



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 22, 2023 which reads as follows:

“G.R. No. 262425 (*Vanessa Curilan Pastor v. People of the Philippines*). – At the outset, the Court **GRANTS** the Motion for Extension of Time filed by petitioner Vanessa Curilan Pastor (petitioner), praying for an extension of 30 days from the expiration of the reglementary period within which to file her petition for review on *certiorari*.

After a judicious review of the case, the Court resolves to **DENY** the present Petition for Review on *Certiorari*¹ (Petition) and **AFFIRM WITH MODIFICATION** the Decision² dated 22 April 2022 and the Resolution³ dated 03 August 2022 of the Court of Appeals (CA) in CA G.R. CR No. 44547.

Preliminarily, the Petition failed to comply with several procedural requirements. The Verification⁴ does not state the additional matters required under Section 4, Rule 7 of the Rules of Court, as amended.⁵ Also, the Verification and Certification against forum shopping do not contain the affiant’s competent evidence of identity. The verification and certification further appear to have been electronically signed. It is well-settled that a *jurat* contemplates personal appearance and physical signing by the affiant.⁶

¹ *Rollo*, pp. 9-22.

² *Id.* at 24-32. Penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Roberto P. Quiroz.

³ *Id.* at 34-36. Penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Roberto P. Quiroz.

⁴ *Id.* at 20.

⁵ The particular statements not included are: (i) that the pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and (ii) that the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

⁶ See *Dela Cruz-Sillano v. Pangan*, 592 Phil. 219 (2008).

With the foregoing, the Verification and Certification are deemed defective,⁷ and the Petition should be treated as unsigned.⁸ It is the signature that supplies a pleading with legal effect and elevates its status from a mere scrap of paper to that of a court document.⁹ Hence, being unsigned, the Petition is a mere scrap of paper that has no legal effect. Moreover, a defective certification against forum shopping is not curable by mere amendment.¹⁰

Further, the Petition refers to transcripts of stenographic notes which were not attached to the pleading.¹¹ Sec. 4 (d), Rule 45 of the Rules of Court states that the petition must be accompanied by “such material portions of the record as would support the petition.” Failure to comply with any of the requirements under Rule 45 renders the Petition dismissible.¹²

Even if the Court were to ignore these lapses, the Petition must still be dismissed for raising issues that are purely factual, *i.e.*, the nature of the relationship between complainant and petitioner and the specifics of their agreement. These questions are beyond the ambit of a Rule 45 petition, the Court not being a trier of facts. As a rule, when the trial court’s findings have been affirmed by the appellate court, such findings are generally conclusive and binding upon this Court.¹³ While there are exceptions to this rule, none was invoked, much less substantiated. As such, there is no reason to disturb the uniform factual findings of the Metropolitan Trial Court, the Regional Trial Court, and the CA.

In any event, as the CA correctly ruled, all the elements¹⁴ of a *Batas Pambansa Bilang 22* violation are present in this case: (i) petitioner issued the subject check in order to pay for her loan from complainant; (ii) the check was dishonored upon presentment for having been issued against a closed account; and (iii) petitioner 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.

⁷ *BF Citiland Corp. v. Bangko Sentral ng Pilipinas*, G.R. No. 224912, 16 October 2019.

⁸ RULES OF COURT, Rule 7, Sec. 4.

⁹ See *Spouses Mariano v. Abrajano*, A.C. No. 12690, 26 April 2021.

¹⁰ See Rules of Court, Rule 7, Sec. 5.

¹¹ *Rollo*, pp. 13-14.

¹² RULES OF COURT, Rule 45, Secs. 1 and 4 (e) in relation to Sec. 5.

¹³ *People v. Lalongisip*, 635 Phil. 163, 173 (2010).


¹⁴ To be held liable for a violation of B.P. 22, the following 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 payment; and (c) the knowledge of the maker, drawer, or issuer that at the time of issue he or she 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, 636-637 [2013]).

As to the penalty, the ₱200,000.00 fine with subsidiary imprisonment in case of insolvency is in accord with the law.¹⁵ Moreover, the imposition of legal interest on the value of the check from default or extrajudicial demand on 03 October 2011 is in conformity with *Nacar v. Gallery Frames (Nacar)*.¹⁶ Nonetheless, the rate of legal interest must be modified to be consistent with prevailing jurisprudence, thus: (i) twelve percent (12%) per *annum* from 03 October 2011 to 30 June 2013; and (ii) six percent (6%) per *annum* from 01 July 2013 until finality of this Resolution.¹⁷ Lastly, following *Nacar*, the total monetary award shall earn legal interest at the rate of six percent (6%) per *annum* from finality of this Resolution until fully paid.

WHEREFORE, the petition is **DENIED**. The Decision dated 22 April 2022 and the Resolution dated 3 August 2022 of the Court of Appeals in CA G.R. CR No. 44547 are **AFFIRMED WITH MODIFICATION**. Petitioner Vanessa Curilan Pastor is found **GUILTY** beyond reasonable doubt of violating *Batas Pambansa Bilang 22*. She is sentenced to pay a fine of Two Hundred Thousand Pesos (₱200,000.00) with subsidiary imprisonment in case of insolvency. She is likewise ordered to pay the face value of the subject check in the amount of Two Million Pesos (₱2,000,000.00), with legal interest at twelve percent (12%) per *annum* from 03 October 2011 to 30 June 2013, and six percent (6%) per *annum* from 01 July 2013 until the finality of this Resolution. The total amount shall further earn interest at six percent (6%) per *annum* from the finality of this Resolution until full payment.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *at also*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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¹⁵ See *Batas Pambansa Blg. 22, Sec. 1; REVISED PENAL CODE, Art. 39; Supreme Court Administrative Circular No. 13-01.*

¹⁶ 716 Phil. 267, 281-283 (2013).

¹⁷ *Id.*

Atty. Mario Bernardo S. Cerro
Counsel for Petitioner
6007 Kalayaan Avenue, Olympia Village
1207 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR No. 44547)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Hon. Presiding Judge
Regional Trial Court, Branch 22
1000 Manila
(Crim. Case No. 483751-CR-R00-00)

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