SUSAN GO AND THE PEOPLE OF THE PHILIPPINES, PETITIONERS, VS. FERNANDO L. DIMAGIBA, RESPONDENT.

G.R. NO. 151876. June 21, 2005

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Administrative Circular 12-2000, as clarified by Administrative Circular 13-2001, merely establishes a rule of preference in imposing penalties for violations of Batas Pambansa Blg. 22 (BP 22), the "Bouncing Checks Law." When the circumstances of both the offense and the offender indicate good faith or a clear mistake of fact without taint of negligence, the imposition of a fine alone -- instead of imprisonment -- is the preferred penalty. As the Circular requires a review of the factual circumstances of a given case, it applies only to pending or future litigations. It is not a penal law; hence, it does not have retroactive effect. Neither may it be used to modify final judgments of conviction.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, assailing the October 10, 2001[2] and the October 11, 2001[3] Orders of the Regional Trial Court (RTC) (Branch 5), Baguio City.[4] The October 10, 2001 Order released Respondent Fernando L. Dimagiba from confinement and required him to pay a fine of P100,000 in lieu of imprisonment. The October 11, 2001 Order disposed as follows:

> "WHEREFORE, [in] applying the doctrine as held in the above-entitled cases in this case, the instant petition for Habeas Corpus should be, as it is hereby, GRANTED. The Baguio City Jail Warden is hereby ordered to IMMEDIATELY RELEASE the petitioner from confinement unless he is being held for some other lawful cause other than by virtue of the Sentence Mittimus dated September 28, 2001 issued by CESAR S. VIDUYA, Clerk of Court, MTC 4, Baguio City. Further, the petitioner is required to pay a fine in the amount of P100,000.00 in lieu of his imprisonment, in addition to the civil aspect of the Joint Judgment rendered by MTC 4 dated July 16, 1999."[5]

The Facts

The pertinent facts are not disputed. Respondent Fernando L. Dimagiba issued to Petitioner Susan Go thirteen (13) checks which, when presented to the drawee bank for encashment or payment on the due dates, were dishonored for the reason "account closed."[6] Dimagiba was subsequently prosecuted for 13 counts of violation of BP 22[7] under separate Complaints filed with the Municipal Trial Court in Cities (MTCC) in Baguio City.[8] After a joint trial, the MTCC (Branch 4) rendered a Decision on July 16, 1999, convicting the accused in the 13 cases. The dispositive portion reads as follows:

> "WHEREFORE, in view of the foregoing disquisition, this Court finds the evidence of the prosecution to have established the guilt of the accused beyond reasonable doubt of the offenses charged and imposes upon the accused the penalty of 3 months imprisonment for each count (13 counts) and to indemnify the offended party the amount of One Million Two Hundred Ninety Five Thousand Pesos (P1,295,000.00) with legal interest per

> annum commencing from 1996 after the checks were dishonored by reason 'ACCOUNT CLOSED' on December 13, 1995, to pay attorney's fees of P15,000.00 and to pay the costs."[9]

The appeal of Dimagiba was raffled to Branch 4 of the RTC in Baguio City.[10] On May 23, 2000, the RTC denied the appeal and sustained his conviction.[11] There being no further appeal to the Court of Appeals (CA), the RTC issued on February 1, 2001, a Certificate of Finality of the Decision.[12]

Thus, on February 14, 2001, the MTCC issued an Order directing the arrest of Dimagiba for the service of his sentence as a result of his conviction. The trial court also issued a Writ of Execution to enforce his civil liability.[13]

On February 27, 2001, Dimagiba filed a Motion for Reconsideration of the MTCC Order. He prayed for the recall of the Order of Arrest and the modification of the final Decision, arguing that the penalty of fine only, instead of imprisonment also, should have been imposed on him.[14] The arguments raised in that Motion were reiterated in a Motion for the Partial Quashal of the Writ of Execution filed on February 28, 2001.[15]

In an Order dated August 22, 2001, the MTCC denied the Motion for Reconsideration and directed the issuance of a Warrant of Arrest against Dimagiba.[16] On September 28, 2001, he was arrested and imprisoned for the service of his sentence.

