayment.

The petition has no merit.

Petitioner filed her motion for new trial five months after the decision had become final and executory. The Rules of Court provides that a motion for new trial must be filed before a judgment of conviction becomes final.[21]

Petitioner attempted to re-examine her conviction for two counts of violation for B.P. Blg. 22. She insisted that she already paid more than the amounts contained on the checks she issued which were subsequently dishonored. She also feigned ignorance of notice given to her as to the dishonor of the checks she issued. She alleged that she failed to adequately explain certain documents she presented during the trial.

Petitioner had several opportunities to raise such contentions, but she failed to do so. Such allegations raise issues of facts which can not be ventilated in this Court. We have ruled in countless cases that a petition for certiorari may only dwell on questions of law, not of facts.[22]

The courts may not be utilized as instruments of delay in the execution of judgments. Litigations must come to an end.[23] One who has gone through the rigors of trial, appeal and due process must face the ultimate consequences of the suit.

WHEREFORE, the Court DENIES the petition for lack of merit.

Costs against petitioner.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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[1] Dated June 29, 1998, in CA-G. R. SP No. 45209, Rollo, pp. 30-37.

[2] Dated February 1, 1999, Rollo, p. 38.

[3] In Criminal Case Nos. 26,496-92 to 26,500-92, Judge Jesus V. Quitain, presiding.

[4] Docketed as CA-G. R. CR No. 15676.

[5] In CA-G. R. CR No. 15676.

[6] In Criminal Case No. 36,497, Criminal Case No. 26,499 and Criminal Case No. 26,500.

[7] In Criminal Case No. 26,496 and Criminal Case No. 26,498.

[8] Docketed as G. R. No. 124541.

[9] Motion for New Trial, CA Rollo, pp. 100-105.

[10] Order dated June 23, 1997, CA Rollo, p. 118.

[11] CA Rollo, pp. 121-122.

[12] Order, CA Rollo, p. 123; Warrant of Arrest, CA Record, p. 124.

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[13] CA Rollo, pp. 125-139.

[14] CA Rollo, pp. 140-141.

[15] CA Rollo, pp. 142-198.

[16] Order, CA Rollo, pp. 236-239.

[17] Docketed as CA-G. R. SP No. 45209, Petition, CA Rollo, pp. 2-78.

[18] In CA-G. R. SP No. 45209, Associate Justice Conrado M. Vasquez, Jr., ponente, with Associate Justices Fermin A. Martin, Jr. and Teodoro P. Regino, concurring.

[19] CA Rollo, p. 355.

[20] Filed on April 22, 1999, Petition, Rollo, pp. 44-89. On October 4, 1999, we gave due course to the petition (Rollo, pp. 163-164).

[21] Rule 121, Section 1, in relation to Rule 122, Section 6, Revised Rules of Court.

[22] Laza v. Court of Appeals, 336 Phil. 631 (1997).

[23] Republic of the Philippines v. Court of Appeals, 329 Phil. 115 (1996).

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