



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 10, 2022, which reads as follows:

G.R. No. 260581– FLORDELISA M. ESTRELLA, *petitioner*, versus
PEOPLE OF THE PHILIPPINES, *respondent*.

X-----X

RESOLUTION

The Court resolves to **DENY** the petition for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in affirming the conviction of petitioner Flordelisa M. Estrella (**Estrella**) for violation of Batas Pambansa Bilang (BP) 22.¹

At the outset, it bears stressing that the Petition failed to comply with some procedural requirements for filing a petition for review on *certiorari* under Rule 45, specifically: (a) the Petition is not accompanied by clearly legible duplicate originals or certified true copies of the assailed CA decision and resolution; and (b) there is no proof of service of the Petition, as prescribed in Section 13, Rule 13.² For these alone, the Petition may be dismissed pursuant to Section 5, Rule 45 of the Rules of Court.³

In any event, as the CA correctly ruled, all the elements⁴ of violation of BP 22 are present in this case, as it was clearly established that: (a)

¹ 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.

² Section 13. Proof of Service. — xxx If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee. (Underscoring supplied.)

³ Section 5. Dismissal or denial of petition. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. xxx. (Underscoring supplied.)

⁴ To be liable for violation of BP 22, the following essential elements must be present: (a) the making, drawing, and issuance of any check to apply for account or for value; (b) 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 cause, ordered the bank to stop

Estrella issued the check in favor of private complainant Marlene S. Franciso (**Francisco**) as payment for her debts; (b) the check was dishonored as Estrella's account was already closed; and (c) Estrella knew, at the time of issuance of the check, that she did not have sufficient funds to cover the check, as shown by her failure to settle its amount within five banking days from notice of dishonor and personal service of the demand letter.

Finally, the Court deems it proper to modify the monetary award in favor of Francisco. Pursuant to this Court's ruling in *Nacar v. Gallery Frames*,⁵ the sum of ₱1,500,000.00, representing the face value of the subject check, being a forbearance of money, shall earn interest at the rate of 6% per annum from the filing of the Information until the finality of this Resolution. The total amount awarded to Francisco shall further earn legal interest at the rate of six percent (6%) per annum from the finality of this Resolution until full payment.⁶

WHEREFORE, the Petition for Review on *Certiorari* filed by Flordelisa M. Estrella is **DENIED**. The Decision, dated 16 December 2021, and Resolution, dated 28 April 2022, of the Court of Appeals in CA G.R. SP No. 166455 are **AFFIRMED with MODIFICATION** in that petitioner Flordelisa M. Estrella is further **ORDERED** to **PAY** private respondent Marlene S. Francisco 6% interest per annum on the amount of ₱1,500,000.00 from the date of filing of the Information until finality of this Resolution. The total amount owed private respondent Marlene S. Francisco shall further earn six percent (6%) interest per annum from finality of this Resolution until full payment.

SO ORDERED.

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

JB 9/21/22

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payment; and (c) 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. [See *San Mateo v. People*, 705 Phil. 630-640 (2013).]

⁵ 715 Phil. 267-283 (2013).

⁶ See *Buenaflor v. Federated Distributors, Inc.*, G.R. Nos. 240187-88, March 28, 2022.

COURT OF APPEALS
CA G.R. SP No. 166455
1000 Manila

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Branch 10, 1000 Manila

The Presiding Judge
METROPOLITAN TRIAL COURT
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G.R. No. 260581

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