ALICIA F. RICAFORTE, PETITIONER, VS. LEON L. JURADO, RESPONDENT.

G.R. No. 154438. September 05, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking to annul and set aside the Decision[1] dated April 26, 2002 and the Resolution[2] dated July 29, 2002 of the Court of Appeals (CA) in CA-G.R. SP No. 66293.

On February 10, 1997, respondent filed a Complaint[3] for estafa and violation of Batas Pambansa (B.P.) Blg. 22 against Alicia F. Ricaforte (petitioner) with the Quezon City Prosecutor's Office. He alleged that he operates and manages a rice mill in Bulacan; that sometime in June 1996, Ruby Aguilar (Aguilar) procured rice from him and in payment thereof gave him two Far East Bank and Trust Company (FEBTC) checks, to wit: FEBTC Check No. 08A096028P dated July 25, 1996 and Check No. 08A096029P dated August 25, 1996, in the amount of P431,555.00 each, which were both issued by petitioner and when presented for payment were dishonored.

In her Counter-Affidavit, petitioner denied the accusation. She alleged that Aguilar who had lost her Metrobank checkbook borrowed her checks to pay off Aguilar's obligations with Leon Jurado (respondent); that she willingly lent her checks to Aguilar on condition that these checks will be replaced with Aguilar's own checks once her new checkbook is issued to her by Metrobank; that Aguilar then used petitioner's checks to pay her rice procurement with respondent; that in accordance with the arrangement, Aguilar issued two replacement checks in favor of respondent in the amount of P431,555.00 each; that when Aguilar issued the replacement checks, petitioner demanded from respondent the return of her checks but respondent refused, thus she was constrained to request her bank to issue an order of stop payment. Aguilar executed an Affidavit corroborating petitioner's defense.

Respondent filed his Reply denying that petitioner's checks were merely accommodation checks. Petitioner filed her rejoinder as well as supplement to rejoinder.

In a Resolution[4] dated November 24, 1997, Assistant City Prosecutor Luis Zenon Q. Maceren dismissed the complaint for estafa and B.P. Blg. 22 for insufficiency of evidence. The prosecutor found that petitioner did not have any business transaction with respondent; that the subject checks were issued only to accommodate Aguilar; that these were delivered to respondent not as payment but as a guarantee and on condition that Aguilar will replace petitioner's checks with her own, which Aguilar did prior to the maturity of petitioner's checks; that upon maturity of Aguilar's replacement checks and after respondent presented them for payment and were subsequently dishonored, it was then that petitioner's checks were also presented by respondent for encashment; that Aguilar's replacement checks are now subject of another litigation pending in the Metropolitan Trial Court of Quezon City; that the sequence of events showed that indeed petitioner's checks were not intended as payment to respondent because petitioner had no obligation to respondent; that the checks were not issued to account or for value; thus, there can be no finding of prima facie evidence of the charges against him relying on Magno v. Court of

Appeals.[5]

Respondent's Motion for Reconsideration was denied in a Resolution[6] dated May 27, 1998. The prosecutor found that although the issuance of a worthless check is malum prohibitum, B.P. Blg. 22 still requires that the checks should be issued with consideration, which element was lacking in this case; that even respondent admitted in his Complaint-Affidavit that petitioner had no transaction with him by alleging that Aguilar handed to him petitioner's two checks in payment of rice procurement representing these as Aguilar's collection checks and with assurance that they are good; that when Aguilar replaced petitioner's checks with her own, petitioner's checks had no more consideration since these were issued upon agreement that the real debtor, Aguilar, will also issue her own checks.

Respondent appealed the dismissal of his complaint to the Department of Justice. The Secretary of Justice issued a Resolution[7] dated September 21, 2000 modifying the Resolution of the City Prosecutor and directing him to file an information against petitioner for violation of B.P. Blg. 22.

