VICENTE S. CENZON, PETITIONER, VS. HON. SALVADOR ABAD SANTOS AS ACTING PRESIDING JUDGE, RTC OF MAKATI CITY, BRANCH 143, HON. ASSISTANT CITY PROSECUTOR ANDRES MARCOS IN HIS CAPAC...

G.R. NO. 164337. June 27, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a Petition for Review on Certiorari with prayer for Temporary Restraining Order and/or Preliminary Mandatory Injunction, assailing the 26 February 2004 Decision[1] and the 30 June 2004 Resolution[2] of the Court of Appeals in CA-G.R. SP No. 72570, which affirmed the 15 February 2002[3] and 17 June 2002[4] Orders of the Regional Trial Court (RTC), Branch 143, Makati City, in Criminal Case No. 01-2709-10, allowing the amendment of the informations therein from NO BAIL RECOMMENDED to BAIL SET AT P60,000.00.

The facts, as culled from the evidence on record, follow:

Petitioner Vicente S. Cenzon is a member of the Board of Directors of Honig Sugar Trading Corp. (Honig). On the other hand, private respondent Margarita C. Sia is the president of South Pacific Sugar Corp. (South Pacific).

On 23 February 2000, petitioner Cenzon filed with the Makati City Prosecution Office, four complaint-affidavits[5] against private respondent Sia for violation of Batas Pambansa Blg. 22 and Estafa under Article 315, par. 2(d) of the Revised Penal Code, alleging that the checks issued by South Pacific, through private respondent Sia, were dishonored upon due presentment for having been the subject of a "stop payment order" (SPO), and for having been "drawn against insufficient funds" (DAIF). Despite demands made upon private respondent Sia and South Pacific to pay the amounts represented by the face value of the subject checks, the same remained unheeded.

The particulars of the subject checks are, to wit:

CHECK NO. DATE AMOUNT

HRR 0005306682 31 January 1999 P15,840,000.00

HRR 0005306773 24 May 1999 P42,625,000.00

HRR 0005306775 24 May 1999 P 9,180,000.00

HRR 0005306774 24 May 1999 P91,776,970.00

On 31 August 2000, the Makati City Prosecution Office issued a Resolution[6] recommending the dismissal of the complaint for Estafa, and the filing of informations for four counts of violation of Batas Pambansa Blg. 22,

and further recommending bail of P30,000.00 for each count.

On appeal by petitioner Cenzon to the Department of Justice (DOJ), Resolution[7] dated 31 August 2001 was issued, reversing and setting aside the Resolution dated 31 August 2000, and directing the Makati City Prosecution Office to file two informations for Estafa under Article 315, par. 2(d)[8] of the Revised Penal Code, as amended by Presidential Decree No. 818,[9] against private respondent Sia. In accordance therewith, Makati City Prosecutor Edgardo Hirang filed on 10 December 2001 with the RTC, two informations[10] against private respondent Sia for violations of Article 315, par. 2(d) of the Revised Penal Code, as amended by Presidential Decree No. 818. The two informations involved Check No. HRR 0005306682 and Check No. HRR 0005306774, which covered the amounts of P15,840,000.00 and P91,776,970.00, respectively. The City Prosecutor recommended NO BAIL. The cases were docketed as Criminal Case Nos. 01-2709 and 2710, and subsequently consolidated as Criminal Case No. 01-2709-2710.

On 11 December 2001, the RTC issued an Order[11] directing the issuance of a warrant of arrest against private respondent Sia. On 29 January 2002, the RTC suspended the proceedings a quo for the reason that private respondent Sia had a pending Motion for Reconsideration with the DOJ Secretary, questioning the latter's finding of probable cause. Subsequently, in the hearing of 15 February 2002, the public prosecutor moved for the amendment of the informations from NO BAIL RECOMMENDED to BAIL SET AT P60,000.00 for each count of Estafa. The amendment was sought on the strength of DOJ Department Circular No. 74, issued on 6 November 2001, which specified the amount of bail to be recommended, in cases of Estafa under Article 315, par. 2(d), as amended by Presidential Decree No. 818. The RTC granted the public prosecutor's Motion, as contained in the assailed Order[12] of 15 February 2002.

