

TEODORA CATUIRA, PETITIONER, VS. THE HON. COURT OF APPEALS SIXTH DIVISION, THE HON. EUSTAQUIO P. STO. DOMINGO IN HIS OFFICIAL CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT O...

G.R. No. 84087. April 12, 1989

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

The Court of Appeals dismissed for insufficiency in form and substance the petition for certiorari which the accused, Teodora Catuira, filed against the Regional Trial Court of Calamba, Laguna, to annul its order denying her motion to quash the ten (10) informations against her for violation of the Bouncing Checks Law (B.P. Blg. 22). Alleging that the Appellate Court acted with grave abuse of discretion, the accused filed this special civil action of certiorari under Rule 65 to annul its decision.

The petitioner's motions to quash the informations in the Regional Trial Court alleged that: (1) the informations did not charge an offense, and, (2) that the criminal action had prescribed.

The prosecution opposed the motion to quash, but on July 3, 1987, the trial fiscal filed an Ex parte Motion to Amend Informations, attaching thereto the ten amended informations. On July 7, 1987, the trial court denied the Motion to Quash because under Rule 110, Sec. 14, of the New Rules of Criminal Procedure, "the information or complaint may be amended, in substance or form, without leave of court, at any time before the accused pleads; x x x' and as the prosecution filed amended informations against the accused on July 3, 1987, the first ground of the motion had become moot & academic." (Annex AA.)

It also ruled that the crimes had not prescribed because -

"the penalty imposable for the offenses charged, considering the least amount involved in all these cases (P17,800.00) carries an afflictive penalty. Pursuant to Art. 90 of the Revised Penal Code, the offenses charged will only prescribe after fifteen (15) years." (Annex AA.)

The crimes charged were committed on September 30, 1982. The informations were filed on October 10, 1986, or after only four (4) years, hence, the crimes had not yet prescribed.

Petitioner sought a review of the trial court's ruling through a petition for certiorari, mandamus, and prohibition in this Court (Teodora Catuira vs. Hon. Eustaquio P. Sto. Domingo, and People of the Philippines, G.R. Nos. 82409-18) but We referred the case to the Court of Appeals for proper determination.

On May 6, 1988, the Court of Appeals dismissed the petition for "not being sufficient in form and substance" and because the errors raised against the respondent Judge "do not appear to be jurisdictional in nature which are correctible by certiorari, being at most errors in the exercise of jurisdiction," and, furthermore, as "petitioner can raise at the trial the question now being posed in her petition, she has, in contemplation of the rules, a plain,

speedy and adequate remedy in the ordinary course of law (Sec. 1, Rule 65, Rules of Court; PCIB vs. Escolin, March 29, 1974; Landicho vs. Tensuan, June 30, 1987)."

Dissatisfied with the Appellate Court's resolution, she has appealed to this Court.

After a careful consideration of the petition for review, We do not find it to be impressed with merit. The dismissal of her petition by the Court of Appeals was proper because her failure to comply with the mandatory requirement of Section 1, Rule 65 of the Rules of Court to submit certified true copies of the assailed orders of the trial court rendered her petition deficient in form and substance.

The fiscal's authority to file amended informations in the trial court before the accused was arraigned is sanctioned by the Rules of Court (Sec. 14, Rule 110), hence, the lower court did not abuse its discretion in admitting the amended informations.

The jurisdiction of the Regional Trial Court over the criminal cases is indubitable and its order admitting the amended informations was a valid exercise of that jurisdiction which can only be corrected by appeal, not by certiorari (*Arcaya vs. Telerom*, 57 SCRA 363; *Demaronsing vs. Tandayag*, 58 SCRA 484; *Confederation of Citizens Labor Unions vs. National Labor Relations Commission*, 60 SCRA 450).

On the issue of whether the crimes had prescribed, the trial court correctly ruled that prescription had not set in.

Considering that the lowest amount involved in the ten informations was P17,800 and that under Presidential Decree No. 818, increasing the penalties for Estafa committed by means of Bouncing Checks, the accused shall be punished by:

"1. The penalty of reclusion temporal if the amount of the fraud is over Twelve Thousand (P12,000) pesos but does not exceed Twenty-Two Thousand (P22,000) 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 Ten Thousand (P10,000) pesos but the total penalty which may be imposed shall in no case exceed thirty (30) 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." (Sec. 1, PD. 818.)

the prescriptive period under Art. 90 of the Revised Penal Code is twenty (20) years from the discovery of the crime, not fifteen (15) years, as erroneously held by the trial court.

It is futile for the petitioner to invoke Act No. 3763 which amended Act No. 3326 fixing a 12-year prescriptive period for "violations penalized by special acts x x x by imprisonment for six years or more" because the crimes charged in the informations against her - multiple estafa through the issuance of bouncing postdated checks - are punished under Art. 315, par. 1(d), of the Revised Penal Code, not by a special act. In any event, even the shorter prescriptive period fixed by Act No. 3763 had not yet expired when the informations were filed against the petitioner.

WHEREFORE, the petition is denied for lack of merit.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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