

VICKY C. TY, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 149275. September 27, 2004

Ponente: TINGA, J.

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TINGA, J.:

Petitioner Vicky C. Ty (“Ty”) filed the instant Petition for Review under Rule 45, seeking to set aside the Decision[1] of the Court of Appeals Eighth Division in CA-G.R. CR No. 20995, promulgated on 31 July 2001. The Decision affirmed with modification the judgment of the Regional Trial Court (RTC) of Manila, Branch 19, dated 21 April 1997, finding her guilty of seven (7) counts of violation of Batas Pambansa Blg. 22[2] (B.P. 22), otherwise known as the Bouncing Checks Law.

This case stemmed from the filing of seven (7) Informations for violation of B.P. 22 against Ty before the RTC of Manila. The Informations were docketed as Criminal Cases No. 93-130459 to No. 93-130465. The accusatory portion of the Information in Criminal Case No. 93-130465 reads as follows:

That on or about May 30, 1993, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously make or draw and issue to Manila Doctors’ Hospital to apply on account or for value to Editha L. Vecino Check No. Metrobank 487712 dated May 30, 1993 payable to Manila Doctors Hospital in the amount of P30,000.00, said accused well knowing that at the time of issue she 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 within ninety (90) days from the date hereof, was subsequently dishonored by the drawee bank for “Account Closed” and despite receipt of notice of such dishonor, said accused failed to pay said Manila Doctors Hospital the amount of the check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice.

Contrary to law.[3]

The other Informations are similarly worded except for the number of the checks and dates of issue. The data are hereunder itemized as follows:

Criminal Case No. Check No. Postdated Amount

93-130459 487710 30 March 1993
P30,000.00

93-130460 487711 30 April 1993
P30,000.00

93-130461 487709 01 March 1993
P30,000.00

93-130462 487707 30 December 1992 P30,000.00

93-130463 487706 30 November 1992 P30,000.00

93-130464 487708 30 January 1993
P30,000.00

93-130465 487712 30 May 1993
P30,000.00[4]

The cases were consolidated and jointly tried. At her arraignment, Ty pleaded not guilty.[5]

The evidence for the prosecution shows that Ty's mother Chua Lao So Un was confined at the Manila Doctors' Hospital (hospital) from 30 October 1990 until 4 June 1992. Being the patient's daughter, Ty signed the "Acknowledgment of Responsibility for Payment" in the Contract of Admission dated 30 October 1990.[6] As of 4 June 1992, the Statement of Account[7] shows the total liability of the mother in the amount of P657,182.40. Ty's sister, Judy Chua, was also confined at the hospital from 13 May 1991 until 2 May 1992, incurring hospital bills in the amount of P418,410.55.[8] The total hospital bills of the two patients amounted to P1,075,592.95. On 5 June 1992, Ty executed a promissory note wherein she assumed payment of the obligation in installments.[9] To assure payment of the obligation, she drew several postdated checks against Metrobank payable to the hospital. The seven (7) checks, each covering the amount of P30,000.00, were all deposited on their due dates. But they were all dishonored by the drawee bank and returned unpaid to the hospital due to insufficiency of funds, with the "Account Closed" advice. Soon thereafter, the complainant hospital sent demand letters to Ty by registered mail. As the demand letters were not heeded, complainant filed the seven (7) Informations subject of the instant case.[10]

For her defense, Ty claimed that she issued the checks because of "an uncontrollable fear of a greater injury." She averred that she was forced to issue the checks to obtain release for her mother whom the hospital inhumanely and harshly treated and would not discharge unless the hospital bills are paid. She alleged that her mother was deprived of room facilities, such as the air-condition unit, refrigerator and television set, and subject to inconveniences such as the cutting off of the telephone line, late delivery of her mother's food and refusal to change the latter's gown and bedsheets. She also bewailed the hospital's suspending medical treatment of her mother. The "debasing treatment," she pointed out, so affected her mother's mental, psychological and physical health that the latter contemplated suicide if she would not be discharged from the hospital. Fearing the worst for her mother, and to comply with the demands of the hospital, Ty was compelled to sign a promissory note, open an account with Metrobank and issue the checks to effect her mother's immediate discharge.[11]

