

ANGELINA ZABALA ALONTO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 140078. December 09, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari of the decision[1] of the Court of Appeals, dated March 11, 1999, which affirmed in toto the consolidated decision[2] of the Regional Trial Court of Quezon City, Branch 85, dated October 2, 1994, finding petitioner Angelina Zabala Alonto guilty of three (3) counts of violation of Batas Pambansa Bilang 22 (B.P. 22) or the “Bouncing Checks Law,” and its resolution, dated September 9, 1999, denying petitioner’s motion for reconsideration. The trial court sentenced petitioner to suffer the penalty of imprisonment of one (1) year for each of the three (3) counts, or the equivalent of three (3) years imprisonment, to indemnify the private complainant, Violeta E. Tizon, in the total amount of P75,000, and to pay the fine of P25,000.

Petitioner was charged with three (3) counts of violation of B.P. 22 in three (3) separate informations, all dated February 22, 1993, to wit:

In Criminal Case No. Q-93-41749, the information alleged:

That on or about the 5[th] day of January, 1992, in Quezon City, Philippines, the said accused did then and there willfully, unlawfully and feloniously make or draw and issue to VIOLETA E. TIZON to apply on account or for value a Bank of Philippine Islands Check No. 831256 dated February 5, 1992, payable to CASH in the amount of P25,000.00, Philippine Currency, said accused well knowing that at the time of issue she/he/they did not have sufficient funds in or credit with the drawee bank for payment of such check in full upon its presentment, which check when presented for payment was subsequently dishonored by the drawee bank for insufficiency of funds/Account Closed and despite receipt of notice of such dishonor, said accused failed to pay said Violeta E. Tizon the amount of the said check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice.

CONTRARY TO LAW.[3]

In Criminal Case No. Q-93-41750, the information averred:

That on or about the 5[th] day of January, 1992, in Quezon City, Philippines, the said accused did then and there willfully, unlawfully and feloniously make or draw and issue to VIOLETA E. TIZON to apply on account or for value a Bank of Philippine Islands Check No. 831257 dated March 5, 1992, payable to CASH in the amount of P25,000.00, Philippine Currency, said accused well knowing that at the time of issue she/he/they did not have sufficient funds in or credit with the drawee bank for payment of such check in full upon its presentment, which check when presented for payment, was subsequently dishonored by the drawee bank for insufficiency of funds/Account Closed and despite receipt of notice of such dishonor, said accused failed to pay said Violeta E. Tizon the amount of the said check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice.

CONTRARY TO LAW.[4]

In Criminal Case No. Q-93-41751, the information stated:

That on or about the 5[th] day of January, 1992, in Quezon City, Philippines, the said accused did then and there willfully, unlawfully and feloniously make or draw and issue to VIOLETA E. TIZON to apply on account or for value a Bank of Philippine Islands Check No. 831258 dated May 14, 1992, payable to CASH in the amount of P25,000.00, Philippine Currency, said accused well knowing that at the time of issue she/he they did not have sufficient funds in or credit with the drawee bank for payment of such check in full upon its presentment, which check when presented for payment was subsequently dishonored by the drawee bank for insufficiency of funds/Account Closed and despite receipt of notice of such dishonor, said accused failed to pay said Violeta E. Tizon the amount of said check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice.

CONTRARY TO LAW.[5]

Petitioner pleaded not guilty to the charges,[6] whereupon trial on the merits ensued.

The prosecution presented two witnesses: private complainant Violeta E. Tizon and Fernando Sardes, an employee of the Bank of the Philippine Islands (BPI), Araneta Avenue Branch, Quezon City who handled the collection, accounting, and bookkeeping of the bank.