On October 9, 2001, he filed with the RTC of Baguio City a Petition[17] for a writ of habeas corpus. The case was raffled to Branch 5, which scheduled the hearing for October 10, 2001. Copies of the Order were served on respondent's counsels and the city warden.[18]

Ruling of the Regional Trial Court

Right after hearing the case on October 10, 2001, the RTC issued an Order directing the immediate release of Dimagiba from confinement and requiring him to pay a fine of P100,000 in lieu of imprisonment. However, the civil aspect of the July 16, 1999 MTCC Decision was not touched upon.[19] A subsequent Order, explaining in greater detail the basis of the grant of the writ of habeas corpus, was issued on October 11, 2001.[20]

In justifying its modification of the MTCC Decision, the RTC invoked Vaca v. Court of Appeals[21] and Supreme Court Administrative Circular (SC-AC) No. 12-2000,[22] which allegedly required the imposition of a fine only instead of imprisonment also for BP 22 violations, if the accused was not a recidivist or a habitual delinquent. The RTC held that this rule should be retroactively applied in favor of Dimagiba.[23] It further noted that (1) he was a first-time offender and an employer of at least 200 workers who would be displaced as a result of his imprisonment; and (2) the civil liability had already been satisfied through the levy of his properties.[24]

On October 22, 2001, Petitioner Go filed a Motion for Reconsideration of the RTC Orders dated October 10 and 11, 2001.[25] That Motion was denied on January 18, 2002.[26]

Hence, this Petition filed directly with this Court on pure questions of law.[27]

The Issues

Petitioner raises the following issues for this Court's consideration:

> "1. [The RTC] Judge was utterly devoid of jurisdiction in amending a final and conclusive decision of the Municipal Trial Court, Branch 4, dated July 16, 1999, in nullifying the Sentence Mittimus, dated September 28, 2001, issued by x x x [the] Municipal Trial Court, Branch 4, Baguio City, and in ordering the release of [Dimagiba] from confinement in jail for the service of his sentence under the said final and conclusive judgment;

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> "2. Assuming only for the sake of argument that habeas corpus is the proper remedy, the Petition for Habeas Corpus is utterly devoid of merit as [Dimagiba was] not entitled to the beneficent policy enunciated in the Eduardo Vaca and Rosa Lim cases and reiterated in the Supreme Court Circular No. 12-2000; x x x
>
> "3. Granting for the sake of argument that [Dimagiba was] entitled to the beneficent policy enunciated in the Eduardo Vaca and Rosa Lim cases and reiterated in the Supreme Court Circular No. 12-2000, the minimum fine that should be imposed on [Dimagiba] is one million and two hundred ninety five thousand pesos (P1,295,000.00) up to double the said amount or (P2,590,000), not just the measly amount of P100,000; and
>
> "4. [The RTC] judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in hearing and deciding [Dimagiba's] Petition for Habeas Corpus without notice and without affording procedural due process to the People of the Philippines through the Office of [the] City Prosecutor of Baguio City or the Office of the Solicitor General."[28]

In the main, the case revolves around the question of whether the Petition for habeas corpus was validly granted. Hence, the Court will discuss the four issues as they intertwine with this main question.[29]

The Court's Ruling

The Petition is meritorious.

Main Issue:Propriety of theWrit of Habeas Corpus

The writ of habeas corpus applies to all cases of illegal confinement or detention in which individuals are deprived of liberty.[30] It was devised as a speedy and effectual remedy to relieve persons from unlawful restraint; or, more specifically, to obtain immediate relief for those who may have been illegally confined or imprisoned without sufficient cause and thus deliver them from unlawful custody.[31] It is therefore a writ of inquiry intended to test the circumstances under which a person is detained.[32]

The writ may not be availed of when the person in custody is under a judicial process or by virtue of a valid judgment.[33] However, as a post-conviction remedy, it may be allowed when, as a consequence of a judicial proceeding, any of the following exceptional circumstances is attendant: (1) there has been a deprivation of a constitutional right resulting in the restraint of a person; (2) the court had no jurisdiction to impose the sentence; or (3) the imposed penalty has been excessive, thus voiding the sentence as to such excess.[34]

In the present case, the Petition for a writ of habeas corpus was anchored on the ruling in Vaca and on SC-AC No. 12-2000, which allegedly prescribed the imposition of a fine, not imprisonment, for convictions under BP 22. Respondent sought the retroactive effect of those rulings, thereby effectively challenging the penalty imposed on him for being excessive. From his allegations, the Petition appeared sufficient in form to support the issuance of the writ.