Giving full faith and credence to the evidence offered by the prosecution, the trial court found that Ty issued the checks subject of the case in payment of the hospital bills of her mother and rejected the theory of the defense.[12] Thus, on 21 April 1997, the trial court rendered a Decision finding Ty guilty of seven (7) counts of violation of B.P. 22 and sentencing her to a prison term. The dispositive part of the Decision reads:

CONSEQUENTLY, the accused Vicky C. Ty, for her acts of issuing seven (7) checks in payment of a valid obligation, which turned unfounded on their respective dates of maturity, is found guilty of seven (7) counts of violations of Batas Pambansa Blg. 22, and is hereby sentenced to suffer the penalty of imprisonment of SIX MONTHS per count or a total of forty-two (42) months.

SO ORDERED.[13]

Ty interposed an appeal from the Decision of the trial court. Before the Court of Appeals, Ty reiterated her defense that she issued the checks "under the impulse of an uncontrollable fear of a greater injury or in avoidance of a greater evil or injury." She also argued that the trial court erred in finding her guilty when evidence showed

there was absence of valuable consideration for the issuance of the checks and the payee had knowledge of the insufficiency of funds in the account. She protested that the trial court should not have applied the law mechanically, without due regard to the principles of justice and equity.[14]

In its Decision dated 31 July 2001, the appellate court affirmed the judgment of the trial court with modification. It set aside the penalty of imprisonment and instead sentenced Ty “to pay a fine of sixty thousand pesos (P60,000.00) equivalent to double the amount of the check, in each case.”[15]

In its assailed Decision, the Court of Appeals rejected Ty’s defenses of involuntariness in the issuance of the checks and the hospital’s knowledge of her checking account’s lack of funds. It held that B.P. 22 makes the mere act of issuing a worthless check punishable as a special offense, it being a *malum prohibitum*. What the law punishes is the issuance of a bouncing check and not the purpose for which it was issued nor the terms and conditions relating to its issuance.[16]

Neither was the Court of Appeals convinced that there was no valuable consideration for the issuance of the checks as they were issued in payment of the hospital bills of Ty’s mother.[17]

In sentencing Ty to pay a fine instead of a prison term, the appellate court applied the case of *Vaca v. Court of Appeals*[18] wherein this Court declared that in determining the penalty imposed for violation of B.P. 22, the philosophy underlying the Indeterminate Sentence Law should be observed, i.e., redeeming valuable human material and preventing unnecessary deprivation of personal liberty and economic usefulness, with due regard to the protection of the social order.[19]

Petitioner now comes to this Court basically alleging the same issues raised before the Court of Appeals. More specifically, she ascribed errors to the appellate court based on the following grounds:

- THERE IS CLEAR AND CONVINCING EVIDENCE THAT PETITIONER WAS FORCED TO OR COMPELLED IN THE OPENING OF THE ACCOUNT AND THE ISSUANCE OF THE SUBJECT CHECKS.
- THE CHECKS WERE ISSUED UNDER THE IMPULSE OF AN UNCONTROLLABLE FEAR OF A GREATER INJURY OR IN AVOIDANCE OF A GREATER EVIL OR INJURY.
- THE EVIDENCE ON RECORD PATENTLY SHOW[S] ABSENCE OF VALUABLE CONSIDERATION IN THE ISSUANCE OF THE SUBJECT CHECKS.
- IT IS AN UNDISPUTED FACT THAT THE PAYEE OF THE CHECKS WAS FULLY AWARE OF THE LACK OF FUNDS IN THE ACCOUNT.
- THE HONORABLE COURT OF APPEALS, AS WELL AS THE HONORABLE TRIAL COURT [,] SHOULD NOT HAVE APPLIED CRIMINAL LAW MECHANICALLY, WITHOUT DUE REGARD TO THE PRINCIPLES OF JUSTICE AND EQUITY.

