



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 28, 2020 which reads as follows:

“G.R. No. 251254 - Juliet P. Ocampo v. People of the Philippines and Michael Lim - 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.

Before us is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated March 11, 2019 and the Resolution³ dated January 6, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 150960, which affirmed with modification the Amended Decision⁴ dated February 9, 2017, and the Order⁵ dated May 2, 2017, by the Regional Trial Court (RTC) Branch 285, Valenzuela City in Criminal Case Nos. 1012-V-16 to 1027-V-16. The RTC affirmed with modification petitioner Juliet P. Ocampo’s conviction for 16 counts of violation of Batas Pambansa Blg. 22 (B.P. Blg. 22) by the Metropolitan Trial Court (MeTC) Branch 82 of Valenzuela City.⁶

Factual Antecedents

Petitioner was charged with 16 counts of violation of B.P. Blg. 22, docketed as Criminal Case Nos. 82675 to 82690, before Branch 82 of the MeTC, Valenzuela City.⁷

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¹ *Rollo*, pp. 39-75.

² Penned by Associate Justice Eduardo B. Peralta, Jr., with Associate Justices Ramon R. Garcia and Gabriel T. Robeniol, concurring; id. at 77-98.

³ Id. at 100-101.

⁴ Penned by Presiding Judge Orven Gwan Ontalan; id. at 175-185.

⁵ Id. at 186-195.

⁶ Id. at 196-212.

⁷ Id. at 78.

Version of Private Respondent

In 2010, Juliet P. Ocampo (petitioner) obtained a loan from private respondent Michael Lim (private respondent) in the amount of ₱6,000,000.00 and as payment thereof, petitioner issued to him seven checks with these details:⁸

DRAWEE BANK	CHECK NO.	DATE	AMOUNT
Planters Bank	6380375	11-02-10	₱500,000.00
Planters Bank	7013608	11-10-10	₱1,000,000.00
Planters Bank	6380376	12-02-10	₱500,000.00
Banco De Oro	45426	12-08-10	₱2,000,000.00
Banco De Oro	45453	01-08-11	₱500,000.00
Banco De Oro	45454	01-08-11	₱500,000.00
Planters Bank	7013875	02-02-11	₱1,000,000.00

Total Amount ₱6,000,000.00

Private respondent also claimed that petitioner agreed to pay ₱225,000.00 as interest for February, 2011 and for this purpose, petitioner delivered four more postdated checks:⁹

DRAWEE BANK	CHECK NO.	DATE	AMOUNT
Planters Bank	7013873	02-02-11	₱50,000.00
Planters Bank	7013870	02-08-11	₱25,000.00
Planters Bank	7013871	02-10-11	₱50,000.00
Planters Bank	7013872	02-15-11	₱100,000.00

Total Amount ₱225,000.00

When these 11 checks were presented for payment, they were all dishonored either by reason of account closed or insufficient funds in the account. Petitioner was verbally apprised of the dishonor of the checks and a demand was made for her to pay private respondent the face value of these checks.¹⁰

Apparently, petitioner promised to settle her obligation and agreed to pay ₱300,000.00 beginning March, 2011 but no payment was made.¹¹

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⁸ Id. at 78-79.

⁹ Id. at 79.

¹⁰ Id.

¹¹ Id.

In September, 2011, petitioner visited private respondent in his office to discuss matters for the mode of payment. In the meantime that petitioner could not afford to pay the value of the 11 checks and ₱300,000.00 monthly interest for March, 2011 up to September, 2011, a monthly interest of ₱250,000.00 was supposed to be paid by petitioner from October, 2011 until full payment of the obligation. Petitioner issued five more checks to cover the interest agreed upon as follows:¹²

DRAWEE BANK	CHECK NO.	DATE	AMOUNT
Banco De Oro	45468	10-31-11	₱250,000.00
Banco De Oro	45469	11-30-11	₱250,000.00
Banco De Oro	45470	12-31-11	₱250,000.00
Banco De Oro	45471	01-31-12	₱250,000.00
Banco De Oro	45472	02-29-12	₱250,000.00

Total Amount ₱1,250,000.00

Subsequently, when these checks were presented for payment, they were all dishonored due to "Account Closed." Collectively, petitioner drew, issued and delivered to private respondent 16 postdated checks.¹³

Private respondent verbally informed petitioner of the dishonor of the checks and demanded payment but to no avail. Thus, private respondent sent letters of demand but petitioner still failed to settle her obligation. Such indifference spawned the criminal charges against petitioner.¹⁴

Version of the Petitioner

In June 2010, petitioner became acquainted with private respondent through Erlinda Bertol, a common friend.¹⁵

Petitioner borrowed money from private respondent to finance her business endeavors. As security for the loan, petitioner was required by private respondent to issue several post-dated checks *sans* any written agreement between the parties.¹⁶

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¹² Id. at 79-80.