However, it appears that respondent has previously sought the modification of his sentence in a Motion for Reconsideration[35] of the MTCC's Execution Order and in a Motion for the Partial Quashal of the Writ of Execution.[36] Both were denied by the MTCC on the ground that it had no power or authority to amend a judgment issued by the RTC.

In his Petition for habeas corpus, respondent raised the same arguments that he had invoked in the said Motions. We believe that his resort to this extraordinary remedy was a procedural infirmity. The remedy should have been an appeal of the MTCC Order denying his Motions, in which he should have prayed that the execution of the judgment be stayed. But he effectively misused the action he had chosen, obviously with the intent of finding a favorable court. His Petition for a writ of habeas corpus was clearly an attempt to reopen a case that had already become final and executory. Such an action deplorably amounted to forum shopping. Respondent should have

resorted to the proper, available remedy instead of instituting a different action in another forum.

The Court also finds his arguments for his release insubstantial to support the issuance of the writ of habeas corpus.

Preference in theApplication of Penaltiesfor Violation of BP 22

The following alternative penalties are imposable under BP 22: (1) imprisonment of not less than 30 days, but not more than one year; (2) a fine of not less or more than double the amount of the check, a fine that shall in no case exceed P200,000; or (3) both such fine and imprisonment, at the discretion of the court.[37]

SC-AC No. 12-2000, as clarified by SC-AC No. 13-2001,[38] established a rule of preference in imposing the above penalties.[39] When the circumstances of the case clearly indicate good faith or a clear mistake of fact without taint of negligence, the imposition of a fine alone may be considered as the preferred penalty.[40] The determination of the circumstances that warrant the imposition of a fine rests upon the trial judge only.[41] Should the judge deem that imprisonment is appropriate, such penalty may be imposed.[42]

SC-AC No. 12-2000 did not delete the alternative penalty of imprisonment. The competence to amend the law belongs to the legislature, not to this Court.[43]

Inapplicability ofSC-AC No. 12-2000

Petitioners argue that respondent is not entitled to the benevolent policy enunciated in SC-AC No. 12-2000, because he is not a "first time offender."[44] This circumstance is, however, not the sole factor in determining whether he deserves the preferred penalty of fine alone. The penalty to be imposed depends on the peculiar circumstances of each case.[45] It is the trial court's discretion to impose any penalty within the confines of the law. SC-AC No. 13-2001 explains thus:

> "x x x. Administrative Circular No. 12-2000 establishes a rule of preference in the application of the penal provisions of BP 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. x x x.
>
> It is, therefore, understood that:
>
> x x x x x x x x x
>
> "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;"

The Court notes that the Petition for a writ of habeas corpus relied mainly on the alleged retroactivity of SC-AC No. 12-2000, which supposedly favored BP 22 offenders.[46] On this point, Dimagiba contended that his imprisonment was violative of his right to equal protection of the laws, since only a fine would be imposed on others similarly situated.[47]

The rule on retroactivity states that criminal laws may be applied retroactively if favorable to the accused. This principle, embodied in the Revised Penal Code,[48] has been expanded in certain instances to cover special laws.[49]

The issue of retroactivity of SC-AC No. 12-2000 was settled in De Joya v. Jail Warden of Batangas City,[50]

which we quote:

> "Petitioner's reliance of our ruling in Ordoñez v. Vinarao that a convicted person is entitled to benefit from the reduction of penalty introduced by the new law, citing People v. Simon, is misplaced. Thus, her plea that as provided for in Article 22 of the Revised Penal Code, SC Admin. Circular No. 12-2000 as modified by SC Admin. Circular No. 13-2001 should benefit her has no basis.
>
> "First. SC Admin. Circular No. 12-2000 is not a penal law; hence, Article 22 of the Revised Penal Code is not applicable. The circular applies only to those cases pending as of the date of its effectivity and not to cases already terminated by final judgment.
>
> "Second. As explained by the Court in SC Admin. Circular No. 13-2001, SC Admin. Circular No. 12-2000 merely lays down a rule of preference in the application of the penalties for violation of B.P. Blg. 22. It does not amend B.P. Blg. 22, nor defeat the legislative intent behind the law. SC Admin. Circular No. 12-2000 merely urges the courts to take into account not only the purpose of the law but also the circumstances of the accused -- whether he acted in good faith or on a clear mistake of fact without taint of negligence -- and such other circumstance which the trial court or the appellate court believes relevant to the penalty to be imposed."[51]

Because the Circular merely lays down a rule of preference, it serves only as a guideline for the trial courts. Thus, it is addressed to the judges, who are directed to consider the factual circumstances of each case prior to imposing the appropriate penalty. In other words, the Administrative Circular does not confer any new right in favor of the accused, much less those convicted by final judgment.