Private complainant Violeta E. Tizon testified that she was engaged in the business of buying and selling jewelry. Sometime in September 1990, private complainant's aunt, Flordeliz Bernardo, introduced petitioner to her. From December 5-15, 1990, petitioner purchased several pieces of Singaporean jewelry worth P100,000, to wit:

(a) On December 5, 1990:[7]

1 pc. bracelet = 5,250.00

1 pc. chain #18 = 3,580.00

1 pc. chain #20 = 3,500.00

(Signed: Angelina Alonto) Dec. 5, 1990

1 ring = 950

1 ring = 800

1 bangle = 7,000

1 chain = 13,000

[P34,080.00]

(b) On December 11, 1990:[8]

Dec. 11 Tita Vangie

1 pc. earring P 5,800

1 pc. round earring 3,600

bangle 10,500

bracelet 3,950

men's chain 8,300

bead's chain 7,500

chain w/ heart 3,600

chain w/ balls 4,000

chain w/ balls _____

chain w/ balls P 47,250

Received (Signed: Angelina Alonto)

As partial payment for the jewelry purchased in the first two transactions (December 5 and 11, 1990), petitioner issued Bank of the Philippines Islands (BPI) Check No. 874716,[9] (Timog Circle Branch, Timog Avenue, Quezon City) dated December 13, 1990, in the amount of P12,980, under Account No. 0271-0244-44 which, when presented for payment on December 14, 1990 at The International Corporate Bank (Interbank), Caloocan Branch, was dishonored by reason of "account closed." Thereafter, on December 15, 1990, petitioner again took assorted pieces of jewelry, thus:

(c) On December 15, 1990:[10]

Tita Vangie

12/15/90

earring = P 3,450

chain = 4,950

chain = 3,500

chain = 7,000

bracelet = 7,700

10,800

4,500

(Signed: Angelina Alonto) [P41,900]

(d) Undated:[11]

1 pc. pendant & chain P 2,800

1 set panda 29,500

1 set pearl 9,000

1 set diamond 22,000

(Signed: Angelina Alonto) [P63,300]

When BPI Check No. 874716 was dishonored, private respondent, through her counsel, sent a demand letter to

petitioner to make good the amount of the check and to pay the outstanding amount of P120,000. Petitioner merely returned a chain and a pair of earrings for a total amount of about P25,000, leaving an outstanding amount of P75,000. Private respondent then filed a criminal complaint against petitioner in the Caloocan City Prosecutor's Office. Thereafter, petitioner was charged with estafa under paragraph 2(d), Article 315 of the Revised Penal Code, as amended by R.A. No. 4885 and later by P.D. No. 818, and violation of B.P. 22 in the Regional Trial Court of Caloocan City, Branch 126 (Criminal Cases Nos. 38680-81), entitled "People of the Philippines v. Angelina Alonto." [12] Relying on petitioner's promise that she would settle her obligations, private respondent executed an "Affidavit of Desistance,"[13] dated January 8, 1992, for the dismissal of Criminal Cases Nos. 38680-81 pending in the Regional Trial Court of Caloocan City, Branch 126. Thus,

Republic of the Philippines)
Kalookan City, MM) S.s.

AFFIDAVIT OF DESISTANCE

I, VIOLETA E. TIZON, of legal age, and residing at 26 B. Asistio St., Biglang Awa, Kalookan City, under oath, solemnly depose and say:

- That I am the private complainant in Criminal Case Nos. 38680-81, entitled: "People of the Philippines versus Angelina Alonto" now pending before the Regional Trial Court, National Capital Judicial Region, Branch 126, Kalookan City, which case has been set for hearing on January 8, 1992, at 8:30 o'clock in the morning, for the arraignment of the aforementioned accused;
- That I am no longer interested in the prosecution of said case, and
- Further sayeth none.

IN WITNESS WHEREOF, I have hereunto signed my name this 8[th] day of January, 1992, in Kalookan City.

(Sgd.) VIOLETA E. TIZON

Affiant

SUBSCRIBED AND SWORN to before me this 8[th] day of January, 1992, at Kalookan City, Metro Manila, Philippines.