Private prosecutor's Motion for Reconsideration of the 15 February 2002 Order was denied by the RTC, in the Order[13] dated 17 June 2002. Aggrieved, petitioner Cenzon filed with the Court of Appeals, a Petition for Certiorari, imputing to the RTC, grave abuse of discretion amounting to lack or excess of jurisdiction in authorizing the amendment of the informations to allow private respondent Sia to post bail.

In the assailed Decision of 26 February 2004, the Court of Appeals affirmed the RTC, ratiocinating that the offense by which private respondent Sia is charged is not punishable by reclusion perpetua, and as such, she is entitled to bail. The appellate court, relying on the pronouncements in People v. Hernando[14] and People v. Panganiban,[15] ratiocinated in the following manner:

> Based on the foregoing, it is clear that all persons are entitled to bail, as a matter of right, provided that one is not charged with an offense punishable by death, reclusion perpetua, or life imprisonment. In the case at bench, We agree with the private respondent, and concurred in by no less than the Solicitor General, that the offense by which she is being charged is not punishable by reclusion perpetua and so she is entitled to bail. Thus, the respondent judge is not guilty of grave abuse of discretion in allowing the amendment of the informations to allow accused-respondent Sia to post bail.
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> This was clearly illustrated in the leading case of People vs. Hernando and reiterated in People vs. Panganiban, where it was clarified that reclusion perpetua is not the prescribed penalty for the offense as used in PD No. 818, to wit:
>
> "xxx xxx xxx
>
> "Hence, if the amount of the fraud exceeds twenty-two thousand pesos, the penalty of reclusion temporal is imposed in its maximum period, adding one year for each additional ten thousand (P10,000.00) pesos but the total penalty shall not exceed thirty (30) years, which shall be termed reclusion perpetua. As used herein, RECLUSION PERPETUA IS NOT THE PRESCRIBED PENALTY FOR THE OFFENSE. It merely describes the penalty actually imposed on account of the amount of the fraud involved, which exceeds twenty

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two thousand (P22,000.00) pesos." (Emphasis Ours.)

Precisely, this is the reason why DOJ Circular No. 74 came into effect, to guide all prosecutors in recommending the amount of bail to be fixed. Public Prosecutor Marcos thus correctly moved for the amendment of the informations, and the respondent judge judiciously allowed it to conform with the DOJ circular brought about by the new jurisprudence on the matter. Clearly, the ruling in People vs. Reyes cited by the petitioner is deemed superseded.

Moreover, as cited by the petitioner himself, courts are advised that they must not only be aware but should consider the Bail Bond Guide due to its significance in the administration of criminal justice. Settled also is the rule that, while not controlling, official opinions of the justice secretary are persuasive.[16]

In the same vein, petitioner Cenzon's Motion for Reconsideration thereon was denied by the appellate court for lack of merit, in the Resolution dated 30 June 2004.

Elevating the matter before this Court via the instant Petition for Review, petitioner Cenzon submits the following grounds for its allowance, viz:

I

THE COURT OF APPEALS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH THE ESTABLISHED CONSTITUTIONAL MANDATE THAT "NO DOCTRINE OR PRINCIPLE OF LAW LAID DOWN BY THE COURT IN A DECISION RENDERED EN BANC OR IN DIVISION MAY BE MODIFIED OR REVERSED EXCEPT BY THE COURT SITTING EN BANC."

II

THE COURT OF APPEALS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH LAW AND JURISPRUDENCE BY SOLELY RELYING ON THE CASES OF PEOPLE V. HERNANDO AND PEOPLE V. PANGANIBAN WHICH INVOLVE FACTS DIFFERENT FROM THE PRESENT CASE.[17]

Petitioner Cenzon endeavors to build his case by invoking People v. Reyes,[18] and the 2000 Bail Bond Guide of the DOJ. According to petitioner Cenzon, the 2000 Bail Bond Guide of the DOJ recommends NO BAIL for Estafa under Article 315, par. 2(d) of the Revised Penal Code, as amended by Presidential Decree No. 818, if the amount of the fraud is P32,000.00 or over. It is petitioner Cenzon's theory that NO BAIL is recommended in such cases, because the penalty prescribed therein is reclusion perpetua.[19] Petitioner Cenzon posits that the 2000 Bail Bond Guide of the DOJ was made pursuant to Section 13,[20] Article III of the 1987 Constitution, which provides that crimes punishable by reclusion perpetua to death, when evidence of guilt is strong, are not bailable.