The competence to determine the proper penalty belongs to the court rendering the decision against the accused.[52] That decision is subject only to appeal on grounds of errors of fact or law, or grave abuse of discretion amounting to lack or excess of jurisdiction. Another trial court may not encroach upon this authority. Indeed, SC-AC No. 12-2000 necessarily requires a review of all factual circumstances of each case. Such a review can no longer be done if the judgment has become final and executory.

In the present case, the MTCC of Baguio City had full knowledge of all relevant circumstances from which respondent's conviction and sentence were based. The penalty imposed was well within the confines of the law. Upon appeal, the conviction was sustained by RTC-Branch 4 of Baguio City. Eventually, the Decision attained finality. Hence, RTC-Branch 5 did not have the jurisdiction to modify the lawful judgment in the guise of granting a writ of habeas corpus.

The doctrine of equal protection of laws[53] does not apply for the same reasons as those on retroactivity. Foremost of these reasons is that the Circular is not a law that deletes the penalty of imprisonment. As explained earlier, it is merely a rule of preference as to which penalty should be imposed under the peculiar circumstances of a case. At any rate, this matter deserves scant consideration, because respondent failed to raise any substantial argument to support his contention.[54]

Modification of FinalJudgment Not Warranted

The Court is not unmindful of So v. Court of Appeals,[55] in which the final judgment of conviction for violation of BP 22 was modified by the deletion of the sentence of imprisonment and the imposition of a fine. That case proceeded from an "Urgent Manifestation of an Extraordinary Supervening Event,"[56] not from an unmeritorious petition for a writ of habeas corpus, as in the present case. The Court exercised in that case its authority to suspend or to modify the execution of a final judgment when warranted or made imperative by the higher interest of justice or by supervening events.[57] The supervening event in that case was the petitioner's urgent need for coronary rehabilitation for at least one year under the direct supervision of a coronary care

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therapist; imprisonment would have been equivalent to a death sentence.[58]

The peculiar circumstances of So do not obtain in the present case. Respondent's supposed "unhealthy physical condition due to a triple by-pass operation, and aggravated by hypertension," cited by the RTC in its October 10, 2001 Order,[59] is totally bereft of substantial proof. The Court notes that respondent did not make any such allegation in his Petition for habeas corpus. Neither did he mention his physical state in his Memorandum and Comment submitted to this Court.

Respondent seeks the retroactive application of SC-AC No. 12-2000 in his favor on the basis alone of the alleged settlement of his civil liability.[60] Citing Griffith v. Court of Appeals,[61] he theorizes that answering for a criminal offense is no longer justified after the settlement of the debt.

Respondent, however, misreads Griffith. The Court held in that case that convicting the accused who, two years prior to the filing of the BP 22 cases, had already paid his debt (from which the checks originated) was contrary to the basic principles of fairness and justice.[62] Obviously, that situation is not attendant here.

The civil liability in the present case was satisfied through the levy and sale of the properties of respondent only after the criminal case had been terminated with his conviction.[63] Apparently, he had sufficient properties that could have been used to settle his liabilities prior to his conviction. Indeed, such an early settlement would have been an indication that he was in good faith, a circumstance that could have been favorably considered in determining his appropriate penalty.

At any rate, civil liability differs from criminal liability.[64] What is punished in the latter is not the failure to pay the obligation, but the issuance of checks that subsequently bounced or were dishonored for insufficiency or lack of funds.[65] The Court reiterates the reasons why the issuance of worthless checks is criminalized:

> "The practice is prohibited by law because of its deleterious effects on public interest. The effects of the increase of worthless checks transcend the private interest of the parties directly involved in the transaction and touches the interest of the community at large. 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 thousand-fold 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. The law punishes the act not as an offense against property but an offense against public order."[66]

WHEREFORE, the Petition is GRANTED and the assailed Orders NULLIFIED. Respondent's Petition for habeas corpus is hereby DENIED. Let this case be REMANDED to MTCC of Baguio City for the re-arrest of respondent and the completion of his sentence.