(Sgd.)_____

Asst. Prosecutor

I, HEREBY CERTIFY that I have personally examined the affiant and I am satisfied that she voluntarily executed and understood her statements.

(Sgd.)_____

Asst. Prosecutor

Thereafter, in the presence of their respective lawyers, petitioner issued three BPI checks (Araneta Avenue Branch, G. Araneta Avenue, Quezon City), under Account No. 3275-0292-02, to wit: Check No. 831256 dated February 5, 1992,[14] Check No. 831257 dated March 5, 1992,[15] and Check No. 831258 dated April 5, 1992,[16] each in the amount of P25,000, corresponding to the balance of P75,000. When the BPI checks were presented for payment at Interbank (Caloocan Branch) on their respective due dates, all checks were dishonored by reason of "account closed." [17] Since petitioner failed to pay the outstanding amount despite the demand letters,[18] three informations were filed with the Regional Trial Court of Quezon City, Branch 85, charging petitioner with three counts of violation of B.P. 22.

Fernando Sardes testified that on December 27, 1991, petitioner opened an account (Account No. 3275-0292-02) with the BPI having an initial deposit of P2,000. Thereafter, petitioner did not make any other deposit nor did she open any other account with the said bank. He confirmed that petitioner issued three BPI checks (Check Nos. 831256, 831257, and 831258), worth P25,000 each, on February 5, 1992, March 5, 1992, and May 14, 1992[19] which were the subject of Criminal Cases Nos. Q-93-41749 to 51, respectively. He disclosed that as early as February 1992, petitioner had closed her account with the BPI and by reason thereof, when the three checks were presented for payment, the same were dishonored by reason of "account closed." [20]

On the other hand, petitioner Angelina Zabala Alonto testified that she was engaged in the real estate business, not in buying and selling jewelry. She said she met private complainant Violeta Tizon through the latter's aunt, Flordeliz Bernardo, and that it was private complainant and her aunt who entered into a transaction involving the sale of jewelry. She also declared that one piece of jewelry worth P23,000 was handed to her by Bernardo, for which reason she signed an acknowledgment receipt, and that Bernardo got the other jewelry items. The following day, petitioner returned to private complainant a piece of jewelry. She insisted that she had issued the three (3) checks upon the advise of her lawyer and after being assured by Flordeliz Bernardo that she (Bernardo) would fund them as these fall due. She claimed that she issued the checks to guarantee the obligation of Bernardo.

On October 2, 1994, the Regional Trial Court of Quezon City, Branch 85, rendered a decision finding petitioner guilty of three (3) counts of violation of B.P. 22. The dispositive portion of the decision reads:

WHEREFORE, foregoing considered, the court finds accused GUILTY beyond reasonable doubt and hereby sentences the accused to suffer in each case imprisonment of one (1) year and to pay a fine of P25,000.00 and to indemnify the complainant in the total amount of P75,000.00 and to pay the costs.

SO ORDERED.

On appeal, the Court of Appeals rendered a decision on March 11, 1999 affirming the decision of the trial court. As aforesaid, petitioner's motion for reconsideration thereof was deemed by resolution dated September 9, 1999.

Hence, this petition raising the following assignment of errors:

I

THE RESPONDENT COURT OF APPEALS ERRED IN HOLDING THAT PETITIONER'S MOTION FOR RECONSIDERATION (ANNEX C) IS DENIED FOR WANT OF MERIT WHICH INCLUDED THE CONCOMMITANT ISSUES THEREOF.

II

THE RESPONDENT COURT OF APPEALS ERRED IN NOT FINDING, OR DECLARING THAT PETITIONER MUST BE ACQUITTED OR THE CASE AGAINST HER MUST BE DISMISSED ON THE GROUND OF DOUBLE JEOPARDY.

III

THE RESPONDENT COURT OF APPEALS ERRED IN NOT FINDING, OR DECLARING THAT THE REGIONAL TRIAL COURT, BRANCH 85 OF QUEZON CITY HAS LOST ITS JURISDICTION, OR HAS NO JURISDICTION OVER THE CASES (CRIM. CASES Nos. 41748-51) BY OPERATION OF REPUBLIC ACT No. 7691, AND ON THE [PRINCIPLE] OF DOUBLE JEOPARDY.