The Justice Secretary found that while the dismissal of estafa is correct, petitioner should be indicted for B.P. Blg. 22. In so ruling, the Secretary found that while petitioner has no business transactions with respondent and merely issued the checks as a guarantee for Aguilar's obligation to respondent, the fact remains that petitioner issued the subject checks and failed to pay respondent the amount due thereon or make arrangements for their full payment within five banking days after receiving a notice of dishonor; that the gravamen of the offense punished by B.P. Blg. 22 is the act of making and issuing worthless checks or those dishonored upon their presentment for payment; that the thrust of the law is to prohibit the making of worthless checks and putting them in circulation; that to require the arrangement surrounding the issuance of the checks be first looked into and thereafter exempt such issuance from the punitive provisions of B.P. Blg. 22 on the basis of that arrangement would frustrate the very purpose for which the law was enacted, i.e. to stop the proliferation of unfunded checks; that B.P. Blg. 22 applies even when dishonored checks were issued merely in the form of deposit or guarantee.

The Justice Secretary denied petitioner's Motion for Reconsideration in a Resolution[8] dated May 30, 2001.

Petitioner filed with the CA a Petition for Certiorari under Rule 65 assailing the resolutions of the Secretary of Justice for having been issued with grave abuse of discretion.

On April 26, 2002, the CA issued its assailed Decision denying the petition for lack of merit. The CA found no grave abuse of discretion committed by the Justice Secretary in his assailed Resolutions. It ruled that trial on the merits must ensue since it is on said occasion that petitioner is granted opportunity for a full and exhaustive presentation of her evidence and not during the preliminary investigation phase where the investigating officer acts upon probable cause and reasonable belief; that in the preliminary investigation phase, it is not yet clear whether petitioner could be considered as having actually committed the offense charged and sought to be punished, although petitioner is presumed innocent until proven guilty beyond reasonable doubt; that the crux of the matter rests upon the reasons for the drawing of the postdated checks by petitioner; i.e., whether they were drawn or issued "to apply on account or for value" as required under B.P. Blg. 22 which will only be determined during trial.

Petitioner's Motion for Reconsideration was denied in a Resolution dated July 29, 2002. The CA ruled that mere issuance of a bouncing check constitutes a probable cause for violation of B.P. Blg. 22; that whether or not the accused is guilty thereof is determined in the trial proper; that preliminary investigation is not a trial and is not intended to usurp the function of the trial court; that Sales, which is invoked by petitioner, is not applicable to the instant case, since the issue in that case was whether or not the Ombudsman followed the proper procedure in conducting a preliminary investigation and the corollary issue of whether or not petitioner was afforded an

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opportunity to be heard and to submit controverting evidence which are not the issues in this case.

Hence, herein petition on the following grounds:

> I
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> THE HONORABLE COURT OF APPEALS COMMITTED A GRAVE REVERSIBLE ERROR IN NOT HOLDING THAT THE HONORABLE SECRETARY OF JUSTICE COMMITTED A GRAVE ABUSE OF DISCRETION IN ISSUING HIS MODIFIED RESOLUTION FINDING PROBABLE CAUSE AGAINST PETITIONER FOR VIOLATION OF B.P. BLG. 22, DESPITE THE FACT THAT THE HONORABLE SECRETARY HAS AGREED WITH THE FINDING OF THE QUEZON CITY PROSECUTION OFFICE DISMISSING THE CHARGE OF ESTAFA AGAINST PETITIONER.
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> II
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> THE HONORABLE COURT OF APPEALS COMMITTED A SERIOUS REVERSIBLE ERROR IN NOT GIVING WEIGHT AND CREDENCE TO PETITIONER'S CLAIM THAT THE SUBJECT CHECKS WERE NOT ISSUED TO ACCOUNT OR FOR VALUE BUT SOLELY TO GUARANTEE RUBY AGUILAR'S CHECKS, ESPECIALLY CONSIDERING THAT IT IS UNDISPUTED THAT PETITIONER HAD NO BUSINESS DEALINGS WHATSOEVER WITH THE RESPONDENT REGARDING RICE PROCUREMENTS.
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> III
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> THE HONORABLE COURT OF APPEALS COMMITTED A SERIOUS REVERSIBLE ERROR IN NOT HOLDING THAT THERE IS NO NEED TO GO TO TRIAL IN THE INSTANT CASE BECAUSE EVEN DURING THE PRELIMINARY INVESTIGATION CONDUCTED BY THE QUEZON CITY PROSECUTION OFFICE, THE SAID PROSECUTION OFFICE HAD FOUND THAT NO PRIMA FACIE OR PROBABLE CAUSE EXISTS TO WARRANT THE FILING OF THE COMPLAINTS OF ESTAFA AND VIOLATION OF B.P. BLG. 22 AGAINST THE PETITIONER.
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> IV
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> THE AFFIRMANCE BY THE HONORABLE COURT OF APPEALS OF THE MODIFIED RESOLUTION OF THE HONORABLE SECRETARY OF JUSTICE DIRECTING THE FILING OFAN INFORMATION AGAINST PETITIONER FOR VIOLATION OF B.P. BLG. 22 OVERLOOKED THE FACT THAT RESPONDENT WOULD BE UNJUSTLY ENRICHED AT THE EXPENSE OF PETITIONER AND THE DEBTOR, MS RUBY AGUILAR, IN THE FORM OF IMPOSITION OF A FINE WHICH IS DOUBLE THE AMOUNT OF THE BOUNCED CHECKS.[9]

The main issue to be resolved is whether the CA erred in ruling that the Secretary of Justice did not commit grave abuse of discretion in finding that there is probable cause for the filing of information against petitioner for violation of B.P. Blg. 22.

Petitioner alleges that the CA should not have sustained the modified resolution of the Secretary of Justice because the Secretary misappreciated her defense, i.e., that Aguilar lost her Metrobank checkbook and borrowed her check and that she issued the subject checks on the condition that the same will be replaced when Aguilar's new checkbook is issued, thus the subject checks are merely accommodation or guarantee checks; that it was Aguilar who tendered them to respondent in payment of her rice procurements from him; that the subject checks were not intended for encashment; that Aguilar subsequently issued her own checks dated July 20, 1996 and August 20, 1996, for P431,555.00 each as replacement for the subject checks; that such substitution was with respondent's knowledge, since the arrangement was brought to his attention through a letter dated July 19, 1996.

Petitioner insists that none of the elements of the offense of B.P. Blg. 22 were present; the first element is absent, since the subject checks were not intended to apply on account or for value in favor of respondent, as petitioner had no business transaction on rice procurements with respondent; the second element is also absent because it is undisputed that at the time petitioner issued the checks, she had substantial deposits with FEBTC which can readily fund her checks upon presentment or maturity; that the reason for the dishonor was "stop payment," because she requested the bank to do so due to a valid reason, i.e., her checks were already replaced by Aguilar's checks dated July 20, 1996 and August 20, 1996. Petitioner cites Tan v. People,[10] in which the petitioner was acquitted of violation of B.P. Blg. 22 because in ordering the stop payment of her check, there were sufficient funds in her account.

Petitioner claims that the CA overlooked the fact that the Secretary of Justice absolved her of estafa; thus, she should also be absolved of violation of B.P. Blg. 22, since both offenses arose from the same subject checks.

Petitioner contends that the CA misappreciated the importance of a preliminary investigation when it ruled that the trial on the merits must ensue, and it is on said occasion when petitioner is granted the opportunity for a full and exhaustive display of her evidence; that it erred in ruling that it is only during trial that the presence or absence of the first element of B.P. Blg. 22, i.e., whether the subject checks were issued to apply to account or for value, can be determined; that preliminary investigation should be given due importance and the determination of whether the first element of B.P. Blg. 22 is present should not be shifted to the trial court; that contrary to the CA's finding, Sales is applicable, a case in which it was ruled that at the preliminary investigation proper, the question whether or not an accused can be bound over for trial can already be determined; if it was determined at the preliminary investigation that an accused had not committed the crime charged, then it is useless to still hold a trial to determine the guilt of the accused, since it can already be determined at the preliminary investigation.