No pronouncement as to costs.

SO ORDERED.

Sandoval-Gutierrez, Corona, Carpio-Morales, and Garcia, JJ., concur.

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[1] Rollo, pp. 4-39. An RTC judgment may be directly appealed to this Court if the issues raised are purely questions of law. (§1, Rule 45, Rules of Court) Petitioner mistakenly impleaded the judge as respondent. In a petition for review, the lower court is excluded as a respondent. (§4, id.)

[2] Rollo, pp. 90-91.

[3] Id., pp. 92-96.

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[4] Presided by Judge Antonio M. Esteves.

[5] RTC Order, dated October 11, 2001, p. 5; rollo, p. 96.

[6] Petitioner's Memorandum, p. 17 (rollo, p. 442); Solicitor General's Memorandum, p. 2; respondent's Memorandum, p. 1 (rollo, p. 481).

[7] "An Act Penalizing the Making or Drawing and Issuance of a Check Without Sufficient Funds or Credit and for Other Purposes," approved on April 3, 1979.

[8] Presided by Judge Iluminada Cabato-Cortes.

[9] MTCC Joint Judgment, dated July 16, 1999, p. 14; rollo, p. 53.

[10] Presided by Judge Amado S. Caguioa.

[11] RTC Decision, dated May 23, 2000; rollo, pp. 54-56.

[12] Certificate of Finality, dated February 1, 2001; rollo, p. 57.

[13] Annex "D," Petition; rollo, p. 58.

[14] Respondent's Motion for Reconsideration, dated February 27, 2001; rollo, pp. 60-66.

[15] Respondent's Motion for Partial Quashal of the Writ of Execution, dated February 28, 2001; rollo, pp. 67-73.

[16] Rollo, pp. 74-75.

[17] Rollo, pp. 76-79. The case was entitled "In re: The Matter of the Petition for Habeas Corpu[s] of Fernando Dimagiba," with Dimagiba as petitioner and the warden of the Baguio City Jail as respondent. Evidently, the former erred in titling his Petition. Governed by Rule 102 of the Rules of Court, it should have properly been referred to as "Petition for the Writ of Habeas Corpus."

[18] Rollo, pp. 81-83.

[19] Assailed Order, dated October 10, 2001; rollo, pp. 90-91.

[20] Assailed Order, dated October 11, 2001; rollo, pp. 92-96.

[21] 359 Phil. 187, November 16, 1998.

[22] Issued on November 21, 2000.

[23] Assailed Order, dated October 11, 2001, pp. 3-4; rollo, p. 95-96.

[24] Ibid.

[25] Petitioner's Motion for Reconsideration; rollo, pp. 97-106.

[26] RTC Order, dated January 18, 2002; rollo, p. 125.

[27] The case was deemed submitted for decision on September 2, 2004, upon this Court's receipt of the solicitor general's Memorandum, signed by Assistant Solicitors General Antonio L. Villamor and Rodolfo G. Urbiztondo, and Solicitor Luis F. Simon. The Office of the Solicitor General, as counsel for the People of the Philippines, was allowed to join as co-petitioner, per this Court's Resolution dated November 25, 2002 (rollo, p. 137).

The Court received petitioner's Memorandum, signed by Atty. Ariel Aloysius P. Ingalla, on July 26, 2004. Respondent's Memorandum, signed by Atty. Lauro D. Gacayan, was received on August 17, 2004.

[28] Petitioner’s Memorandum, pp. 21-22; rollo, pp. 446-447.

[29] The Court disregards the arguments of respondent in his Comment and Memorandum, in which he said that he was innocent of the charges of violating BP 22. This Petition is not an appeal from his judgment of conviction.

[30] §1, Rule 102, Rules of Court.

[31] Velasco v. Court of Appeals, 245 SCRA 677, 679, July 7, 1995. Also cited in Feria v. Court of Appeals, 382 Phil. 412, 420, February 15, 2000. See also Villavicencio v. Lukban, 39 Phil. 778, 788, March 25, 1919.

[32] Velasco v. Court of Appeals, supra.

[33] §4, Rule 102, Rules of Court.