In its Memorandum,[20] the Office of the Solicitor General (OSG), citing jurisprudence, contends that a check issued as an evidence of debt, though not intended to be presented for payment, has the same effect as an ordinary check; hence, it falls within the ambit of B.P. 22. And when a check is presented for payment, the drawee bank will generally accept the same, regardless of whether it was issued in payment of an obligation or merely to guarantee said obligation. What the law punishes is the issuance of a bouncing check, not the purpose for which it was issued nor the terms and conditions relating to its issuance. The mere act of issuing a worthless check is *malum prohibitum*.[21]

We find the petition to be without merit and accordingly sustain Ty’s conviction.

Well-settled is the rule that the factual findings and conclusions of the trial court and the Court of Appeals are entitled to great weight and respect, and will not be disturbed on appeal in the absence of any clear showing that the trial court overlooked certain facts or circumstances which would substantially affect the disposition of the case.[22] Jurisdiction of this Court over cases elevated from the Court of Appeals is limited to reviewing or revising errors of law ascribed to the Court of Appeals whose factual findings are conclusive, and carry even more weight when said court affirms the findings of the trial court, absent any showing that the findings are totally devoid of support in the record or that they are so glaringly erroneous as to constitute serious abuse of discretion.[23]

In the instant case, the Court discerns no compelling reason to reverse the factual findings arrived at by the trial court and affirmed by the Court of Appeals.

Ty does not deny having issued the seven (7) checks subject of this case. She, however, claims that the issuance of the checks was under the impulse of an uncontrollable fear of a greater injury or in avoidance of a greater evil or injury. She would also have the Court believe that there was no valuable consideration in the issuance of the checks.

However, except for the defense's claim of uncontrollable fear of a greater injury or avoidance of a greater evil or injury, all the grounds raised involve factual issues which are best determined by the trial court. And, as previously intimated, the trial court had in fact discarded the theory of the defense and rendered judgment accordingly.

Moreover, these arguments are a mere rehash of arguments unsuccessfully raised before the trial court and the Court of Appeals. They likewise put to issue factual questions already passed upon twice below, rather than questions of law appropriate for review under a Rule 45 petition.

The only question of law raised—whether the defense of uncontrollable fear is tenable to warrant her exemption from criminal liability—has to be resolved in the negative. For this exempting circumstance to be invoked successfully, the following requisites must concur: (1) existence of an uncontrollable fear; (2) the fear must be real and imminent; and (3) the fear of an injury is greater than or at least equal to that committed.[24]

It must appear that the threat that caused the uncontrollable fear is of such gravity and imminence that the ordinary man would have succumbed to it.[25] It should be based on a real, imminent or reasonable fear for one's life or limb.[26] A mere threat of a future injury is not enough. It should not be speculative, fanciful, or remote.[27] A person invoking uncontrollable fear must show therefore that the compulsion was such that it reduced him to a mere instrument acting not only without will but against his will as well.[28] It must be of such character as to leave no opportunity to the accused for escape.[29]

In this case, far from it, the fear, if any, harbored by Ty was not real and imminent. Ty claims that she was compelled to issue the checks—a condition the hospital allegedly demanded of her before her mother could be discharged—for fear that her mother's health might deteriorate further due to the inhumane treatment of the hospital or worse, her mother might commit suicide. This is speculative fear; it is not the uncontrollable fear contemplated by law.

To begin with, there was no showing that the mother's illness was so life-threatening such that her continued stay in the hospital suffering all its alleged unethical treatment would induce a well-grounded apprehension of her death. Secondly, it is not the law's intent to say that any fear exempts one from criminal liability much less petitioner's flimsy fear that her mother might commit suicide. In other words, the fear she invokes was not impending or insuperable as to deprive her of all volition and to make her a mere instrument without will, moved

exclusively by the hospital's threats or demands.