We are not persuaded.

In a preliminary investigation, the public prosecutor merely determines whether there is probable cause or sufficient ground to engender a well-founded belief that a crime has been committed, and that the respondent is probably guilty thereof and should be held for trial.[11] Probable cause implies probability of guilt and requires more than bare suspicion but less than evidence which would justify a conviction.[12] A finding of probable cause needs only to rest on evidence showing that more likely than not, a crime has been committed by the suspect.[13] It does not call for the application of rules and standards of proof that a judgment of conviction requires after trial on the merits.[14] The complainant need not present at this stage proof beyond reasonable doubt. A preliminary investigation does not require a full and exhaustive presentation of the parties' evidence.[15] It is enough that in the absence of a clear showing of arbitrariness, credence is given to the finding and determination of probable cause by the Secretary of Justice in a preliminary investigation.[16]

Contrary to petitioner's claim, respondent sufficiently established the existence of probable cause for violation of B.P. Blg. 22. Section 1 of B.P. Blg. 22 provides:

> 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.
>
> The same penalty shall be imposed upon any person who, having sufficient funds in or credit with the drawee

> bank when he makes or draws and issues a check, shall fail to keep sufficient funds or to maintain a credit to cover the full amount of the check if presented within a period of ninety (90) days from the date appearing thereon, for which reason it is dishonored by the drawee bank.
>
> Where the check is drawn by a corporation, company or entity, the person or persons who actually signed the check in behalf of such drawer shall be liable under this Act.

To be liable for violation of B.P. Blg. 22, the following elements must be present:

> 1) The accused makes, draws or issues any check to apply to account or for value;
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> 2) The accused knows at the time of the issuance that he or she does not have sufficient funds in, or credit with, the drawee bank for the payment of the check in full upon its presentment; and
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> 3) The check is subsequently dishonored by the drawee bank for insufficiency of funds or credit or it would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment.

The gravamen of the offense punished by B.P. Blg. 22 is the act of making and issuing a worthless check; that is, a check that is dishonored upon its presentation for payment.[17] In Lozano v. Martinez,[18] we have declared that it is not the non-payment of an obligation which the law punishes. The law is not intended or designed to coerce a debtor to pay his debt. The thrust of the law is to prohibit, under pain of penal sanctions, the making and circulation of worthless checks. Because of its deleterious effects on the public interest, the practice is proscribed by the law. The law punishes the act not as an offense against property, but an offense against public order.[19] In People v. Nitafan,[20] we said 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 and would fall within the ambit of B.P. Blg. 22.

In this case, petitioner issued the two subject checks in favor of respondent, and when respondent presented them for payment, they were dishonored for reason of the stop payment order issued by petitioner. Notably, a certification[21] from the bank showed that they returned the checks for that reason. In addition, contrary to the claim of petitioner, at the time the said checks were presented for deposit/payment, there were no sufficient funds to cover the same. The mere act of issuing a worthless check -- whether as a deposit, as a guarantee or even as evidence of pre-existing debt -- is malum prohibitum.[22]

Petitioner claims that the subject checks were merely accommodation checks in favor of Aguilar, as they were not issued to account or for value, since she had no business transactions with respondent-payee. However, petitioner admitted that she issued the checks for the rice procurement of Aguilar from respondent which was a valuable consideration. Notably, in respondent's complaint-affidavit, he alleged that the subject checks were given to him by Aguilar in payment of the latter's rice procurements, with the representation that the subject checks were her collection checks and assuring respondent that they would be good upon presentment.