[34] De Villa v. The Director, New Bilibid Prisons, GR No. 158802, November 17, 2004; Feria v. Court of Appeals, supra; Andal v. People, 367 Phil. 154, 157, May 26, 1999; Harden v. Director of Prisons, 81 Phil. 741, 746, October 22, 1948.

[35] Rollo, pp. 60-66.

[36] Id., pp. 67-73.

[37] §1, BP 22.

[38] Issued on February 14, 2001.

[39] Abarquez v. Court of Appeals, 408 SCRA 500, 511, August 7, 2003; Nagrampa v. People, 435 Phil. 440, 454, August 6, 2002; Tan v. Mendez Jr., 432 Phil. 760, 772, June 6, 2002.

The rationale of this Circular is found in Vaca v. Court of Appeals (supra) and Lim v. People (340 SCRA 497, 504, September 18, 2000). In these cases, the Court held that it would best serve the ends of criminal justice if, in fixing the penalty to be imposed for violation of BP 22, the same philosophy underlying the Indeterminate Sentence Law is observed. The Court meant redeeming valuable human material and preventing unnecessary deprivation of personal liberty and economic usefulness, with due regard to the protection of the social order.

[40] Administrative Circular 13-2001. See also Tan v. Mendez, supra, p. 773.

[41] Ibid.

[42] Ibid.

[43] Ibid. §1, Article VI, Philippine Constitution.

[44] Petitioner’s Memorandum, pp. 28-29; rollo, pp. 453-454.

[45] Abarquez v. Court of Appeals; supra, p. 510.

In Vaca, petitioners were first-time offenders. They were Filipino entrepreneurs who were presumed to contribute to the national economy. They brought the appeal, mistakenly believing that they had committed no violation of BP 22. Otherwise, they would have accepted the trial court’s judgment and applied for probation to avoid a prison term. (Vaca v. Court of Appeals; supra, pp. 195-196).

[46] Rollo, pp. 76-78.

[47] Ibid.

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[48] “Art. 22. Retroactive effect of penal laws. – Penal laws shall have a retroactive insofar as they favor the person guilty of a felony, who is not a habitual criminal, x x x although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same.”

[49] People v. Langit, 392 Phil. 94, 119, August 4, 2000; Gonzales v. Court of Appeals, 343 Phil. 297, 306, August 18, 1997; People v. Ganguso, 320 Phil. 324, 340, November 23, 1995; People v. Simon, 234 SCRA 555, 570, July 29, 1994.

This doctrine follows the rule that the provisions of the Revised Penal Code apply supplementarily to special laws. Art. 10, Revised Penal Code.

[50] 417 SCRA 636, December 10, 2003.

[51] Id., p. 642, per Callejo Sr., J.

[52] It should be noted that a decision prepared, signed, and promulgated by a judge who has not fully or partly heard the case is valid. It is sufficient that the judge, in deciding the case, completely relied on the records before him. Villanueva v. Estenzo, 64 SCRA 407, 413-414, June 27, 1975.

[53] The Constitutional guarantee of equal protection of laws means that no person or class of persons shall be deprived of the same protection of the laws enjoyed by other persons or other classes in the same place and in like circumstances. Tolentino v. Board of Accountancy, 90 Phil. 83, 90, September 28, 1951.

[54] Dimagiba merely noted that the equal-protection clause of the Constitution required the retroactive application of SC-AC No. 12-2000. Respondent’s Memorandum, p. 15; rollo, p. 495.

[55] 436 Phil. 683, 688, August 29, 2002.

[56] Id., p. 685.

[57] Id., p. 688.

[58] Ibid.

[59] RTC Order, dated October 10, 2001, p. 1; rollo, p. 90.

[60] Respondent’s Memorandum, p. 18; rollo, p. 498.

[61] 428 Phil. 878, March 12, 2002.

[62] Id., p. 892.

[63] The debt was allegedly satisfied through the levy and sale of respondent’s Toyota Land Cruiser and two parcels of land. Respondent’s Memorandum, p. 18; rollo, p. 498.

[64] See Rico v. People, 392 SCRA 61, 74, November 18, 2002; Caras v. Court of Appeals, 418 Phil. 655, 668, October 2, 2001.

[65] See Seares v. Salazar, 345 SCRA 308, 313, November 22, 2000.

[66] De Joya v. Jail Warden of Batangas City, supra, p. 644 (citing Lozano v. Martinez, 230 Phil. 406, 424, December 18, 1986).

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