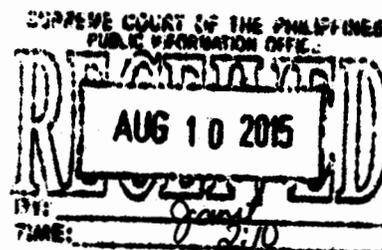




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 22, 2015 which reads as follows:*

**“G.R. No. 218030 (Miriam B. Danao v. People of the Philippines and Atty. Carlos V. Baylon).** – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period; and the notice of substitution and entry of appearance as counsel for petitioner, by Atty. Salvador B. Aguilar, Jr. of Aguilar Nicolas and Pillos with office address at Unit 9, Ascension Plaza, Ascension Road, Lagro, Quezon City, is **NOTED**.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the August 28, 2014 Decision<sup>1</sup> and March 16, 2015 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 35648 for failure of petitioner Miriam B. Danao (petitioner) to show that the CA committed any reversible error in affirming her conviction for two (2) counts of Batas Pambansa Bilang 22 (BP 22).

As correctly held by the CA, all the elements<sup>3</sup> of the crime have been duly established considering that: (a) petitioner herself admitted having issued the subject checks which were subsequently dishonored; and (b) she did not pay the amounts due nor did she make any arrangement for their

- over - two (2) pages .....

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<sup>1</sup> *Rollo*, pp. 29-39. Penned by Associate Justice Japar B. Dimaampao with Associate Justices Elihu A. Ybañez and Carmelita S. Manahan concurring.

<sup>2</sup> *Id.* at 54-55.

<sup>3</sup> The elements for violation of BP 22 are: (a) the making, drawing and issuance of any check to apply for account or for value; (b) the knowledge of the maker, drawer or issuer that at the time of issue, he does not have sufficient funds in or credit with the drawee bank for the payment of the check in full upon its presentment; and (c) the subsequent dishonor of the check by the drawee bank for insufficiency of funds or credit or dishonor for the same reason had not the drawer, without any valid reasons, ordered the bank to stop payment. (See *Mitra v. People*, 637 Phil. 645, 654-655 [2010]; citation omitted)

payment despite demands and notice of dishonor. Likewise, the notice of dishonor was clearly established to have been received by petitioner. Consequently, petitioner's conviction was properly upheld.

**SO ORDERED.** SERENO, C.J., on official leave; PERALTA, J., acting member per S.O. No. 2103 dated July 13, 2015. LEONARDO-DE CASTRO, J., on official leave; LEONEN, J., acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

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Manila  
(CA-G.R. CR No. 35648)

The Solicitor General (x)  
Makati City

Atty. Carlos V. Baylon  
Respondent  
52 Orendain St., Doña Maria Subd.  
Daraga 4501 Albay

The Hon. Presiding Judge  
Regional Trial Court, Br. 10  
Legaspi City 4500 Albay  
(Crim. Case No. 12200)

The Hon. Presiding Judge  
Municipal Trial Court  
Daraga 4501 Albay  
(Crim. Case No. 7292-09, etc.)

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