On record is a letter[23] dated July 31, 1996 of respondent's counsel to petitioner on the matter of petitioner's subject FEBTC Check No. 08A096028P dated July 25, 1996, a letter in which the counsel wrote that the check which was in partial payment of the obligation due from Aguilar, and that in return for petitioner's issuance and delivery of the said check, Aguilar acquired a temporary reprieve on her obligation.

The validity and merits of a party's defense and accusation, as well as admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level.[24] A finding of probable cause does not ensure a conviction or a conclusive finding of guilt beyond reasonable doubt. The allegations adduced by the prosecution will be put to test in a full-blown trial in which evidence shall be analyzed, weighed, given credence or disproved.[25]

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In fact, petitioner's argument that respondent was aware of the fact that the subject checks were only accommodation checks in favor of Aguilar is not a defense against a charge for violation of B.P. Blg. 22. In Ruiz v. People of the Philippines,[26] where the accused interposed the defense of accommodation party, we held:

> 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. x x x. And even assuming she was such party, this circumstance is not a defense to a charge for violation of B.P. 22. 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.[27]

In Meriz v. People of the Philippines,[28] we held:

> The Court has consistently declared that the cause or reason for the issuance of the check is inconsequential in determining criminal culpability under BP 22. The Court has since said that a "check issued as an evidence of debt, although not intended for encashment, has the same effect like any other check" and must thus be held to be "within the contemplation of BP 22." Once a check is presented for payment, the drawee bank gives it the usual course whether issued in payment of an obligation or just as a guaranty of an obligation. BP 22 does not appear to concern itself with what might actually be envisioned by the parties, its primordial intention being to instead ensure the stability and commercial value of checks as being virtual substitutes for currency. It is a policy that can easily be eroded if one has yet to determine the reason for which checks are issued, or the terms and conditions for their issuance, before an appropriate application of the legislative enactment can be made. The gravamen of the offense under BP 22 is the act of making or issuing a worthless check or a check that is dishonored upon presentment for payment. The act effectively declares the offense to be one of malum prohibitum. The only valid query then is whether the law has been breached, i.e., by the mere act of issuing a bad check, without so much regard as to the criminal intent of the issuer.[29]Also, in Cruz v. Court of Appeals,[30] we held:
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> It is now settled that Batas Pambansa Bilang 22 applies even in cases where dishonored checks are issued merely in the form of a deposit or a guarantee. The enactment in question 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. Furthermore, the history of the enactment of subject statute evinces the definite legislative intent to make the prohibition all-embracing, without making any exception from the operation thereof in favor of a guarantee. This intent may be gathered from the statement of the sponsor of the bill (Cabinet Bill No. 9) which was enacted later into Batas Pambansa Bilang 22, when it was introduced before the Batasan Pambansa, that the bill was introduced to discourage the issuance of bouncing checks, to prevent checks, from becoming 'useless scraps of paper' and to restore respectability to checks, all without distinction as to the purpose of the issuance of the checks. The legislative intent as above said is made all the more clear when it is considered that while the original text of Cabinet Bill No. 9, supra, had contained a proviso excluding from the coverage of the law a check issued as a mere guarantee, the final version of the bill as approved and enacted by the Committee on the Revision of Laws in the Batasan deleted the abovementioned qualifying proviso deliberately for the purpose of making the enforcement of the act more effective (Batasan Record, First Regular Session, December 4, 1978, Volume II, pp. 1035-1036).
>
> 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.[31]