Further, petitioner Cenzon asseverates that in Reyes, the Court En Banc declared that Presidential Decree No. 818, which took effect as early as 1975, provided for the penalty of reclusion perpetua where bouncing checks of the requisite amount are involved.[21] Proceeding therefrom, it is petitioner Cenzon's contention that, in the assailed Decision of 26 February 2004, the Court of Appeals erroneously relied on DOJ Department Circular No. 74,[22] which disregards the rule that Estafa under Article 315, par. 2(d) of the Revised Penal Code, as amended by Presidential Decree No. 818, where the amount of the fraud is P32,000.00 or above is non-bailable.

Finally, petitioner Cenzon maintains that the ruling in Reyes which was rendered En Banc cannot be declared superseded by the subsequent cases of Hernando and Panganiban, as the latter cases were rendered by divisions of this Court. Citing Section 4(3),[23] Article VIII of the Constitution, petitioner Cenzon argues that Hernando and Panganiban cannot overturn Reyes because no doctrine or principle of law laid down by the Court in a decision rendered En Banc or in division may be modified or reversed except by the Court sitting En Banc.

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The issue presented for our consideration is, whether private respondent Sia, who is charged with Estafa under Article 315, par. 2(d)[24] of the Revised Penal Code, as amended by Presidential Decree No. 818, for having issued bouncing checks in the amounts of P91,776,970.00 and P15,840,000.00, may be granted bail, as a matter of right, in accordance with DOJ Department Circular No. 74, dated 6 November 2001.

At the outset, attention must be called to Section 4, Rule 114 of the Revised Rules of Criminal Procedure, which provides:

> SEC. 4. Bail, a matter of right; exception. – All persons in custody shall be admitted to bail as a matter of right, with sufficient sureties, or released on recognizance as prescribed by law or this Rule (a) before or after conviction by the Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities, or Municipal Circuit Trial Court, and (b) before conviction by the Regional Trial Court of an offense not punishable by death, reclusion perpetua, or life imprisonment.

Thus, it must be asked, is private respondent Sia charged with an offense punishable by reclusion perpetua?

The issue that confronts us is not novel. Perforce, in Panganiban, we settled that the term, reclusion perpetua, as utilized in Presidential Decree No. 818, merely describes the penalty imposed on account of the amount of the fraud involved. The unequivocal import in Presidential Decree No. 818[25] is that, if the amount of the fraud exceeds twenty-two thousand pesos (P22,000.00), the penalty of reclusion temporal is imposed in its maximum period, adding one year for each additional ten thousand (P10,000.00) pesos, but the total penalty shall not exceed thirty (30) years, which shall be termed reclusion perpetua. Taking our legal bearings from the Panganiban case, we stress that the use of the term reclusion perpetua in Presidential Decree No. 818 is merely to describe the penalty imposed, but not the prescribed penalty thereof.

To reiterate, we quote hereunder, our pronouncement in Panganiban:

> Finally, some clarifications on the imposable penalty. The trial court convicted accused-appellant to reclusion perpetua, following the amendment to Article 315, par. 2(d) of the Revised Penal Code by Presidential Decree No. 818, which increased the penalty for estafa committed by means of bouncing checks.
>
> Presidential Decree No. 818 provides:SECTION 1. Any person who shall defraud another by means of false pretenses or fraudulent acts as defined in paragraph 2(d) of the Revised Penal Code, as amended by Republic Act No. 4885, shall be punished by:
>
> 1[st]. The penalty of reclusion temporal if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos but the total penalty which may be imposed shall in no case exceed thirty years. In such cases, and in connection with the accessory penalties which may be imposed under the Revised Penal Code, the penalty shall be termed reclusion perpetua;
>
> x x x x

As used in Presidential Decree No. 818, reclusion perpetua is not the prescribed penalty for the offense, but merely describes the penalty actually imposed on account of the amount of the fraud involved, which exceeds P22,000.00.[26] (Underscoring supplied.)