IV

THE RESPONDENT COURT OF APPEALS ERRED IN NOT FINDING, OR DECLARING THAT [THE]

PROSECUTION EXHIBITS ARE EXCLUDED BY LAW AND THE RULES ON EVIDENCE.

V

THE RESPONDENT COURT OF APPEALS ERRED IN NOT FINDING, OR DECLARING THAT THE FACTS CHARGED DO NOT CONSTITUTE AN OFFENSE OR FELONY.

VI

THE RESPONDENT COURT OF APPEALS ERRED IN NOT FINDING, OR DECLARING, THAT ERRORS OF LAW OR IRREGULARITIES HAVE BEEN COMMITTED DURING THE TRIAL OF THE CASE IN THE LOWER COURT, PREJUDICIAL TO THE SUBSTANTIAL RIGHTS OF THE PETITIONER TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

The petition has no merit.

First. As set forth in the first and fifth assignment of errors, petitioner challenges the affirmance by the Court of Appeals of the trial court's finding of her guilt and its denial of her motion for reconsideration.

The Court sees no reason to reverse the ruling of the appellate court. The facts alleged in the three separate informations charge the petitioner with three counts of violation of B.P. 22. In each of the three informations, petitioner was charged with violation of Section 1 thereof, which states:

Section 1. Checks without sufficient funds. — Any person who makes or draws and issues any check to apply on account or for value, knowing at the time of issue that he does not have sufficient funds in or credit with the drawee bank for the payment of such check in full upon its presentment, which check is subsequently dishonored by the drawee bank for insufficiency of funds or credit or would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment, shall be punished by imprisonment of not less than thirty days but not more than one (1) year or by a fine of not less than but not more than double the amount of the check which fine shall in no case exceed Two Hundred Thousand Pesos, or both such fine and imprisonment at the discretion of the court . . . "

Under this provision, there are two ways of violating B.P. 22: 1) by making or drawing and issuing a check to apply "on account or for value," knowing at the time of issue that the check was not sufficiently funded; and 2) by having sufficient funds in or credit with the drawee bank at the time of issue, but failing to keep sufficient funds or credit with the said bank to cover the full amount of the check when presented to the drawee bank within a period of ninety (90) days.[21] The elements of the offense under the first situation are the following: (1) the making, drawing and issuance of any check to apply on account or for value; (2) the maker, drawer or issuer knows at the time of issue that he does not have sufficient funds in or credit with the drawee bank for the payment of such check in full upon its presentment; and (3) the check is subsequently dishonored by the drawee bank for insufficiency of funds or credit or that the check would have been dishonored for the same reason had not the drawer, without any valid cause, ordered the bank to stop payment.[22]

The prosecution has established the aforementioned elements of violation of B.P. 22. Between December 5–15, 1990, petitioner purchased several pieces of Singaporean jewelry worth more than P100,000 and as evidence of having obtained the same, petitioner signed four acknowledgment receipts.[23] As partial payment for the jewelry purchased, petitioner issued BPI Check No. 874716 (dated December 13, 1990 in the amount of P12,980) which was dishonored by Interbank and later, two criminal cases (for estafa under Article 315, par. 2(d) of the Revised Penal Code and violation of B.P. 22) were filed against her in the Regional Trial Court of Caloocan City, Branch 126, but were eventually dismissed because of an "Affidavit of Desistance" by the private complainant. Thereafter, on January 5, 1992, petitioner issued the three subject postdated BPI checks (Araneta Avenue Branch, i.e., Check Nos. 831256, 831257, and 831258 worth P25,000 each, dated February 5, 1992, March 5, 1992, and

