

CECILIO S. DE VILLA, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, PEOPLE OF THE PHILIPPINES, HONORABLE JOB B. MADAYAG, AND ROBERTO Z. LORAYES, RESPONDENTS.

G.R. No. 87416. April 08, 1991

Ponente: PARAS, J.

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PARAS, J.:

This petition for review on certiorari seeks to reverse and set aside the decision[*] of the Court Appeals promulgated on February 1, 1989 in CA-G.R. SP No. 16071 entitled "Cecilio S. de Villa vs. Judge Job B. Madayag, etc. and Roberto Z. Lorayes", dismissing the petition for certiorari filed therein.

The factual backdrop of this case, as found by the Court of Appeals, is as follows:

"On October 5, 1987, petitioner Cecilio S. de Villa was charged before the Regional Trial Court of the National Capital Judicial Region (Makati, Branch 145) with violation of Batas Pambansa Bilang 22, allegedly committed as follows:

‘That on or about the 3rd day of April 1987, in the municipality of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully and feloniously make or draw and issue to ROBERTO Z. LORAYEZ, to apply on account or for value a Depositors Trust Company Check No. 3371 antedated March 31, 1987, payable to herein complainant in the total amount of U.S. \$2,500.00 equivalent to P50,000.00, said accused well knowing that at the time of issue he had no sufficient funds in or credit with drawee bank for payment of such check in full upon its presentment which check when presented to the drawee bank within ninety (90) days from the date thereof was subsequently dishonored for the reason 'INSUFFICIENT FUNDS' and despite receipt of notice of such dishonor said accused failed to pay said ROBERTO Z. LORAYEZ the amount of P50,000.00 of said check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice.’

"After arraignment and after private respondent had testified on direct examination, petitioner moved to dismiss the Information on the following grounds: (a) Respondent court has no jurisdiction over the offense charged; and (b) That no offense was committed since the check involved was payable in dollars, hence, the obligation created is null and void pursuant to Republic Act No. 529 (An Act to Assure Uniform Value of Philippine Coin and Currency).

"On July 19, 1988, respondent court issued its first questioned orders stating:

'Accused's motion to dismiss dated July 5, 1988, is denied for lack of merit.

'Under the Bouncing Checks Law (B. P. Blg. 22), foreign checks, provided they are either drawn and issued in the Philippines though payable outside thereof, or made payable and dishonored in the Philippines though drawn and issued outside thereof, are within the coverage of said law. The law likewise applied to checks drawn against current accounts in foreign currency.'

"Petitioner moved for reconsideration but his motion was subsequently denied by respondent court in its order

dated September 6, 1988, and which reads:

‘Accused's motion for reconsideration, dated August 9, 1988, which was opposed by the prosecution, is denied for lack of merit.

‘The Bouncing Checks Law is applicable to checks drawn against current accounts in foreign currency (Proceedings of the Batasang Pambansa, February 7, 1979, p. 1376, cited in Makati RTC Judge (now Manila City Fiscal) Jesus F. Guerrero's The Ramifications of the Law on Bouncing Checks, p. 5)’’. (Rollo, Annex "A", Decision, pp. 20-22).

A petition for certiorari seeking to declare the nullity of the aforequoted orders dated July 19, 1988 and September 6, 1988 was filed by the petitioner in the Court of Appeals wherein he contended:

"(a) That since the questioned check was drawn against the dollar account of petitioner with a foreign bank, respondent court has no jurisdiction over the same or with accounts outside the territorial jurisdiction of the Philippines and that Batas Pambansa Bilang 22 could have not contemplated extending its coverage over dollar accounts;

"(b) That assuming that the subject check was issued in connection with a private transaction between petitioner and private respondent, the payment could not be legally paid in dollars as it would violate Republic Act No. 529; and

"(c) That the obligation arising from the issuance of the questioned check is null and void and is not enforceable within the Philippines either in a civil or criminal suit. Upon such premises, petitioner concludes that the dishonor of the questioned check cannot be said to have violated the provisions of Batas Pambansa Bilang 22." (Rollo, Annex "A", Decision, p. 22).

On February 1, 1989, the Court of Appeals rendered a decision, the decretal portion of which reads:

"WHEREFORE, the petition is hereby dismissed. Costs against petitioner.

"SO ORDERED." (Rollo, Annex "A", Decision, p. 5)

A motion for reconsideration of the said decision was filed by the petitioner on February 7, 1989 (Rollo, Petition, p. 6) but the same was denied by the Court of Appeals in its resolution dated March 3, 1989 (Rollo, Annex "B", p. 26).

Hence, this petition.

In its resolution dated November 13, 1989, the Second Division of this Court gave due course to the petition and required the parties to submit simultaneously their respective memoranda (Rollo, Resolution, p. 81).

The sole issue in this case is whether or not the Regional Trial Court of Makati has jurisdiction over the case in question.

The petition is without merit.

Jurisdiction is the power with which courts are invested for administering justice, that is, for hearing and deciding cases (Velunta v. Philippine Constabulary, 157 SCRA 147 [1988]).

Jurisdiction in general, is either over the nature of the action, over the subject matter, over the person the defendant, or over the issues framed in the pleadings (Balais v. Balais, 159 SCRA 37 [1988]).

