



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SPECIAL SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Special Second Division, issued a Resolution dated **February 6, 2023** which reads as follows:*

**“UDK-15083 (*Patricia De Leon v. People of the Philippines and Marlyn P. Tomas*).** — The Court **DEEMS AS SERVED** by substituted service pursuant to Section 8, Rule 13 of the 2019 Amended Rules of Court, the returned and unserved copy of the Resolution dated July 14, 2021 sent to Patricia De Leon at #8-4 M. Castro Street, Tinago, Naga City with notation, “Return to Sender, deceased.”

In a Resolution<sup>1</sup> dated July 14, 2021, this Court affirmed the conviction of petitioner Patricia De Leon (De Leon) for 12 counts of violation of Batas Pambansa Blg. 22 (BP 22). The dispositive portion of the resolution reads:

**WHEREFORE**, premises considered, the petition is **DENIED**. The Decision dated January 20, 2014 and Resolution dated April 30, 2014 of the Court of Appeals are **AFFIRMED** with **MODIFICATION**. Petitioner Patricia De Leon's conviction is **AFFIRMED** and she is sentenced to suffer the penalties of imprisonment of six (6) months for each of the twelve (12) counts for violation of Batas Pambansa Blg. 22, to be served successively.

Petitioner Patricia De Leon is **ORDERED** to pay private respondent the amount of PhP634,000.00, representing the total value of the worthless checks, which shall earn interest at the rate of 12% *per annum* from the filing of the complaints until June 30, 2013 and thereafter, at the rate of 6% *per annum* from July 1, 2013 until finality of this Resolution. The total amount shall further earn legal interest at the rate of 6% *per annum* from its finality until full payment.

**SO ORDERED.**<sup>2</sup>

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<sup>1</sup> *Rollo*, pp. 146-156.

<sup>2</sup> *Id.* at 155-156.

Subsequently, however, the Court was informed that De Leon had passed away on May 20, 2021. De Leon's heirs submitted her death certificate<sup>3</sup> as proof of her demise.

In general, the death of the accused pending appeal extinguishes their criminal liability and civil liability *ex delicto*.<sup>4</sup> The intervention of death is an injunction by fate itself so that no criminal liability and the corresponding civil liability arising from the offense should be imposed.<sup>5</sup>

However, this does not affect other claims for civil liability as long as they are predicated on sources of obligation other than delict. Still, it is required that an independent civil action be filed, which may then be enforced either against the executor, administrator or the estate of the accused, depending on the source of the obligation.<sup>6</sup>

The general rule, however, does not apply to violations of BP 22, where the filing of a separate civil action is not required. This differential treatment flows from the special rule that governs civil liability in BP 22 cases. Under Rule 111, Section 1(b), a criminal case for violation of BP 22 necessarily includes the corresponding civil action, that is, a collection suit. No reservation to file such civil action separately shall be allowed or recognized.<sup>7</sup>

In other words, since a check is an evidence of indebtedness that could prove a loan transaction,<sup>8</sup> the independent civil claim based on contract, which cannot be reserved or separately filed, is deemed instituted in a BP 22 case. As We explained in *Bernardo v. People*:<sup>9</sup>

In B.P. 22 cases, the criminal action shall be deemed to include the corresponding civil actions. Instead of instituting two separate cases, only a single suit is filed and tried. This rule was enacted to help declog court dockets, which had been packed with B.P. 22 because creditors used the courts as collectors. x x x

x x x x

As a necessary consequence of this special rule, the civil liabilities arising from the issuance of a worthless check are deemed instituted in a case for violation of B.P. 22; the death of [the accused] did not automatically extinguish the action. The independent civil liability based on contract, which was deemed instituted in the criminal action for B.P. 22, may still be enforced against her estate in the present case. x x x<sup>10</sup>

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<sup>3</sup> *Id.* at 166-167.

<sup>4</sup> *See People v. Bayotas*, 306 Phil. 266 (1994).

<sup>5</sup> *See Bernardo v. People*, 770 Phil. 509, 521 (2015).

<sup>6</sup> *See People v. Bayotas*, *supra* note 4 at 8. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

<sup>7</sup> *See Spouses Yap v. First e-Bank Corp.*, 617 Phil 57, 66 (2009).

<sup>8</sup> *See Lim v. Mindanao Wines & Liquor Galleria*, 690 Phil. 206, 219 (2012).

<sup>9</sup> *Supra* note 5.

<sup>10</sup> *Id.* at 522.

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In this case, the collection suit based on the worthless checks may proceed notwithstanding De Leon's death. And as the Court found in its earlier resolution, De Leon issued 12 checks in the total amount of ₱634,000.00. When presented for payment, the checks were dishonored by the drawee bank for the reason "account closed."<sup>11</sup>

Evidently, De Leon's obligation to pay based on the dishonored checks and her failure to discharge such obligation before her demise were duly established by evidence. Accordingly, her civil liability may be enforced against her estate.

**WHEREFORE**, premises considered, the Resolution dated July 14, 2021 of this Court is **MODIFIED** as follows:

- (1) The criminal cases against petitioner Patricia De Leon are hereby **DISMISSED** by reason of her death; consequently, the penalties of imprisonment of six months for each of the 12 counts of violation of Batas Pambansa Blg. 22 are **DELETED**; and
- (2) As to the civil aspect, the amount of ₱634,000.00, representing the total value of the worthless checks, which shall earn interest at the rate of 12% *per annum* from the filing of the complaints until June 30, 2013 and thereafter, at the rate of 6% *per annum* from July 1, 2013 until finality of this Resolution, shall be **CHARGED** against the estate of Patricia De Leon, with private respondent Marlyn P. Tomas to procure the appointment of an executor or administrator for the estate of the deceased.

**SO ORDERED.**" (*Singh, J., designated additional member vice Perlas-Bernabe, J. (ret.) pursuant to Sec. 8, Rule 2 of the IRSC, as amended*).

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court <sup>mm</sup><sub>3/8</sub>

08 MAR 2023

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<sup>11</sup> *Rollo*, p. 147.

PATRICIA DE LEON

Petitioner  
(deceased)

HEIRS OF PATRICIA DE LEON (reg)  
#8-4 M. Castro St., Tinago  
Naga City

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 27  
Naga City  
(Crim. Cases No. 2011-0365 – 2011-0376)

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*Please notify the Court of any change in your address.*  
UDK-15083. 2/06/2023(1 & 2)sslj/URES

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