April 5, 1992, respectively), under Account No. 3275-0292-02, as payment for the balance of P75,000. When private complainant deposited the checks with Interbank (Caloocan Branch) on the due dates, the same were dishonored by reason of “account closed.” Petitioner knew at the time she issued the three postdated checks on January 5, 1992 that she had no sufficient funds or credit with the BPI (drawee bank). This fact was corroborated by the testimony of Fernando Sardes that after an initial deposit of P2,000 on December 27, 1991, under Account No. 3275-0292-02, petitioner did not make any subsequent deposit, but instead, in February 1992, she closed her BPI account. Succinctly put, when petitioner issued the three postdated checks worth P25,000 each, she was fully aware that her account with the BPI was not sufficiently funded to cover the full amount of the checks. Consequently, for failure of petitioner to pay the amount of the checks despite written demands from the private complainant, three criminal cases for violation of B.P. 22 were filed against her in the Regional Trial Court of Quezon City, Branch 85.

Second. Petitioner claims that she came to know the private complainant only on December 11, 1990. This statement is belied by the fact that on December 5, 1990, petitioner received several pieces of jewelry from private complainant as shown by an acknowledgment receipt (Exhibit A). Moreover, petitioner’s theory that the three checks she issued were without consideration, but merely guarantee the obligation of Bernardo (private complainant’s aunt) who promised to fund them on their respective due dates, does not constitute a valid defense. It does not matter if petitioner only received a piece of jewelry while the rest of the jewelry items were taken by Bernardo.

Jurisprudence abounds with regard to the rule that B.P. 22 applies even in cases where dishonored checks are issued merely in the form of a deposit or a guarantee. The law does not make any distinction as to whether the checks within its contemplation are issued in payment of an obligation or merely to guarantee the said obligation. In accordance with the pertinent rule of statutory construction, inasmuch as the law has not made any distinction in this regard, no such distinction can be made by means of interpretation or application. Further, it is the legislative intent to make the prohibition all-embracing, without making any exception from the operation thereof in favor of a guarantee. Consequently, what are important are the facts that the accused had deliberately issued the checks in question to cover accounts and that the checks were dishonored upon presentment regardless of whether or not the accused merely issued the checks as a guarantee.[24]

Third. Petitioner contends in the fourth issue that the Court of Appeals erred in considering the list of jewelry items (Exhibits A, B, C, and D) which petitioner received from the private complainant and the three (3) BPI checks (Exhibits G, H, and I) issued by the petitioner, without the requisite evidence of their authenticity and genuineness pursuant to Section 20, Rule 132 of the Rules of Court.

Under Section 20, Rule 132 of the Rules of Court, the authenticity and due execution of a private document may be proved by anyone who saw the document executed or written. In her testimony, private complainant identified the acknowledgment receipts (four different lists of jewelry items), duly marked as Exhibits A, B, C, and D, which petitioner had signed in her presence as evidence that she (petitioner) obtained several pieces of jewelry from private complainant on December 5, 11, and 15, 1990.[25] Moreover, petitioner never denied the fact that she made four separate lists of the jewelry items she had taken from the private complainant and that, thereafter, she issued the checks in favor of the private respondent.[26]

This Court notes, however, that under the third count, the information alleged that petitioner issued a check dated May 14, 1992 whereas the documentary evidence presented and duly marked as Exhibit “I” was BPI Check No. 831258 in the amount of P25,000 dated April 5, 1992. Prosecution witness Fernando Sardes confirmed petitioner’s issuance of the three BPI checks (Exhibits G, H, and I), but categorically stated that the third check (BPI Check No. 831258) was dated May 14, 1992[27], which was contrary to that testified to by private

complainant Violeta Tizon, i.e., BPI check No. 831258 dated April 5, 1992.[28] In view of this variance, the conviction of petitioner on the third count (Criminal Case No. Q-93-41751) cannot be sustained. It is on this ground that petitioner's fourth assignment of error is tenable, in that the prosecution's exhibit, i.e., Exhibit "I" (BPI Check No. 831258 dated April 5, 1992 in the amount of P25,000) is excluded by the law and the rules on evidence. Since the identity of the check enters into the first essential element of the offense under Section 1 of B.P. 22, that is, that a person makes, draws or issues a check on account or for value, and the date thereof involves its second element, namely, that at the time of issue the maker, drawer or issuer knew that he or she did not have sufficient funds to cover the same, there is a violation of petitioner's constitutional right to be informed of the nature of the offense charged in view of the aforesaid variance, thereby rendering the conviction for the third count fatally defective.