Ty has also failed to convince the Court that she was left with no choice but to commit a crime. She did not take advantage of the many opportunities available to her to avoid committing one. By her very own words, she admitted that the collateral or security the hospital required prior to the discharge of her mother may be in the form of postdated checks or jewelry.[30] And if indeed she was coerced to open an account with the bank and issue the checks, she had all the opportunity to leave the scene to avoid involvement.

Moreover, petitioner had sufficient knowledge that the issuance of checks without funds may result in a violation of B.P. 22. She even testified that her counsel advised her not to open a current account nor issue postdated checks "because the moment I will not have funds it will be a big problem." [31] Besides, apart from petitioner's bare assertion, the record is bereft of any evidence to corroborate and bolster her claim that she was compelled or coerced to cooperate with and give in to the hospital's demands.

Ty likewise suggests in the prefatory statement of her Petition and Memorandum that the justifying circumstance of state of necessity under par. 4, Art. 11 of the Revised Penal Code may find application in this case.

We do not agree. The law prescribes the presence of three requisites to exempt the actor from liability under this paragraph: (1) that the evil sought to be avoided actually exists; (2) that the injury feared be greater than the one done to avoid it; (3) that there be no other practical and less harmful means of preventing it.[32]

In the instant case, the evil sought to be avoided is merely expected or anticipated. If the evil sought to be avoided is merely expected or anticipated or may happen in the future, this defense is not applicable.[33] Ty could have taken advantage of an available option to avoid committing a crime. By her own admission, she had the choice to give jewelry or other forms of security instead of postdated checks to secure her obligation.

Moreover, for the defense of state of necessity to be availing, the greater injury feared should not have been brought about by the negligence or imprudence, more so, the willful inaction of the actor.[34] In this case, the issuance of the bounced checks was brought about by Ty's own failure to pay her mother's hospital bills.

The Court also thinks it rather odd that Ty has chosen the exempting circumstance of uncontrollable fear and the justifying circumstance of state of necessity to absolve her of liability. It would not have been half as bizarre had Ty been able to prove that the issuance of the bounced checks was done without her full volition. Under the circumstances, however, it is quite clear that neither uncontrollable fear nor avoidance of a greater evil or injury prompted the issuance of the bounced checks.

Parenthetically, the findings of fact in the Decision of the trial court in the Civil Case[35] for damages filed by Ty's mother against the hospital is wholly irrelevant for purposes of disposing the case at bench. While the findings therein may establish a claim for damages which, we may add, need only be supported by a preponderance of evidence, it does not necessarily engender reasonable doubt as to free Ty from liability.

As to the issue of consideration, it is presumed, upon issuance of the checks, in the absence of evidence to the contrary, that the same was issued for valuable consideration.[36] Section 24[37] of the Negotiable Instruments Law creates a presumption that every party to an instrument acquired the same for a consideration[38] or for value.[39] In alleging otherwise, Ty has the onus to prove that the checks were issued without consideration. She must present convincing evidence to overthrow the presumption.

A scrutiny of the records reveals that petitioner failed to discharge her burden of proof. "Valuable consideration may in general terms, be said to consist either in some right, interest, profit, or benefit accruing to the party who makes the contract, or some forbearance, detriment, loss or some responsibility, to act, or labor, or service given,

suffered or undertaken by the other aide. Simply defined, valuable consideration means an obligation to give, to do, or not to do in favor of the party who makes the contract, such as the maker or indorser.”[40]

In this case, Ty’s mother and sister availed of the services and the facilities of the hospital. For the care given to her kin, Ty had a legitimate obligation to pay the hospital by virtue of her relationship with them and by force of her signature on her mother’s Contract of Admission acknowledging responsibility for payment, and on the promissory note she executed in favor of the hospital.

