



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2020** which reads as follows:*

“G.R. No. 249688 (Ma. Elena Y. Legarda v. People of the Philippines).- Before us is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated May 16, 2019 and the Resolution³ dated October 2, 2019 of the Court of Appeals (CA) in CA-G.R. CR No. 40040, which affirmed the Decision⁴ dated February 28, 2017 and Order⁵ dated May 25, 2017 of the Regional Trial Court (RTC) Branch 148, Makati City. The RTC affirmed with modification the Decision⁶ dated June 11, 2014 of the Metropolitan Trial Court (MeTC) Branch 65, Makati City, which found accused Ma. Elena Y. Legarda (Legarda) guilty beyond reasonable doubt for Violation of Batas Pambansa Bilang (B.P. Blg.) 22.

The dispositive portion of the said MeTC Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Ma. Elena Legarda y Yrezabal guilty beyond reasonable doubt for Violation of Batas Pambansa Bilang 22 and accused is hereby sentenced to a fine in the amount of Two Hundred Thousand Pesos (P200,000.00) for each count with subsidiary imprisonment in case of failure to pay within fifteen (15) days from notice.

¹ *Rollo*, pp. 10-24.

² Penned by Associate Justice Victoria Isabel A. Paredes, with Associate Justices Marlene B. Gonzales-Sison and Ruben Reynaldo G. Roxas, concurring, *id.* at 26-32-A.

³ *Id.* at 43-44.

⁴ Penned by Judge Bartolome Soriano, *id.* at 158-161.

⁵ *Id.* at 175-177.

⁶ Penned by Judge Henry E. Laron, *id.* at 100-106.

Accused Ma. Elena Legarda y Yrezabal is ordered to pay Virginia C. Lacson the amount of P10,325,000.00 as and by way of civil damages with 6% interest per annum from September 7, 2011 until the debt shall have been paid in full, the amount of P100,000.00 as attorney's fees and the amount of P183,820.00 as reimbursement for the filing fees.

SO ORDERED.⁷

On appeal, the RTC affirmed the Decision of the MeTC with modification. The dispositive portion of the said RTC Decision, clarified/modified in its Order dated May 25, 2017 reads:

WHEREFORE, premises considered, the Motion for Reconsideration is DENIED.

Nevertheless, in order to clarify the Decision rendered by this Court, the dispositive portion of the Decision should be clarified/modified as follows:

WHEREFORE, premises considered, the appealed judgment is hereby AFFIRMED WITH MODIFICATION. Accused Ma. Elena Legarda y Yrezabal is found guilty beyond reasonable doubt for violation of [the] Batas Pambansa Blg. 22 and hereby sentences her to a fine in the amount of Two Hundred Thousand Pesos (Php 200,000.00) for each count with subsidiary imprisonment in case of failure to pay within fifteen (15) days from notice.

Accused is also directed to pay private complainant Virginia C. Lacson the total amount of face value of all the checks subject of the case with legal interest at the rate of 12% per annum reckoned from the date of extrajudicial demand on April 4, 2011 up to June 30, 2013 and 6% per annum from July 1, 2013 until full paid, and the amount of Php183,820.00 as reimbursement for the filing fees.

SO ORDERED.⁸ (Emphasis and underscoring in the original)

On Petition for Review, the CA affirmed the RTC and dismissed the petition. The dispositive portion reads:

⁷ Id. at 106.

⁸ Id. at 177.

WHEREFORE, premises considered, the Petition for Review is hereby DISMISSED. The Decision dated February 28, 2017 of the Regional Trial Court, Branch 148, Makati City, in Criminal Case Nos. 14-1134 to 43, is AFFIRMED.

SO ORDERED.⁹

In the present Petition, Legarda argues that the prosecution failed to prove beyond reasonable doubt that petitioner actually received the notice of dishonor; that the CA erred in not according due credence to petitioner's deposit slips and acknowledgment receipt to prove her partial payments to Virginia C. Lacson (Lacson) in the amount of ₱2,800,000.00; that the CA erred in setting the reckoning period for payment of interest from extrajudicial demand.

We sustain the ruling of the CA insofar as it affirmed the Decision of the RTC, finding the accused guilty beyond reasonable doubt of violation of B.P. Blg. 22.

Prevailing jurisprudence uniformly holds that findings of facts of the trial court, particularly when affirmed by the CA, are binding upon this Court. It is not the function of this Court to analyze or weigh such evidence all over again. It is only in exceptional cases where this Court may review findings of fact of the CA.¹⁰ This Court finds that the findings of fact of both the trial courts and the CA are well supported by the evidence on record and its decisions correctly appreciated the facts of the case.

The Court also agrees with the CA and the RTC that it should be reckoned from April 4, 2011, the date when petitioner received the demand letter from Lacson. Since there was an extra judicial demand before the complaint was filed, interest on the amount due begins to run not from the filing of the complaint, but from the date of such extrajudicial demand.¹¹

Since the subject of this case are the checks issued by the petitioner, there is an absence of stipulated interest. Consequently, the interest shall be based on the prevailing legal interest prescribed by the Bangko Sentral ng Pilipinas.

⁹ Id. at 32.

¹⁰ *Castillo v. Court of Appeals*, 329 Phil. 150, 160 (1996); *NGEI Multi-Purpose Cooperative, Inc v. Filipinas Palmoil Plantation, Inc.*, 697 Phil. 433, 443-444 (2012); *Quintos v. Nicolas*, 736 Phil. 438, 451 (2014).

¹¹ *Commonwealth Insurance Corp. v. Court of Appeals*, 466 Phil. 104, 116 (2004).

In view of *Nacar v. Gallery Frames*,¹² the principal amount, represented by the checks amounting to ₱10,325,000.00, shall earn interest at the rate of 12% per annum from the date of extrajudicial demand on April 4, 2011 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 of this Resolution until fully paid, the legal interest rate is 6% per annum.

WHEREFORE, the Decision dated May 16, 2019 and the Resolution dated October 2, 2019 of the Court of Appeals in CA-G.R. CR No. 40040, affirming the February 28, 2017 Decision of the Regional Trial Court, Branch 148, Makati City, are hereby **AFFIRMED with MODIFICATION** as follows:

Petitioner Ma. Elena Y. Legarda is found guilty beyond reasonable doubt for ten (10) counts of violation of Batas Pambansa Bilang 22 and hereby sentences her to pay a **FINE** in the amount of Two Hundred Thousand Pesos (₱200,000.00) for each count with subsidiary imprisonment in case of failure to pay within fifteen (15) days from notice.

Petitioner Legarda is ordered to pay Virginia C. Lacson the following:

1. TEN MILLION THREE HUNDRED TWENTY-FIVE THOUSAND PESOS (₱10,325,000.00) representing the total amount of the checks plus legal interest at 12% per annum to be computed from April 4, 2011, 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.
2. 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.
3. Cost of the suit.

¹² 716 Phil. 267 (2013).

June 15, 2020

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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(Crim. Case Nos. 14-1134 to 43)

The Presiding Judge
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(Criminal Case Nos. 367353 to 62)

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JLP