¹³ Id. at 80.

¹⁴ Id. at 80.

¹⁵ Id.

¹⁶ Id. at 81.

Based on documents retrieved by petitioner from the Bank of the Philippine Islands, petitioner's depository bank, private respondent deposited the aggregate amount of ₱1,700,000.00 but private respondent never delivered any money personally to petitioner.¹⁷

Petitioner maintained that she had already paid the principal amount of her loan to private respondent, inclusive of interest, albeit none was agreed upon in writing. Petitioner also claimed that she even paid private respondent ₱1,000,000.00 which was incurred in 2010 by Erlinda Bertol from private respondent.¹⁸

Despite full payment of the loan, private respondent did not return petitioner's checks in due time.¹⁹

When petitioner's friendly relations with private respondent further deteriorated, private respondent took advantage of the situation and deposited the checks that were issued by petitioner. At the time of the deposit of the checks, they were no longer funded because the loan for which the checks were issued were already paid in full.²⁰

During trial, private respondent confirmed that the signatures appearing on the subject checks were the signatures of petitioner. The prosecution also presented documentary evidence consisting of: (1) dishonored checks issued by petitioner in favor of private respondent; (2) notices of dishonor and demand to pay dated October 15, 2012, addressed to petitioner at 3138 Abucay Street, Manuguit Tondo, Manila and at 18 M.B. Pena Florida Street, Pototan, Iloilo City; (3) Complaint Affidavit of private respondent; (4) Counter Affidavit of petitioner; and (5) Reply Affidavit.²¹

After termination of the trial, the MeTC rendered judgment against petitioner:

Wherefore, premises considered, accused Juliet P. Ocampo is hereby found GUILTY of the crime of violation of B.P. Blg. 22, sixteen counts, and said accused is hereby sentenced to suffer fine of 25,000 pesos for each count. Further, said accused is ordered to pay the private complainant, Michael L. Lim the total amount equivalent to the value of the subject checks plus legal rate of interest reckoned from date of demand on October 15, 2012 until the said checks are fully paid.

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¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 81-82.

Cost against the accused.

SO ORDERED.²²

Aggrieved by her conviction, petitioner appealed to the RTC. On February 9, 2017, the RTC affirmed with modification the judgment of the MeTC, the dispositive portion reads:

WHEREFORE, in view of the foregoing, the Decision dated June 28, 2016 of the Metropolitan Trial Court Branch 82, Valenzuela City in Criminal Case Nos. 82675 to 82690 finding accused Juliet P. Ocampo GUILTY beyond reasonable doubt of sixteen (16) counts of violation of Batas Pambansa Blg. 22 is hereby **AFFIRMED** with modification.

Accused-appellant Juliet P. Ocampo is hereby sentenced to pay **FINE** with subsidiary imprisonment in case of non-payment and indemnify Michael Lim the equivalent value of the subject checks plus legal rate of interest from date of demand on October 15, 2012 until the said checks are fully paid x x x.

x x x x

SO ORDERED.²³

Acting on petitioner's Motion for Reconsideration, the RTC issued its Order dated May 2, 2017, which modified its February 9, 2017 Decision by deleting the award of civil indemnity in Criminal Case Nos. 82676 to 82680 and 82684 to 82687.²⁴

In its assailed Decision, the CA denied the Petition for Review for being bereft of merit. The CA ruled that all the elements of violation of B.P. Blg. 22 were present. The CA ruled that it is presumed that the checks were issued for valuable consideration and that an examination of the record disclosed that petitioner did not deny that she issued the checks in favor of private respondent and that petitioner even admitted *in judicio* that she would only issue checks for interest payments if she had an outstanding loan.²⁵

The CA also noted that petitioner herself acknowledged receipt of the notice of dishonor and the demand letter during her cross-examination and re-direct examination, which constituted judicial admissions that are conclusive and binding upon her. The CA further

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²² Id. at 82

²³ Supra note 4, at 184-185.

²⁴ Id. at 83.