Petitioner invokes our ruling in Magno v. Court of Appeals[32] where the accused therein was acquitted of B.P. Blg. 22 for issuing checks to collateralize an accommodation and not to cover the receipt of actual account or for value. In Magno, the accused, who was in the process of putting up a car repair shop, was provided with credit facilities by LS Finance and Management Corporation (LS Finance) to enable him to lease from MANCOR the needed equipments. As part of their arrangement, LS Finance required a 30% warranty deposit of the "purchase/lease" value of the equipments to be transacted upon. Accused then asked the LS Finance Vice President Joey Gomez to look for a third party who could lend him the equivalent amount of the warranty deposit as he did not have such amount, however, unknown to the accused, it was Corazon Teng (Vice President of MANCOR) who advanced the deposit in question on condition that the same would be paid as a short term loan at 3% interest. The accused subsequently issued checks to collateralize an accommodation made by Teng amounting to Twenty Nine Thousand Seven Hundred Pesos (P29,700.00) as warranty deposit. Subsequently, the said checks bounced; thus the accused was prosecuted and the lower courts convicted him of B.P. Blg. 22. On a Petition for Review on Certiorari, we however acquitted the accused and held that the "cash out" made by Teng was not used by the accused who was just paying rental on the equipments. To charge him for the refund of a "warranty deposit" he did not withdraw, because it was not his own account and it remained with LS Finance, would be to make him pay an unjust "debt," to say the least, since he did not actually receive the amount involved. We also held that this is a scheme whereby Teng as the supplier of the equipment in the name of Mancor, would be able to sell or lease its goods as in this case, and at the same time privately finance those who desperately needed petty accommodations as obtaining in said case; that this modus operandi, in so many instances, victimized unsuspecting businessmen who likewise needed protection from the law by availing themselves of the deceptively called "warranty deposit," not realizing that they would fall prey to a leasing equipment under the guise of a lease-purchase agreement, when it was a scheme designed to skim off a business client.

It bears stressing that Magno was decided after a full-blown trial, and the proof needed to convict the accused was proof beyond reasonable doubt, which was not established in that case.

On the other hand, herein case is still in the preliminary investigation stage which is merely inquisitorial, and it is often the only means of discovering the persons who may be reasonably charged with a crime, to enable the fiscal to prepare his complaint or information.[33] It is not a trial of the case on the merits and has no purpose except that of determining whether a crime has been committed and whether there is probable cause to believe that the accused is guilty.[34] It is not the occasion for the full and exhaustive display of the parties' evidence; it is for the presentation of such evidence only as may engender a well-grounded belief that an offense has been committed and that the accused is probably guilty thereof.[35] We are in accord with the Justice Secretary's finding that there is reasonable ground to believe that a violation of B.P. Blg. 22 has been committed by petitioner, thus, we refrain from prejudging the applicablity or inapplicability of Magno in this case.

Petitioner alleges that at the time she issued the subject checks, she has substantial funds in the bank to cover the value thereof. This is evidentiary in nature which must be presented during trial more so in the light of the bank certification that there were no sufficient funds to cover the checks when presented for deposit/payment.

The law itself creates a prima facie presumption of knowledge of insufficiency of funds. Section 2 of B.P. Blg. 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.[36] If not rebutted, it suffices to sustain a conviction.[37]

We also find no merit in petitioner's claim that since the Secretary of Justice absolved her of estafa, she should also be absolved of violation of B.P. Blg. 22, since both offenses arose from the same subject checks. While deceit and damage are essential elements in estafa, they are not required in B.P. Blg. 22. As already aforestated, under B.P. Blg. 22, mere issuance of a check that is dishonored gives rise to the presumption of knowledge on the part of the drawer that he issued the same without sufficient funds and is hence punishable.

We do not subscribe to petitioner's argument that for Aguilar's rice procurements from respondent, Aguilar had made substantial payments to respondent through cashier's checks totalling P313,255.00; that despite these substantial payments, respondent still wanted to collect from petitioner's subject checks the total amount of P863,110.00; that respondent wanted to collect from both petitioner and Aguilar for the latter's rice procurement. It is during the trial of this case that evidence may be introduced to prove petitioner's contentions. As of now, it has been established that when the subject checks were deposited, they were all dishonored.

Furthermore, the allegation of petitioner that if the information for B.P. Blg. 22 would be filed and in the remote event that petitioner would be found guilty thereof, then the trial court may impose a fine double the amount of the checks, which fine may amount to millions of pesos; and that this is unjust enrichment on respondent's part at the expense of petitioner and Aguilar deserves scant consideration. Suffice it to state that the fine that may be imposed by the court is not awarded to the private complainant. Fine is imposed as a penalty and not as payment for a specific loss or injury.[38]

In fine, the CA did not commit any error in upholding the findings of the Secretary of Justice that probable cause exists that the crime of violation of B.P. Blg. 22 has been committed by petitioner.

