NIEVES A. SAGUIGUIT, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 144054. June 30, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

Assailed and sought to be set aside in this petition for review under Rule 45 of the Rules of Court is the Decision[1] dated June 28, 2000 of the Court of Appeals (CA) in CA-G.R. CR No. 22180, affirming the decision rendered by the Regional Trial Court (RTC) of Angeles City convicting herein petitioner Nieves Saguiguit of violation (eight [8] counts) of Batas Pambansa (B.P.) Blg. 22, otherwise known as the Bouncing Checks Law.

The facts:

In eight (8) separate informations filed with the RTC of Angeles City, thereat docketed as Criminal Case Nos. 94-03-226 to 94-03-233, petitioner was charged with violations of the Bouncing Checks Law. All containing identical allegations as to the elements of the offense charged and differing only as regards the respective amounts and due dates of the check involved in each case, the eight (8) informations uniformly alleged:

> "That on or about the 1st week of April, 1991, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously draw and issue to the complainant MR. ELMER EVANGELISTA a Traders Royal Bank Check No._____, in the amount of _____, dated _____, 1991, well knowing and without informing the complainant that she has no sufficient funds with the drawee bank, which check when deposited for payment was dishonored for reason "ACCOUNT CLOSED" and demand notwithstanding for more than five (5) days from notice of dishonor, the accused failed and refused and still fails and refuses to redeem the said check to the damage and prejudice of the complainant ELMER EVANGELISTA in the afore-mentioned amount of _____, Philippine Currency".

After trial, the RTC, in a decision dated March 16, 1998, adjudged petitioner guilty as charged in each information and accordingly sentenced her to suffer imprisonment and pay fine and to indemnify private complainant, thus:

> - In Crim. Case No. 94-03-226, one (1) year imprisonment and to pay a fine of P26,500.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P26,500.00 and to pay the cost;
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> - In Crim. Case No. 94-03-227, one (1) year imprisonment and to pay a fine of P28,000.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P28,000.00 and to pay the cost;
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> - In Crim. Case No. 94-03-228, one (1) year imprisonment and to pay a fine of P21,500.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P21,500.00 and to pay the cost;

> - In Crim. Case No. 94-03-229, one (1) year imprisonment and to pay a fine of P20,000.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P20,000.00 and to pay the cost;
>
> - In Crim. Case No. 94-03-230, one (1) year imprisonment and to pay a fine of P21,500.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P21,500.00 and to pay the cost;
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> - In Crim. Case No. 94-03-231, one (1) year imprisonment and to pay a fine of P21,500.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P21,500.00 and to pay the cost;
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> - In Crim. Case No. 94-03-232, one (1) year imprisonment and to pay a fine of P21,500.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P21,500.00 and to pay the cost; and
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> - In Crim. Case No. 94-03-233, one (1) year imprisonment and to pay a fine of P22,500.00 with subsidiary imprisonment in case of insolvency, to indemnify the complainant the amount of P22,500.00 and to pay the cost.[2]

Unable to accept the verdict of guilt, petitioner went on appeal to the CA whereat her appellate recourse was docketed as CA-G.R. CR NO. 22180. In the herein assailed Decision dated June 28, 2000, the appellate court affirmed that of the trial court:

> WHEREFORE, premises considered, the decision dated March 16, 1998 rendered by the court a quo is hereby AFFIRMED with costs against the appellant (herein petitioner).
>
> SO ORDERED.[3]

Undaunted, petitioner interposed the instant recourse urging the Court not only to review the factual determinations of the CA, but also to reexamine extant jurisprudence on the Bouncing Checks Law. As the petitioner would put it:

> The instant case calls for a reexamination and modification, if not abandonment, of rulings to the effect that the mere issuance of a check which is subsequently dishonored makes the issuer liable for violation of BP Blg. 22 regardless of the intent of the parties .... Petitioner respectfully submits that it was not the intention of the lawmaking body, ... to make the issuance of a bum check ipso facto a criminal offense already; there must be an intent to commit the prohibited act, and subject check should be issued to apply on account or for value.
>
> This case also calls for a review of the findings of the facts of the CA, as and by way of exception to the rule that only questions of law may be raised in a petition for review under Rule 45 .... Petitioner humbly submits that the CA's findings of fact are not supported by evidence and differ from those of the [RTC]. xxx [4] (Underscoring in the original; citation omitted.)

The petition is devoid of merit.