²⁵ Id. at 85-86.

ruled that the fact of dishonor had been sufficiently established by the prosecution per the endorsement stamped on the subject checks.²⁶

The CA was not persuaded by the defense of overpayment by the petitioner. From the evidence presented by the prosecution, it was established that the total amount loaned to petitioner was ₱6,000,000.00 and not ₱1,000,000.00 as claimed by petitioner. Also, there was sufficient evidence on record to support that the payments made by petitioner pertained to an entirely different loan transaction rather than the loan transaction covered by the subject checks. The CA also did not appreciate petitioner's claim that she had issued two checks only as replacement to the other two checks which are also subject of the instant case.²⁷

Petitioner filed a Motion for Reconsideration with the CA, which was denied in its Resolution date January 6, 2020.²⁸

The petitioner filed the instant Petition for Review under Rule 45 of the Rules of Court and raised the following issues:

- A. THE [CA] COMMITTED PALPABLE ERROR OF LAW AND ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN AFFIRMING THE LOWER COURT'S FINDING THAT PETITIONER WAS GUILTY OF SIXTEEN (16) COUNTS OF VIOLATION OF [B.P.] BLG. 22;
 - i. IT IS UNCONSTITUTIONAL TO CONVICT PETITIONER UPON THE REASONING THAT THE DEFENSE EVIDENCE WAS WEAK[;]
 - ii. PETITIONER COULD NOT BE CONVICTED IN THE ABSENCE OF PROOF THAT SHE PERSONALLY RECEIVED THE NOTICE OF DISHONOR[;]
 - iii. FOR LACK OF VALUABLE CONSIDERATION, PETITIONER COULD NOT BE HELD GUILTY OF VIOLATION OF [B.P. BLG.] 22 FOR REPLACEMENT CHECKS;
 - iv. IT IS INCONSISTENT TO HOLD PETITIONER CRIMINALLY LIABLE FOR THE NINE (9) CHECKS THAT THE HONORABLE [CA] ALREADY AFFIRMED AS HAVING BEEN ISSUED FOR NO VALUABLE

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²⁶ Id. at 88-91

²⁷ Id. at 91-93.

²⁸ Supra note 3.

CONSIDERATION SINCE THE ALLEGED INTEREST FOR WHICH THE CHECKS HAD BEEN ISSUED WAS NULLIFIED; and

- B. THE [CA] COMMITTED PALPABLE ERROR OF LAW AND ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN AFFIRMING THE LOWER COURT'S FINDING THAT PETITIONER WAS CRIMINALLY AND CIVILLY LIABLE TO PRIVATE RESPONDENT DESPITE UNREBUTTED EVIDENCE OF OVERPAYMENT.²⁹

The Court's Ruling

The petition lacks merit.

It is an established rule that the remedy of appeal through a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court contemplates only questions of law and not questions of fact.³⁰

Also, well-settled is the rule that the Court is not a trier of facts. The function of the Court in petitions for review on *certiorari* is limited to reviewing errors of law that may have been committed by the lower courts. As a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts, more so, when as here, such findings are undisturbed by the appellate court. Stated otherwise, the Court refrains from further scrutiny of factual findings of trial courts, all the more when those findings are affirmed by the CA. To do otherwise, would defeat the very essence of Rule 45 and would convert the Court into a trier of facts, which is not meant to be. Certainly the rule admits exceptions, none, however, is applicable to the case at bar. Absent any application of any of the recognized exceptions, the Court is bound by the findings of fact by the lower courts.³¹

The petitioner substantially raised questions of fact, which are well within the province of the MeTC, RTC and the CA to determine. It is not the Court's function to once again analyze or weigh evidence that has already been considered in the lower courts.³² While the rule admits exceptions, we find that the instant case does not fall in any of the exceptions.

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²⁹ *Id.* at 49-50.

³⁰ *Llenado v. People*, 684 Phil. 357, 361 (2012).

³¹ *Gepulle-Garbo v. Sps. Garabato*, 750 Phil. 846, 854-855 (2015).

³² *Spouses Miano, v. Manila Electric Company*, 800 Phil. 118, 122 (2016).

The issues raised by petitioner regarding overpayment, absence of proof of notice of dishonor, and lack of valuable consideration, are all questions of fact and the lower courts have consistently ruled on the matter. We find no cogent reason to depart from the findings of the lower courts. The Court rules that the elements of violation of B.P. Blg. 22 has been sufficiently established.

Upon issuance of a check, in the absence of evidence to the contrary, it is presumed that the same was issued for valuable consideration.³³ Even assuming *arguendo* that there was lack of valuable consideration for the issuance of the checks, which were later dishonored for insufficiency of funds, the same would be immaterial to the success of a prosecution for violation of B.P. Blg. 22, which punishes the mere act of issuing a bouncing check, not the purpose for which it was issued nor the terms and conditions relating to its issuance. This is because the thrust of the law is to prohibit the making of worthless checks and putting them into circulation.³⁴

The petitioner further asserts that she cannot be held criminally liable for the nine checks that the CA already affirmed as having been issued for no valuable consideration since the alleged interest for which the checks had been issued was nullified.