Fourth. Contrary to the second and sixth grounds advanced by petitioner, there is no violation of her right against double jeopardy.

For the defense of double jeopardy to be available, the following requisites must be present: (1) there must be a complaint or information or other formal charge sufficient in form and substance to sustain a conviction; (2) the complaint or information must be filed before a court of competent jurisdiction; (3) the accused has been arraigned and has pleaded to the charges; (4) the accused must have been convicted or acquitted or the case against him was dismissed or otherwise terminated without his express consent. When all the above elements concur, a second prosecution for (a) the same offense, or (b) an attempt to commit the said offense, or (c) a frustration of the said offense, or (d) any offense which necessarily includes, or is necessarily included in, the first offense charged, is barred.[29]

Criminal Cases Nos. 38680-81 earlier filed against the petitioner in the Regional Trial Court of Caloocan City, Branch 126 (for estafa and violation of B.P. 22) are different from the present Criminal Cases Nos. Q-93-41749-51 (for three counts of violation of B.P. 22) filed in the Regional Trial Court of Quezon City, Branch 85. In the former, petitioner issued BPI Check No. 874716 (Exhibit E), dated December 13, 1990, in the amount of P12,980.00 which, when presented for payment on December 14, 1990 at Interbank (Caloocan Branch), was dishonored due to the reason — "account closed." On the other hand, the checks involved in the present case are BPI Checks Nos. 831256, 831257, and 831258, dated February 5, 1992, March 5, 1992, and April 5, 1992, respectively, each in the amount of P25,000. It must be emphasized that petitioner issued the three checks after her cases in the Regional Trial Court of Caloocan City, Branch 126, were dismissed. Petitioner admitted that she issued the three checks upon the advise of her lawyer in consideration for the dismissal of the cases in the Regional Trial Court of Caloocan City. [30] Perforce, the three counts of violation of B.P. 22 in the Regional Trial Court of Quezon City, are not included, nor do said counts necessarily include, the offenses for estafa and violation of B.P. 22 earlier charged against the accused in the Regional Trial Court of Caloocan City.

Fifth. Petitioner challenges the jurisdiction of the Regional Trial Court of Quezon City, Branch 85, on the ground that pursuant to Section 32 (2) of Batas Pambansa Blg. 129,[31] as amended by Republic Act No. 7691,[32] the criminal jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts has been increased to cover offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of the fine.

This supposition is erroneous. In this Court's Administrative Circular No. 09-94, dated June 14, 1994, the guidelines state that as a consequence of the amendment, the Regional Trial Courts no longer have original jurisdiction over offenses where the offense is punishable by imprisonment not exceeding six (6) years irrespective of the amount of the fine. When the Regional Trial Court of Quezon City, Branch 85, acquired jurisdiction over the case, hearings were conducted on May 4, 1993, June 9, 1993, August 4, 1993, and August

24, 1993. The effectivity of R.A. No. 7691 on April 15, 1994 did not divest the Regional Trial Court of Quezon City, Branch 85, of its jurisdiction over Criminal Cases Nos. Q-93-41749-51. It has been ruled that where a court or tribunal has already obtained and is exercising jurisdiction over a controversy, its jurisdiction to hear the case until its final determination is not affected by new legislation vesting such jurisdiction in another tribunal, the exception being where the statute expressly so provides or is clearly intended to apply to actions pending before its enactment,[33] a situation that does not obtain in this case.