At its most basic, what the petitioner asks is for the Court to delve into the policy behind or wisdom of a statute, i.e., B.P. Blg. 22, which, under the doctrine of separation of powers, it cannot do, matters of legislative wisdom being within the domain of Congress.[5] Even with the best of motives, the Court can only interpret and apply the law and cannot, despite doubts about its wisdom, amend or repeal it. Courts of justice have no right to encroach on the prerogatives of lawmakers, as long as it has not been shown that they have acted with grave abuse of discretion. And while the judiciary may interpret laws and evaluate them for constitutional soundness and to strike them down if they are proven to be infirm, this solemn power and duty do not include the discretion to correct by

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reading into the law what is not written therein.[6]

Here, petitioner makes no attempt to challenge the constitutionality of the Bouncing Checks Law. At bottom, then, petitioner's last and only remaining remedy is to seek an amendment of the law in question, a matter which should be addressed to Congress no less. For at the end of the day, the legislature is the primary judge of the necessity, adequacy, wisdom, reasonableness and expediency of any law.[7]

> xxx Under our system of government where powers are allocated to the three (3) great branches, only the Legislature can remedy such deficiency [in the law], if any, by proper amendment.... [8] (Words in bracket added).

Petitioner likewise calls for "modification, if not abandonment" of the rulings that hold issuers of bad checks liable under the Bouncing Checks Law regardless of intent. [9]

The call must fall.

Judicial decisions applying or interpreting laws shall form a part of the legal system of the Philippines.[10] Stare decisis et non quieta movere. Let the decision stand and disturb not what is already settled. The doctrine of stare decisis is a salutary and necessary rule. When the Court lays down a principle of law applicable to a certain set of facts, it must adhere to such principle and apply it to all future cases where the facts in issue are substantially the same.[11] Else, the ideal of a stable jurisprudential system can never be achieved.

Specifically, the principle underlying the concept of mala prohibita is the stare decisis governing a long history of cases involving violations of the Bouncing Checks Law.

> xxx [T]he gravamen of the offense is the act of making and issuing a worthless check or any check that is dishonored upon its presentment for payment and putting them in circulation. .... The law was designed to prohibit and altogether eliminate the deleterious and pernicious practice of issuing checks with insufficient or no credit or funds therefor. Such practice is deemed a public nuisance, a crime against public order to be abated. The mere act of issuing a worthless check, is covered by B.P. 22. It is a crime classified as malum prohibitum. xxx.
>
> The effects of the issuance of a worthless check transcends the private interests of the parties .... The mischief it creates is not only a wrong to the payee or holder, but also an injury to the public. The harmful practice of putting valueless commercial papers in circulation, multiplied a thousandfold, can very well pollute the channels of trade and commerce, injure the banking system and eventually hurt the welfare of society and the public interest. xxx. –
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> xxx xxx xxx
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> It bears stressing that, whether a person is an accommodation party is a question of intent. When the intent of the parties does not appear on the face of the check, it must be ascertained in the light of the surrounding facts and circumstances. Invariably, the tests applied are the purpose test and the proceeds test. xxx. What the law punishes is the issuance itself of a bouncing check and not the purpose for which it was issued or of the terms and conditions relating to its issuance. The mere act of issuing a worthless check, whether merely as an accommodation, is covered by B.P. 22. Hence, the agreement surrounding the issuance of a check is irrelevant to the prosecution and conviction of the petitioner. xxx.[12]

Neither can the Court grant petitioner's "call for review of the findings of the facts of the CA." [13] We need not belabor the basic rule that the Court is not a trier of facts.

Moreover, granting arguendo that petitioner's version of the facts is true – that her transaction was only with a certain Bernadette Montes and not with private complainant Elmer Evangelista – the hard fact remains that she

issued eight (8) bouncing checks that went into circulation. In net effect, what she did was to borrow from Ruiz, to pollute the channels of trade and commerce, injuring the banking system, and eventually hurting the welfare of society and the public interest.

Finally, while we affirm petitioner's conviction, we deem it proper to modify the penalty imposed by the trial court and effectively sustained by the CA, pursuant to the policy established under Supreme Court (SC) Administrative Circular No. 12-2000 dated November 21, 2000, on the subject: PENALTY FOR VIOLATION OF [BP] Blg. 22, as clarified in SC Administrative Circular No. 13-2001 dated February 14, 2001, pertinently reading as follows:

> SC Administrative Circular No. 12-2000
>
> Section 1 of B.P. Blg. 22 ... 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 ... 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:
> Petitioner 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. Blg. 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 ... 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. Blg. 22, xxx.. [14]

SC Administrative Circular No. 13-2001

The clear tenor and intention of Administrative Circular No. 12-2000 is not to remove imprisonment as an alternative penalty, but to lay down a rule of preference in the application of the penalties provided for in B.P. Blg. 22.

The pursuit of this purpose clearly does not foreclose the possibility of imprisonment for violations of B.P. Blg. 22. Neither does it defeat the legislative intent behind the law.