Anent Ty’s claim that the obligation to pay the hospital bills was not her personal obligation because she was not the patient, and therefore there was no consideration for the checks, the case of *Bridges v. Vann, et al.*[41] tells us that “it is no defense to an action on a promissory note for the maker to say that there was no consideration which was beneficial to him personally; it is sufficient if the consideration was a benefit conferred upon a third person, or a detriment suffered by the promisee, at the instance of the promisor. It is enough if the obligee foregoes some right or privilege or suffers some detriment and the release and extinguishment of the original obligation of George Vann, Sr., for that of appellants meets the requirement. Appellee accepted one debtor in place of another and gave up a valid, subsisting obligation for the note executed by the appellants. This, of itself, is sufficient consideration for the new notes.”

At any rate, the law punishes the mere act of issuing a bouncing check, not the purpose for which it was issued nor the terms and conditions relating to its issuance.[42] B.P. 22 does not make any distinction as to whether the checks within its contemplation are issued in payment of an obligation or to merely guarantee the obligation.[43] The thrust of the law is to prohibit the making of worthless checks and putting them into circulation.[44] As this Court held in *Lim v. People of the Philippines*,[45] “what is primordial is that such issued checks were worthless and the fact of its worthlessness is known to the appellant at the time of their issuance, a required element under B.P. Blg. 22.”

The law itself creates a prima facie presumption of knowledge of insufficiency of funds. Section 2 of B.P. 22 provides:

Section 2. Evidence of knowledge of insufficient funds. - The making, drawing and issuance of a check payment of which is refused by the drawee bank because of insufficient funds in or credit with such bank, when presented within ninety (90) days from the date of the check, shall be prima facie evidence of knowledge of such insufficiency of funds or credit unless such maker or drawer pays the holder thereof the amount due thereon, or makes arrangements for payment in full by the drawee of such check within five (5) banking days after receiving notice that such check has not been paid by the drawee.

Such knowledge is legally presumed from the dishonor of the checks for insufficiency of funds.[46] If not rebutted, it suffices to sustain a conviction.[47]

Petitioner likewise opines that the payee was aware of the fact that she did not have sufficient funds with the drawee bank and such knowledge necessarily exonerates her liability.

The knowledge of the payee of the insufficiency or lack of funds of the drawer with the drawee bank is immaterial as deceit is not an essential element of an offense penalized by B.P. 22. The gravamen of the offense is the issuance of a bad check, hence, malice and intent in the issuance thereof is inconsequential.[48]

In addition, Ty invokes our ruling in *Magno v. Court of Appeals*[49] wherein this Court inquired into the true nature of transaction between the drawer and the payee and finally acquitted the accused, to persuade the Court that the circumstances surrounding her case deserve special attention and do not warrant a strict and mechanical application of the law.

Petitioner's reliance on the case is misplaced. The material operative facts therein obtaining are different from those established in the instant petition. In the 1992 case, the bounced checks were issued to cover a "warranty deposit" in a lease contract, where the lessor-supplier was also the financier of the deposit. It was a *modus operandi* whereby the supplier was able to sell or lease the goods while privately financing those in desperate need so they may be accommodated. The maker of the check thus became an unwilling victim of a lease agreement under the guise of a lease-purchase agreement. The maker did not benefit at all from the deposit, since the checks were used as collateral for an accommodation and not to cover the receipt of an actual account or credit for value.

In the case at bar, the checks were issued to cover the receipt of an actual "account or for value." Substantial evidence, as found by the trial court and Court of Appeals, has established that the checks were issued in payment of the hospital bills of Ty's mother.

Finally, we agree with the Court of Appeals in deleting the penalty of imprisonment, absent any proof that petitioner was not a first-time offender nor that she acted in bad faith. Administrative Circular 12-2000,[50] adopting the rulings in *Vaca v. Court of Appeals*[51] and *Lim v. People*,[52] authorizes the non-imposition of the penalty of imprisonment in B.P. 22 cases subject to certain conditions. However, the Court resolves to modify the penalty in view of Administrative Circular 13-2001[53] which clarified Administrative 12-2000. It is stated therein:

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.