WHEREFORE, the decision and resolution of the Court of Appeals are AFFIRMED with MODIFICATION, in that the conviction of petitioner Angelina Zabala Alonto under the third count of violation of Batas Pambansa Bilang 22, in Criminal Case No. Q-93-41751 in the Regional Trial Court of Quezon City, Branch 85, is REVERSED and SET ASIDE and she is ACQUITTED of the offense charged thereunder. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Ynares-Santiago, and Carpio, JJ., concur.

[1] Docketed as CA-G.R. CR No. 17443. Penned by Associate Justice Godardo A. Jacinto (Chairman, 17[th] Division) and concurred in by Associate Justices Roberto A. Barrios and Renato C. Dacudao.

[2] Docketed as Criminal Cases Nos. Q-93-41749-51, entitled “People of the Philippines v. Angelina Alonto.” Per Judge Mariano M. Umali.

[3] RTC Records, p. 2.

[4] RTC Records, p. 4.

[5] RTC Records, p. 6.

[6] RTC Records, p. 21.

[7] Exhibit “A,” Exhibit for the Prosecution.

[8] Exhibit “B,” Exhibit for the Prosecution.

[9] Exhibit “E,” Exhibit for the Prosecution.

[10] Exhibit “C,” Exhibit for the Prosecution.

[11] Exhibit “D,” Exhibit for the Prosecution.

[12] TSN, May 4, 1993, pp. 2-15; TSN, June 9, 1993, pp. 2-14.

[13] Exhibit “F,” Exhibit for the Prosecution (Exhibit “2,” Exhibit for the Defense); TSN (Fernando Sardes), August 4, 1993, p. 11.

[14] Exhibit “G,” Exhibit for the Prosecution.

[15] Exhibit “H,” Exhibit for the Prosecution.

[16] Exhibit “I,” Exhibit for the Prosecution.

[17] Exhibits “G-1,” “H-1,” and “I-1,” Exhibits for the Prosecution.

[18] Exhibits “J” and “K,” Exhibits for the Prosecution.

[19] Should be April 5, 1992 per Exhibit “I,” Exhibit for the Prosecution.

[20] TSN, August 4, 1993, pp. 1-8.

[21] Wong v. Court of Appeals, 351 SCRA 100 (2001).

[22] Ngo v. People, G.R. No. 155815, July 14, 2004, citing Meriz v. People, 420 Phil. 608, (2001), Caras v. Court of Appeals, 418 Phil. 655 (2001), Bautista v. Court of Appeals, 413 Phil. 159 (2001); People v. Laggui, 171 SCRA 305 (1989).

[23] Exhibits “A,” “B,” “C,” and “D,” Exhibits for the Prosecution.

[24] Que v. People, 154 SCRA 160 (1987), cited in Lagman v. People, 371 SCRA 686 (2001), Dico, Jr. v. Court of Appeals, 305 SCRA 637 (1999), Ibasco v. Court of Appeals, 261 SCRA 449 (1996), Cruz v. Court of Appeals, 233 SCRA 301 (1994), People v. Reyes, 228 SCRA 13 (1993).

[25] TSN, May 4, 1993, pp. 6-8.

[26] TSN, August 24, 1993, p. 9.

[27] TSN, August 4, 1993, p.3.

[28] TSN, May 4, 1993, p.11.

[29] Gonzales v. Court of Appeals, 232 SCRA 667 (1994).

[30] TSN, August 24, 1993, p. 9.

[31] “An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and for Other Purposes.”

[32] “An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise known as the ‘Judiciary Reorganization Act of 1980’,” which was approved March 25, 1994 and became effective on April 15, 1994.

[33] Philippine Overseas Drilling and Oil Development Corporation v. Ministry of Labor, 146 SCRA 79 (1986), citing Ramos v. Our Lady of Peace School, 133 SCRA 741 (1984); Bengzon v. Inciong, 91 SCRA 248 (1979).

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