The Court, in Hernando was just as succinct in pronouncing that the term reclusion perpetua as used in Presidential Decree No. 818, merely describes the penalty actually imposed on account of the amount of the fraud involved, which exceeds twenty two thousand (P22,000.00) pesos.[27] As used in Presidential Decree No. 818, reclusion perpetua is not the prescribed penalty for the offense.[28]

Moreover, the Court, thru an En Banc Resolution, dated 26 February 2002, in Jovencio Lim and Teresita Lim v.

People,[29] pronounced that bail is allowed for the crime of Estafa under Article 315, par. 2(d), as amended by Presidential Decree No. 818.[30] Petitioners therein were charged with the offense of Estafa under Article 315, par. 2(d) of the Revised Penal Code, as amended by Presidential Decree No. 818, for having issued two postdated checks involving the amounts of P365,750.00 and P429,000.00. We allowed aforesaid petitioners to post bail in accordance with the provisions of DOJ Circular No. 74, dated 6 November 2001.

In Lim, we said that the intendment and provision of DOJ Circular No. 74 was to benefit the accused. Indeed, it is a principle of statutory construction that penal laws are liberally construed in favor of the accused and strictly against the State.[31] In like manner, we must also apply DOJ Circular No. 74 to herein private respondent Sia.

We find inapplicable the case of Reyes. In Reyes, the question was whether therein accused who was convicted, inter alia, of Estafa under Article 315, par. 2(d) of the Revised Penal Code and sentenced therefore to serve twenty-two years of reclusion perpetua, with its accessory penalties and liability for indemnification, may be allowed to remain on bail during the pendency of her appeal from said conviction.[32] Comparatively, what is before us is an accused charged with Estafa under paragraph 2(d), Article 316 of the Revised Penal Code. Clearly, Reyes is not on all fours with the case at bar. Instead, it is the later case of Lim which finds application.

Our Resolution in Lim, dated 26 February 2002, and issued by the Court En Banc settled the issue anent the allowance of bail in cases involving Estafa under paragraph 2(d), Article 316 of the Revised Penal Code. As earlier stated, in Lim, we allowed the accused therein to post bail, and we upheld DOJ Department Circular No. 74, citing Hernando. In the more recent case of Poblete v. Court of Appeals,[33] the Court underscored once more with definitive pronouncement the application of DOJ Department Circular No. 74 in cases involving the crime of Estafa under Art. 315, par. 2(d) of the Revised Penal Code, as amended by Presidential Decree No. 818. Stare decisis et non quieta movera.

We said in Poblete, thus:

> It was definitively resolved when the Court adopted Department of Justice (DOJ) Circular No. 74 ordaining that bail be allowed for the crime of Estafa under Art. 315, par. 2(d), as amended by P.D. 818, thru an En Banc Resolution dated February 26, 2002 in the case of Jovencio Lim and Teresita Lim v. People of the Philippines, et al., G.R. No. 149276. The salient portion of the Resolution reads:"(3) Where the amount of fraud is P32,000.00 or over in which the imposable penalty is reclusion temporal to reclusion perpetua, bail shall be based on reclusion temporal maximum, pursuant to Par. 2(a) of the 2000 Bail Bond Guide, multiplied by P2,000.00 plus an additional of P2,000.00 for every P10,000.00 in excess of P22,000.00; Provided, however, that the total amount of bail shall not exceed P60,000.00."[34]

We are similarly not impressed with petitioner Cenzon's reliance on the 2000 Bail Bond Guide of the DOJ. Evidently, Department Circular No. 74 of the DOJ amended the 2000 Bail Bond Guide, the salient provisions thereof, reads thus:

> WHEREAS, under the 2000 Bail Bond Guide, no bail is recommended for estafa under Art. 315 2(d), RPC, as amended by PD 818, as well as for Qualified Theft when the amount of fraud or the value of the property involved is P32,000.00 or over;
>
> WHEREAS, such policy has already been overtaken and rendered untenable by the new jurisprudence, particularly the ruling in People vs. Hernando, 317 SCRA 621 (1999);
>
> WHEREFORE, in estafa under Art. 315 2(d), as amended by PD 818, and Qualified Theft, the bail to be recommended shall be governed by the following rules:
>
> A. FOR ESTAFA (ART. 315, 2(d), RPC, as amended by PD 818:

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1)

Where the amount of fraud involved does not exceed P22,000.00, bail shall be computed based on the applicable provisions of the 2000 Bail Bond Guide.

2)

Where the amount of fraud involved is more than P22,000.00 but less than P32,000.00, bail shall be based on the maximum period of the imposable penalty of reclusion temporal multiplied by P2,000.00.

3)

Where the amount of fraud is P32,000.00 or over in which the imposable penalty is reclusion temporal to reclusion perpetua, bail shall be based on reclusion temporal maximum, pursuant to Par. 2(a) of the 2000 Bail Bond Guide, multiplied by P2,000.00, plus an additional of P2,000.00 for every P10,000.00 in excess of P22,000.00; Provided, however, that the total amount of bail shall not exceed P60,000.00. (Underscoring supplied.)

From the foregoing, if the amount of fraud is P122,000.00 or over, as in the case at bar, the amount of bail is P60,000.00.

WHEREFORE, the petition is hereby DENIED. The Decision dated 26 February 2004 and Resolution dated 30 June 2004 of the Court of Appeals in CA-G.R. SP No. 72570, which affirmed the Orders dated 15 February 2002 and 17 June 2002 of the Regional Trial Court, Branch 143, Makati City, allowing the amendment of the informations in Crim. Case No. 01-2709-10, from NO BAIL RECOMMENDED to BAIL SET AT P60,000.00 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, and Austria-Martinez, JJ., concur.
Callejo, Sr., J., in the result.

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[1] Penned by Associate Justice Delilah Vidallon-Magtolis with Associate Justices Jose L. Sabio, Jr. and Hakim S. Abdulwahid, concurring; Rollo, pp. 48-53.

[2] Id. at 55.

[3] Penned by Acting Presiding Judge Salvador S. Abad Santos; Id. at 504.

[4] Id. at 513-514.

[5] Id. at 67-89.

[6] Id. at 336-341.

[7] Records, Vol. I, pp. 8-10.

[8] Article 315, par. 2(d) reads:

ART. 315. Swindling (estafa) – x x x

x x x x

(d) By postdating a check, or issuing a check in payment of an obligation when the offender had no funds in the bank, or his funds deposited therein were not sufficient to cover the amount of the check. The failure of the drawer of the check to deposit the amount necessary to cover his check within three (3) days from receipt of notice from the bank and/or the payee or holder that said check has been dishonored for lack or insufficiency of funds shall be prima facie evidence of deceit constituting false pretense or fraudulent act.

[9] Entitled, "Amending Article 315 of the Revised Penal Code by Increasing the Penalties for Estafa Committed by Means of Bouncing Checks."

[10] The first information averred, thus:

"That on or about the 27[th] day of November, 1998, in the City of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, being then the authorized signatory of South Pacific Sugar Corporation, with intent to defraud, by means of deceit and false representation committed prior to or simultaneously with the fraudulent act, did then and there wilfully (sic), unlawfully and feloniously make out and issue United Coconut Planters Bank Check No. HRR 0005306682 postdated January 31, 1999 in the amount of P15,840,000.00 in exchange for 11,000 fifty[-]kilogram bags of sugar respondent received from the complainant, Honig Sugar Corporation represented by Vicente S. Cenzon knowing that at the time of its issue she has insufficient funds in or credit with the drawee bank to cover the full amount of the check such that when said check was presented for payment to the drawee bank, the same was dishonored for the reason "PAYMENT STOPPED DAUD" and the accused, despite notice to make good the said check or pay the amount thereof within three (3) days from receipt of notice of dishonor of such check failed and refused to do so, to the damage and prejudice of the said complainant Honig Sugar Corporation in the aforementioned amount of P15,840,000.00. (Records, Vol. I, p. 4.)