Thus, Administrative Circular No. 12-2000 establishes a rule of preference in the application of the penal provisions of B.P. Blg. 22 such that where the circumstances of both the offense and the offender clearly indicate good faith or a clear mistake of fact without taint of negligence, the imposition of a fine alone should be considered as the more appropriate penalty. Needless to say, the determination of whether the circumstances warrant the imposition of a fine alone rests solely upon the Judge. [15] Should the Judge decide that imprisonment is the more appropriate penalty, Administrative Circular No. 12-2000 ought not be deemed a hindrance. [16]

It is, therefore, understood that:

- Administrative Circular 12-2000 does not remove imprisonment as an alternative penalty for violations of B.P. Blg. 22;

- The Judges concerned may, in the exercise of sound discretion, and taking into consideration the peculiar circumstances of each case, determine whether the imposition of a fine alone would best serve the interests of justice or whether forbearing to impose imprisonment would depreciate the seriousness of the offense, work violence on the social order, or otherwise be contrary to the imperatives of justice; [17]

- Should only a fine be imposed and the accused be unable to pay the fine, there is no legal obstacle to the application of the Revised Penal Code provisions on subsidiary imprisonment.

While the decisions of the trial court and that of the CA dated March 16, 1998 and June 28, 2000, respectively, were promulgated before SC Administrative Circular No. 12-2000 and its subsequent clarificatory circular took effect, there is no legal impediment to their application under the premises, favorable as they are to the accused. What is more, the pleadings before us contain no indication that petitioner was a habitual delinquent or recidivist, a circumstance strongly arguing for the application, as we did in Young v. Court of Appeals,[18] of the latest stare decisis towards modifying the penalties imposable herein. In an earlier case likewise on all fours with this case, the Court held:

> However, in view of [SC] Administrative Circular No. 12-2000, as clarified by Administrative Circular No. 13-2001, establishing a rule of preference in the application of the penalties provided for in B.P. Blg. 22; and the recommendation of the Solicitor General in its Comment that the policy laid down in Vaca vs. Court of Appeals,[19] and Lim vs. People,[20] of redeeming valuable human material and preventing unnecessary deprivation of personal liberty and economic usefulness, be considered in favor of petitioner who is not shown to be a habitual delinquent or a recidivist, we find that the penalty imposed by the Court of Appeals should be modified by deleting the penalty of imprisonment and imposing only a fine of xxx.[21]

WHEREFORE, the decision appealed from is AFFIRMED with MODIFICATION that petitioner Nieves Saguiguit is hereby –

1)

Sentenced to pay a FINE equivalent to double the amount of the check involved in each of Criminal Cases Nos. 94-03-226 to 94-03-233 with subsidiary imprisonment not to exceed six (6) months in each of said cases in the event of insolvency, pursuant to paragraph 2, Article 39 of the Revised Penal Code; and

2)

Indemnify the private complainant with the total amount of the subject checks plus six percent (6%) interest from date of filing of the informations until finality of this Decision, the amount of which, inclusive the interest, is subject to twelve percent (12%) interest per annum until fully paid.

SO ORDERED.

Puno, Acting C.J., (Chairperson), Corona, and Azcuna, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

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[1] Penned by former Associate Justice Demetrio G. Demetria with Associate Justices Ramon Mabutas, Jr. (ret),

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and Jose L. Sabio, Jr., concurring; Rollo, pp. 22-25.

[2] RTC Decision, pp. 7-8; Rollo, pp. 78-85.

[3] Id. at 22-25.

[4] Petition, p. 2.

[5] Paloma v. Mora, G.R. No. 157783, September 23, 2005, 470 SCRA 711, 722.

[6] Agote v. Lorenzo, G.R. No. 142675, July 22, 2005, 464 SCRA 60, 76.

[7] Province of Rizal v. Executive Secretary, G.R. No. 129546, December 13, 2005, 477 SCRA 436, 468.

[8] Agote v. Lorenzo, supra.

[9] Petition, p. 2; Rollo, p. 9.

[10] Civil Code, Article 8.

[11] Ladanga v. Aseneta, G.R. No. 145874, September 30, 2005, 471 SCRA 381, 388.

[12] Ruiz v. People, G.R. No. 160893, November 18, 2005, 475 SCRA 476, 489-491; citing Lozano v. Martinez, G.R. No. L-63419, December 18, 1986, 146 SCRA 323.

[13] Petition, p. 2; Rollo, p. 9.

[14] Josef v. People, G.R. No. 146424, November 18, 2005, 475 SCRA 417, 423-424.

[15] Go v. Dimagiba, G.R. No. 151876, June 21, 2005, 460 SCRA 451, 462.

[16] Josef v. People, G.R. No. 146424, November 18, 2005, 475 SCRA 417, 424-425.

[17] Go v. Dimagiba, G.R. No. 151876, June 21, 2005, 460 SCRA 451, 462.

[18] G.R. No. 140425, March 10, 2005, 453 SCRA 109.

[19] G.R. No. 131714, November 16, 1998, 298 SCRA 656.

[20] G.R. No. 130038, September 18, 2000, 340 SCRA 497.

[21] Lee v. Court of Appeals, G.R. No. 145498, January 17, 2005, 448 SCRA 455, 476-477.

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