



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **26 April 2021** which reads as follows:*

“G.R. No. 255651 (Juvelyn J. Guiao v. People of the Philippines). – The Court resolves to: (1) **GRANT** the motion of petitioner Juvelyn J. Guiao (Guiao) for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*; and (2) **INFORM** Guiao that she or her authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱2,000.00 (₱700.00 for legal fees, ₱300.00 for deposit for sheriff’s fee and ₱1,000.00 for SAJ) under O.R. No. 0290243 dated March 3, 2021.

After a judicious study of the case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the Decision² dated February 27, 2020 and the Resolution³ dated December 7, 2020 of the Court of Appeals (CA) in CA G.R. CR No. 42618 for failure of Guiao to sufficiently show that the CA committed any reversible error in finding her **GUILTY** beyond reasonable doubt of two (2) counts of violation of Batas Pambansa Bilang 22 (BP 22).⁴ Accordingly, she is sentenced to pay a fine in the amount of ₱200,000.00 for each count. However, the imposition of legal interest is **DELETED**, considering that there is no amount due to private complainant, as the latter filed a separate civil complaint *prior* to the filing of the instant criminal cases.

As correctly ruled by the CA, the prosecution was able to prove all the elements⁵ of the crime charged, considering that Guiao admitted to issuing the

¹ See Petition for Review on *Certiorari* dated February 8, 2021; *rollo*, pp. 9-22.

² Id. at 61-74. Penned by Associate Justice Ramon A. Cruz with Associate Justices Marie Christine Azcarraga-Jacob and Perpetua Susana T. Atal-Paño, concurring.

³ Id. at 76-77.

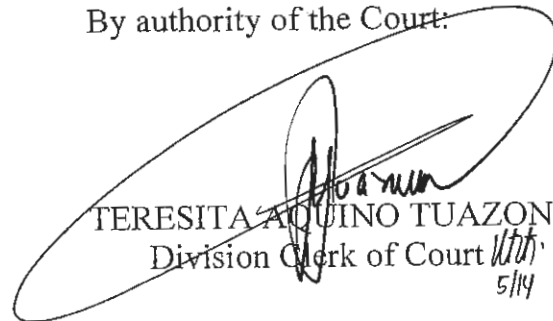
⁴ Entitled ‘AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES,’ approved on April 3, 1979.

⁵ ‘To sustain a conviction of violation of BP 22, the prosecution must prove beyond reasonable doubt three (3) essential elements, namely: 1. The accused makes, draws or issues any check to apply to account or for value; 2. the accused knows at the time of the issuance that he or she does not have sufficient funds in, or credit with, drawee bank for payment of the check in full upon its presentment; and 3. the check is subsequently dishonored by the drawee bank for insufficiency of funds or credit, or it would have been dishonored for the same reason had not the drawer, without any valid reasons, ordered the bank to stop payment.’ (*Ongkingco v. People*, G.R. No. 217787, September 18, 2019).

subject checks which were dishonored for the reasons 'drawn against insufficient fund' and 'account closed' respectively, and that she was duly notified of such dishonor, and yet failed to make good of the value of the said checks. Since there is no indication that the Regional Trial Court and CA overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings.⁶ However, and as may be gleaned above, there is a need to adjust the fines imposed against Guiao, considering that BP 22 prescribes that a fine of not less than but not more than double the amount of the check, which shall in no case exceed ₱200,000.00, may be imposed.⁷ Guiao is, accordingly, meted a fine of ₱200,000.00 for each count. Furthermore, the award of interest is deleted considering that what was pursued herein is just the criminal aspect of BP 22, as the civil aspect thereof was filed prior to the filing of the instant criminal cases.

SO ORDERED.”

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court *Utth*
5/14

⁶ See *Cahulogan v. People*, 828 Phil. 742, 749 (2018), citing *Peralta v. People*, 817 Phil. 554, 563 (2017), further citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

⁷ Section 1. *Checks without sufficient funds.* - Any person who makes or draws and issues any check to apply on account or for value, knowing at the time of issue that he does not have sufficient funds in or credit with the drawee bank for the payment of such check in full upon its presentment, which check is subsequently dishonored by the drawee bank for insufficiency of funds or credit or would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment, shall be punished by imprisonment of not less than thirty days but not more than one (1) year or by a fine of not less than but not more than double the amount of the check which fine shall in no case exceed Two Hundred Thousand Pesos, or both such fine and imprisonment at the discretion of the court.

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*ATTY. MICHAEL HENRY C. SEVILLEJA (reg)
Counsel for Petitioner
#8 Doña Pepang Village, Urdaneta
Pangasinan

*OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 40
2400 Dagupan City, Pangasinan
(Crim. Case Nos. 2015-1317-D and
2015-1318-D)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 42618

*with copy of CA Decision dated 27 February 2020
Please notify the Court of any change in your address.
GR255651. 04/26/2021A(136)URES *HS/14*