The second information reads:

"That on or about the 16[th] day of November, 1998, in the City of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the authorized signatory of South Pacific Sugar Corporation with intent to defraud, by means of deceit and false representation committed prior to or simultaneously with the fraudulent act, did then and there wilfully (sic), unlawfully and feloniously make out and issue United Coconut Planters Bank Check No. HRR 0005306774 postdated May 24, 1999 in the amount of P91,776,970.00 in exchange for 91,776 fifty[-]kilogram bags of sugar respondent received from the complainant, Honig Sugar Corporation represented by Vicente S. Cenzon knowing that at the time of its issue she has insufficient funds in or credit with the drawee bank to cover the full amount of the check such that when said check was presented for payment to the drawee bank, the same was dishonored for the reason "PAYMENT STOPPED-DAIF" and the accused, despite notice to make good the said check or pay the amount thereof within three (3) days from receipt of notice of dishonor of such check failed and refused to do so, to the damage and prejudice of the said complainant Honig Sugar Corporation in the aforementioned amount of P91,776,970.00. (Id. at 2.)

[11] Records, Vol. II, p. 389.

[12] Id. at 606.

[13] Id. at 683-683A.

[14] 375 Phil. 1078 (1999).

[15] 390 Phil. 673 (2000).

[16] Rollo, pp. 737-738.

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[17] Id. at 646-647.

[18] G.R. Nos. 101127-31, 7 August 1992, 212 SCRA 402.

[19] Rollo, pp. 24-25.

[20] Section 13, Art. III of the 1987 Constitution reads:

> Sec. 13. All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

[21] Rollo, pp. 25-26.

[22] See CA rollo, pp. 480-496.

[23] Section 4(3), Article VIII of the 1987 Constitution provides:

> Sec. 3. Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided en banc: Provided, that no doctrine or principle of law laid down by the court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc.

[24] Article 315, paragraph 2(d) reads:

> ART. 315. Swindling (estafa) –
>
> (d) By postdating a check, or issuing a check in payment of an obligation when the offender had no funds in the bank, or his funds deposited therein were not sufficient to cover the amount of the check. The failure of the drawer of the check to deposit the amount necessary to cover his check within three (3) days from receipt of notice from the bank and/or the payee or holder that said check has been dishonored for lack or insufficiency of funds shall be prima facie evidence of deceit constituting false pretense or fraudulent act.

[25] Sec. 1 of Presidential Decree No. 818 reads:

> Section 1. Any person who shall defraud another by means of false pretenses or fraudulent acts as defined in paragraph 2(d) of Article 315 of the Revised Penal Code, as amended by Republic Act No. 4885, shall be punished by:
>
> 1st. The penalty of reclusion temporal if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos but the total penalty which may be imposed shall in no case exceed thirty years. In such cases, and in connection with the accessory penalties which may be imposed under the Revised Penal Code, the penalty shall be termed reclusion perpetua;
>
> 2nd. The penalty of prision mayor in its maximum period, if the amount of the fraud is over 6,000 pesos but does not exceed 12,000 pesos;
>
> 3rd. The penalty of prision mayor in its medium period, if such amount is over 200 pesos but does not exceed 6,000 pesos; and,
>
> 4th. By prision mayor in its maximum period, if such amount does not exceed 200 pesos.

[26] People v. Panganiban, supra note 15 at 689-690.

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[27] People v. Hernando, supra note 14 at 1093.

[28] Id.

[29] G.R. No. 149276, 26 February 2002.

[30] See also Poblete v. Court of Appeals, G.R. No. 128859, 29 June 2004, 433 SCRA 39, 42.

[31] See People v. Garcia, 85 Phil. 651, 656 (1950), citing STATUTORY CONSTRUCTION, Crawford, pp. 460-462.

[32] People v. Reyes, supra note 18 at 404.

[33] Supra note 30.

[34] Id. at 42.

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