We disagree.

In *Spouses Jose v. Spouses Suarez*,³⁵ the Court already ruled that a case for B.P. Blg. 22 will still prosper despite the fact that the said checks were issued to cover payments for interests which are void for being *contra bonos mores*, to wit:

In the first place, the validity or invalidity of the interest rate is not determinative of the guilt of respondents in the criminal cases. The Court has consistently declared that the cause or reason for the issuance of a check is inconsequential in determining criminal culpability under B.P. Blg. 22. In several instances, we have held that what the law punishes is the issuance of a bouncing check and not the purpose for which it was issued or the terms and conditions relating to its issuance; and that the mere act of issuing a worthless check is *malum prohibitum* provided the other elements of the offense are properly proved.

The nature and policy of B.P. Blg. 22 were aptly enunciated by the Court in *Meriz v. People*, when it stated:

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³³ *Lee v. Court of Appeals*, 489 Phil. 422, 441 (2005).

³⁴ *Id.*, at 441.

³⁵ 579 Phil. 242 (2008).

x x x [B.P. Blg.] 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 [B.P. Blg.] 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. (Citations omitted)

Thus, whether or not the interest rate imposed by petitioners is eventually declared void for being *contra bonos mores* will not affect the outcome of the B.P. Blg. 22 cases because what will ultimately be penalized is the mere issuance of bouncing checks. In fact, the primordial question posed before the court hearing the B.P. Blg. 22 cases is whether the law has been breached, that is, if a bouncing check has been issued.³⁶

Applying the same principle in the case at bar, a prosecution for B.P. Blg. 22 will still prosper notwithstanding the fact that the subject checks were issued as payment for interests, which were declared invalid for not being reduced in writing as required by law.

However, the Court finds it necessary to modify the awarded legal interests on account of our recent pronouncements on the matter. In view of *Nacar v. Gallery Frames*,³⁷ the principal amount, represented by the checks amounting to ₱6,000,000.00, shall earn interest at the rate of 12% per annum from the date of demand on October 15, 2012 until June 30, 2013, and thereafter at the rate of 6% per annum from July 1, 2013 until finality of this Resolution, and from finality until fully paid, the legal interest rate is 6% per annum.

WHEREFORE, the Decision dated March 11, 2019 and the Resolution dated January 6, 2020 of the Court of Appeals in CA-G.R. SP No. 150960, are hereby **AFFIRMED with MODIFICATION** as follows:

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³⁶ Id. at 249-250.

³⁷ 716 Phil. 267 (2013).

Petitioner Juliet P. Ocampo is ordered to pay the following fines with subsidiary imprisonment not to exceed six months for each count of violation of B.P. Blg. 22:

1. Criminal Case No. 82676	To pay a fine of ₱200,000.00
2. Criminal Case No. 82677	To pay a fine of ₱200,000.00
3. Criminal Case No. 82678	To pay a fine of ₱200,000.00
4. Criminal Case No. 82679	To pay a fine of ₱200,000.00
5. Criminal Case No. 82680	To pay a fine of ₱200,000.00
6. Criminal Case No. 82684	To pay a fine of ₱100,000.00
7. Criminal Case No. 82685	To pay a fine of ₱50,000.00
8. Criminal Case No. 82686	To pay a fine of ₱25,000.00
9. Criminal Case No. 82687	To pay a fine of ₱50,000.00

Furthermore, petitioner Juliet P. Ocampo is hereby ordered to pay the following fines with subsidiary imprisonment not to exceed six months for each count of violation of B.P. Blg. 22 and to indemnify private respondent Michael Lim the following amounts representing the face value of the seven bogus checks she issued as payment for the principal loan, plus legal interest at 12% per annum to be computed from October 15, 2012, the date of extrajudicial demand, until June 30, 2013, and thereafter, at the rate of 6% per annum from July 1, 2013, until finality of this Resolution:

1. Criminal Case No. 82675	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱500,000.00
2. Criminal Case No. 82681	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱500,000.00
3. Criminal Case No. 82682	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱500,000.00
4. Criminal Case No. 82683	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱2,000,000.00

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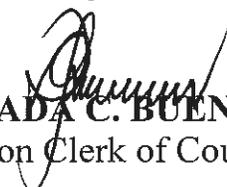
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5. Criminal Case No. 82688	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱1,000,000.00
6. Criminal Case No. 82689	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱500,000.00
7. Criminal Case No. 82690	To pay a fine of ₱200,000.00 and indemnify private respondent in the amount of ₱1,000,000.00

The total amount of the foregoing shall, in turn, earn interest at the rate of 6% per annum from finality of this Resolution until full payment thereof.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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