WHEREFORE, the petition is DENIED. The Decision dated April 26, 2002 and the Resolution dated July 29, 2002 of the Court of Appeals are hereby AFFIRMED.

Costs against petitioner.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Reyes, JJ., concur.

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[1] Penned by Justice Eliezer R. delos Santos, concurred in by Justices Cancio C. Garcia (now Associate Justice of this Court) and Marina L. Buzon; CA rollo, pp. 155-159.

[2] Id. at 180-182.

[3] Docketed as I.S. No. 97-3205.

[4] CA rollo, pp. 81-82.

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

[6] CA rollo, pp. 93-94; per Rosalina R. Datiles, 2nd Assistant City Prosecutor, Quezon City.

[7] Id. at 17-19; per Secretary Artemio G. Tuquero.

[8] Id. at 20; per Justice Secretary Hernando B. Perez.

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[9] Rollo, pp. 24-25.

[10] 402 Phil. 833 (2001).

[11] Ang v. Lucero, G.R. No. 143169, January 21, 2005, 449 SCRA 157, 168, citing People of the Philippines v. Court of Appeals, 361 Phil. 401, 413 (1999).

[12] Ching v. Secretary of Justice, G.R. No. 164317, February 6, 2006, 481 SCRA 609, 629.

[13] Id., citing Nava v. Commission on Audit, 419 Phil 544, 554 (2001).

[14] Ang v. Lucero, supra note 11, citing Microsoft Corporation v. Maxicorp, Inc., G.R. No. 140946, September 13, 2004, 438 SCRA 224, 236.

[15] People of the Philippines v. Court of Appeals, supra note 11, citing Ledesma v. Court of Appeals, 344 Phil. 207, 226 (1997).

[16] Drilon v. Court of Appeals, 327 Phil. 916, 927 (1996).

[17] Ngo v. People of the Philippines, G.R. No. 155815, July 14, 2004, 434 SCRA 522, 530-531, citing Recuerdo v. People of the Philippines, 443 Phil. 770, 777 (2003); Lozano v. Martinez, 230 Phil. 406, 421 (1986).

[18] Id.

[19] Id. at 421.

[20] G.R. No. 75954, October 22, 1992, 215 SCRA 79, 82-83.

[21] CA rollo, p. 24.

[22] People of the Philippines v. Nitafan, supra note 20, at 84, citing Que v. People of the Philippines, G.R. Nos. L-75217-18, September 21, 1987, 154 SCRA 160, 165.

[23] CA rollo, p. 25.

[24] Drilon v. Court of Appeals, supra note 16, at 923.

[25] Id. at 927.

[26] G.R. No. 160893, November 18, 2005, 475 SCRA 476.

[27] Id. at 491-492.

[28] 420 Phil. 608 (2001).

[29] Id. at 617.

[30] G.R. No. 108738, June 17, 1994, 233 SCRA 301.

[31] Id. at 308.

[32] Supra note 5.

[33] Tandoc v. Resultas, G.R. Nos. 59241-44, July 5, 1989, 175 SCRA 37, 43, citing People of the Philippines v. Badilla, 48 Phil. 718, 731 (1926).

[34] Id.

[35] Drilon v. Court of Appeals, supra note 16, at 923.

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[36] Ty v. People of the Philippines, G.R. No. 149275, September 27, 2004, 439 SCRA 220, 236, citing Meriz v. People of the Philippines, supra note 28, at 618.

[37] Id., citing Lim v. People of the Philippines, 394 Phil. 844, 852 (2000).

[38] People of the Philippines v. Ching Kuan,` 74 Phil. 23, 24 (1942).

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