Jurisdiction over the subject matter is determined by the statute in force at the time of commencement of the action (De la Cruz v. Moya, 160 SCRA 538 [1988]).

The trial court's jurisdiction over the case, subject of this review, can not be questioned.

Sections 10 and 15(a), Rule 110 of the Rules of Court specifically provide that:

"Sec. 10. Place of the commission of the offense. The complaint or information is sufficient if it can be understood therefrom that the offense was committed or some of the essential ingredients thereof occurred at some place within the jurisdiction of the court, unless the particular place wherein it was committed constitutes an essential element of the offense or is necessary for identifying the offense charged.

"Sec. 15. Place where action is to be instituted. (a) Subject to existing laws, in all criminal prosecutions the action shall be instituted and tried in the court of the municipality or territory where the offense was committed or any of the essential ingredients thereof took place."

In the case of *People v. Hon. Manzanilla* (156 SCRA 279 [1987] cited in the case of *Lim v. Rodrigo*, 167 SCRA 487 [1988]), the Supreme Court ruled "that jurisdiction or venue is determined by the allegations in the information."

The information under consideration specifically alleged that the offense was committed in Makati, Metro Manila and therefore, the same is controlling and sufficient to vest jurisdiction upon the Regional Trial Court of Makati. The Court acquires jurisdiction over the case and over the person of the accused upon the filing of a complaint or information in court which initiates a criminal action (*Republic v. Sunga*, 162 SCRA 191 [1988]).

Moreover, it has been held in the case of *Que v. People of the Philippines* (154 SCRA 160 [1987] cited in the case of *People v. Grospe*, 157 SCRA 154 [1988]) that "the determinative factor (in determining venue) is the place of the issuance of the check."

On the matter of venue for violation of Batas Pambansa Bilang 22, the Ministry of Justice, citing the case of *People v. Yabut* (76 SCRA 624 [1977]), laid down the following guidelines in Memorandum Circular No. 4 dated December 15, 1981, the pertinent portion of which reads:

"(1) Venue of the offense lies at the place where the check was executed and delivered; (2) the place where the check was written, signed or dated does not necessarily fix the place where it was executed, as what is of decisive importance is the delivery thereof which is the final act essential to its consummation as an obligation; xxx (Res. No. 377, s. 1980, *Filtex Mfg. Corp. vs. Manuel Chua*, October 28, 1980)." (See *The Law on Bouncing Checks Analyzed by Judge Jesus F. Guerrero*, Philippine Law Gazette, Vol. 7. Nos. 11 & 12, October-December, 1983, p. 14).

It is undisputed that the check in question was executed and delivered by the petitioner to herein private respondent at Makati, Metro Manila.

However, petitioner argues that the check in question was drawn against the dollar account of petitioner with a foreign bank, and is therefore, not covered by the Bouncing Checks Law (B.P. Blg. 22).

But it will be noted that the law does not distinguish the currency involved in the case. As the trial court correctly ruled in its order dated July 5, 1988:

"Under the Bouncing Checks Law (B.P. Blg. 22), foreign checks, provided they are either drawn and issued in the Philippines though payable outside thereof x x x are within the coverage of said law."

It is a cardinal principle in statutory construction that where the law does not distinguish courts should not distinguish. Parenthetically, the rule is that where the law does not make any exception, courts may not except something unless compelling reasons exist to justify it (*Phil. British Assurance Co., Inc. v. IAC*, 150 SCRA 520 [1987]).

More importantly, it is well established that courts may avail themselves of the actual proceedings of the legislative body to assist in determining the construction of a statute of doubtful meaning (*Palanca v. City of Manila*, 41 Phil. 125 [1920]). Thus, where there is doubt as to what a provision of a statute means, the meaning put to the provision during the legislative deliberation or discussion on the bill may be adopted (*Arenas v. City of San Carlos*, 82 SCRA 318 [1978]).

The records of the Batasan, Vol. III, unmistakably show that the intention of the lawmakers is to apply the law to whatever currency may be the subject thereof. The discussion on the floor of the then Batasang Pambansa fully sustains this view, as follows:

"X X X X X X X X.

"THE SPEAKER.

The Gentleman from Basilan is recognized.

"MR. TUPAY.

Parliamentary inquiry, Mr. Speaker.

"THE SPEAKER.

The Gentleman may proceed.

"MR. TUPAY.

Mr. Speaker, it has been mentioned by one of the Gentlemen who interpellated that any check may be involved, like U.S. dollar checks, etc. We are talking about checks in our country. There are U.S. dollar checks, checks in our currency, and many others.

"THE SPEAKER.

The Sponsor may answer that inquiry.

"MR. MENDOZA.

The bill refers to any check, Mr. Speaker, and this check may be a check in whatever currency. This would not even be limited to U.S. dollar checks. The check may be in French francs or Japanese yen or deutschunorhs. (sic.) If drawn, then this bill will apply.

"MR. TUPAY.

So, it include U.S. dollar checks.

"MR. MENDOZA.

Yes, Mr. Speaker."

"X X X X X X X X.

(p. 1376, Records of the Batasan,
Volume III; Italics supplied, for emphasis).

PREMISES CONSIDERED, the petition is DISMISSED for lack of merit.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Associate Justice Jose A. R. Melo and concurred in by Associate Justices Manuel C. Herrera and Jorge S. Imperial.

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