Thus, Administrative Circular 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 circumstances warrant the imposition of a fine alone rests solely upon the Judge. Should the judge decide that imprisonment is the more appropriate penalty, Administrative Circular No. 12-2000 ought not be deemed a hindrance.

It is therefore understood that: (1) Administrative Circular 12-2000 does not remove imprisonment as an alternative penalty for violations of B.P. 22; (2) 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; (3) should only a fine be imposed and the accused unable to pay the fine, there is no legal obstacle to the application of the Revised Penal Code provisions on subsidiary imprisonment.[54]

WHEREFORE, the instant Petition is DENIED and the assailed Decision of the Court of Appeals, dated 31 July 2001, finding petitioner Vicky C. Ty GUILTY of violating Batas Pambansa Bilang 22 is AFFIRMED with MODIFICATIONS. Petitioner Vicky C. Ty is ORDERED to pay a FINE equivalent to double the amount of each dishonored check subject of the seven cases at bar with subsidiary imprisonment in case of insolvency in accordance with Article 39 of the Revised Penal Code. She is also ordered to pay private complainant, Manila Doctors' Hospital, the amount of Two Hundred Ten Thousand Pesos (P210,000.00) representing the total amount of the dishonored checks. Costs against the petitioner.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Chico-Nazario, J., on leave.

[1] Penned by Justice Perlita J. Tria Tirona, concurred in by Justices Eugenio S. Labitoria and Eloy R. Bello, Jr.

[2] Entitled “An Act Penalizing the Making or Drawing and Issuance of a Check Without Sufficient Funds or Credit and for Other Purposes.”

[3] Rollo, p. 44; See also Rollo, pp. 92 and 109.

[4] Ibid; See also Rollo, pp. 62 and 93.

[5] Id. at 44, 62, 93.

[6] Id. at 46; Exhibits C and C-1.

[7] Ibid.; Exhibits D, D-1 to D-3.

[8] Exhibit D-4.

[9] Supra, note 3 at 61, citing Exhibits E and E-1.

[10] Id. at 46-47; See also Respondent’s Comment, Rollo, pp. 60-61 and Respondent’s Memorandum, Rollo, pp. 90-91.

[11] Id. at 47 and 49.

[12] Id. at 48.

[13] Id. at 44-45; Written by Honorable Zenaida R. Daguna, Presiding Judge.

[14] Id. at 51.

[15] Id. at 53.

[16] Id. at 51-52; Citations omitted.

[17] Id. at 51.

[18] G.R. No. 131714, 16 November 1998, 298 SCRA 656, 659.

[19] Supra, note 3 at 53.

[20] Id. at 90-102; Dated 11 September 2002.

[21] Id. at 95-96; Citations omitted.

[22] Spouses Villarico v. Court of Appeals, G.R. No. 105912, 28 June 1999, 309 SCRA 193; Lim v. People, G.R. No. 143231, 26 October 2001, 368 SCRA 436.

[23] Alipoon v. Court of Appeals, G.R. No. 127523, 22 March 1999, 305 SCRA 118; Perez v. Court of Appeals, G.R. No. 107737, 1 October 1999, 316 SCRA 43; Baguio v. Republic of the Philippines, G.R. No. 119682, 21 January 1999, 301 SCRA 450; Lim v. People, G.R. No. 143231, 26 October 2001, 368 SCRA 436.

[24] People v. Petenia, No. L-51256, 12 August 1986, 143 SCRA 361, 369.

[25] U.S. v. Elicanal, No. 11439, 35 Phil 209, 212, 213 (1916).

[26] People v. Abanes, No. L-30609, 28 September 1976, 73 SCRA 44, 47; People v. Loreno, No. L-54414, 9 July 1984, 130 SCRA 311, 321, 322; People v. Serrano, No. L-45382, 13 May 1985, 136 SCRA 399, 405.

[27] People v. Jesus, No. L-2313, 88 Phil. 53, 56 (1951); People v. Palencia, No. L-38957, 30 April 1976, 71 SCRA 679, 690; See also Aquino, THE REVISED PENAL CODE, 1997 Edition, Vol. 1, p. 234 and Gregorio, FUNDAMENTALS OF CRIMINAL LAW REVIEW, 1997 Edition, p. 79.

[28] People v. Tami, G.R. Nos. 101801-03, 2 May 1995, 244 SCRA 1, 23.

[29] People v. Villanueva, No. L-9529, 104 Phil. 450, 464 (1958), Citation omitted; People v. De Los Reyes, G.R. No. 44112, 22 October 1992, 215 SCRA 63, 70; See also People v. Nuñez, G.R. Nos. 112429-30, 341 Phil 817, 828 (1997).

[30] Supra, note 3 at 15 and 112; See also TSN dated September 19, 1994, p. 24.

[31] TSN dated September 19, 1994, p. 25.

[32] Par. 4, Art. 11, REVISED PENAL CODE.

[33] Reyes, THE REVISED PENAL CODE, 1998 Edition, Book 1, p. 191.

[34] Id. at 192.

[35] Entitled “So Un Chua v. Manila Doctors’ Hospital,” Civil Case No. 63958, Regional Trial Court of Pasig, Branch 159.

[36] Lim v. People, G.R. No. 143231, 26 October 2001, 368 SCRA 436; Sec. 24, THE NEGOTIABLE INSTRUMENTS LAW.

[37] SEC. 24. Presumption of consideration.- Every negotiable instrument is deemed prima facie to have been issued for valuable consideration; and every person whose signature appears thereon to have become a party thereto, for value.

[38] SEC. 25. Value; What constitutes.-Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value, and is deemed such whether the instrument is payable on demand or at a future date.

[39] SEC. 191. Definitions and meaning of terms.- In this Act, unless the context otherwise requires:

x x x

“Value” means valuable consideration.

[40] Agbayani, Aguedo, COMMENTARIES AND JURISPRUDENCE ON THE COMMERCIAL LAWS OF THE PHILIPPINES, 1992 Edition, p. 235; Citations omitted.

[41] 88 Kan 98, 127 Pacific Reporter 604, 9 November 1912; Citations omitted.

[42] Llamado v. Court of Appeals, G.R. No. 99032, 26 March 1997, 270 SCRA 423; Aguirre v. People, G.R. No. 144142, 23 August 2001, 363 SCRA 672; Abarquez v. Court of Appeals, G.R. No. 148557, 7 August 2003, 408 SCRA 500; Lazaro v. Court of Appeals. G.R. No. 105461, 11 November 1993, 227 SCRA 723.

[43] Llamado v. Court of Appeals, supra.

[44] Caram Resources Corp. v. Contreras, Adm. Matter No. MJT-93-849, 26 October 1994, 237 SCRA 724; Cruz v. Court of Appeals, G.R. No. 108738, 17 June 1994, 233 SCRA 301.

[45] G.R. No. 143231, 26 October 2001, 368 SCRA 436.

[46] Meriz v. People, G.R. No. 134498, 13 November 2001, 368 SCRA 524.

[47] Rosa Lim v. People. G.R. No. 130038, 18 September 2000, 340 SCRA 497.

[48] Cruz v. Court of Appeals, G.R. No. 108738, 17 June 1994, 233 SCRA 301.

[49] G.R. No. 96132, 26 June 1992, 210 SCRA 471.

[50] Issued on 21 November 2000.

[51] Supra note 14.

[52] Supra note 27.

[53] Issued on 14 February 2001.

[54] Abarquez v. Court of Appeals, G.R. No. 148557, 7 August 2003, 408 SCRA 500.

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