



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 13, 2023**, which reads as follows:*

“G.R. No. 263098 – JEREMILLE E. RATON, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent. – The Court resolves to **GRANT** petitioner’s motion for an extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by the petitioner Jeremille E. Raton (**Raton**), assailing the Decision,² dated August 25, 2022, of the Court of Appeals (CA) in CA G.R. CR No. 44644. The CA Decision affirmed the December 26, 2019 Decision³ of Branch 56, Regional Trial Court of Makati City (RTC) in Criminal Case Nos. 363605 and 363606. The RTC Decision, in turn, affirmed the November 11, 2013 Decision⁴ of Branch 66, Metropolitan Trial Court of Makati City (**MeTC-Branch 66**) in the same Criminal Case Nos. 363605 and 363606, convicting Raton for two counts of violation of Batas Pambansa (**B.P.**) Blg. 22.

The Facts

Raton was charged in two separate Informations,⁵ dated August 23, 2010, both for violation of B.P. Blg. 22.

The accusatory portion of the Information for Criminal Case No. 363605 reads:

¹ *Rollo*, pp. 8-23.

² *Id.* at 26-42. Penned by Associate Justice Maria Elisa Sempio Diy and concurred in by Associate Justices Angelene Mary W. Quimpo-Sale and Lorenza R. Bordios.

³ *Id.* at 43-47.

⁴ *Id.* at 49-55.

⁵ *Id.* at 56-57.

Sometime in May 2007, in the city of Makati, the Philippines, accused did then and there willfully, unlawfully, and feloniously make out, draw, and issue to Pedro Valentino Mora, to apply on account or for value, the check described below:

Check No.	: 308851
Drawn Against	: Union Bank
In the amount of	: Php1,000,000
Dated	: August 30, 2008
Payable to	: Pedro Mora

accused well knowing that at the time of issue thereof, she [*sic*] did not have sufficient funds in or credit with the drawee bank for the payment in full of the face amount of such check upon its presentment, which check when presented for payment within 90 days from date thereof, was subsequently dishonored by the drawee bank for the reason “drawn against insufficient fund” and despite receipt of notice of such dishonor, she [*sic*] failed to pay said payee the face amount of said check or to make arrangement for the full payment thereof within five banking days after receiving notice.

CONTRARY TO LAW.⁶

While the accusatory portion of the Information for Criminal Case No. 36306 reads:

Sometime in May 2007, in the city of Makati, the Philippines, accused did then and there willfully, unlawfully, and feloniously make out, draw, and issue to Pedro Valentino Mora, to apply on account or for value, the check described below:

Check No.	: 308852
Drawn Against	: Union Bank
In the amount of	: Php1,000,000
Dated	: November 30, 2008
Payable to	: Pedro Mora

accused well knowing that at the time of issue thereof, she [*sic*] did not have sufficient funds in or credit with the drawee bank for the payment in full of the face amount of such check upon its presentment, which check when presented for payment within 90 days from the date thereof was subsequently dishonored by the drawee bank for the reason “account closed” and despite receipt of notice of such dishonor, she [*sic*] failed to pay said payee the face amount of said check or to make arrangement for the full payment thereof within five banking days after receiving notice.

CONTRARY TO LAW.⁷

⁶ *Id.* at 56.

⁷ *Id.* at 57.

These Criminal Cases Nos. 363605 and 363606, were consolidated and raffled to Branch 64, Metropolitan Trial Court (**MeTC-Branch 64**).⁸

During the arraignment on February 16, 2011, Raton pleaded not guilty. He was represented by the Public Attorney's Office (**PAO**).⁹

Crucially, in the Minutes¹⁰ of the arraignment, Raton indicated his address as "111 Twin Pioneer St., Don Carlos Village, Pasay City" (**Pasay Address**).¹¹

The case was then scheduled for mediation, but this proved unsuccessful as no settlement was reached between Raton and the private complainant Pedro Mora (**Mora**). There was likewise no settlement when the case was referred for Judicial Dispute Resolution (**JDR**).¹²

After the failed JDR, Raton's case was re-raffled to MeTC-Branch 66, and the case was set for pre-trial. When MeTC-Branch 66 issued subpoenae to Raton, Mora, and Mora's counsel, the subpoena intended for Raton was addressed to "No. 46-F, 6th Ave., Socorro Murphy, Cubao, Quezon City" (**Quezon City Address**).¹³

Both Raton and Mora failed to appear at the pre-trial scheduled on December 6, 2011.¹⁴ At the rescheduled pre-trial on February 13, 2012, Raton and Mora both appeared together with their counsel, and the parties were informed that the initial trial would be held on March 26, 2012.¹⁵

Raton was present during the initial trial on March 26, 2012, but the public prosecutor was unavailable, and so the initial trial was reset.¹⁶ Though the initial trial was further reset several more times, Mora and his counsel from the PAO were duly notified at each resetting. Trial then eventually ensued.¹⁷

⁸ *Id.* at 27-28.

⁹ *Id.* at 28.

¹⁰ *Id.* at 61.

¹¹ *Id.* at 28.

¹² *Id.* at 29.

¹³ *Id.* at 29.

¹⁴ *Id.* at 71.

¹⁵ *Id.* at 72.

¹⁶ *Id.* at 73.

¹⁷ *Id.* at 29.

The prosecution presented Mora as its witness, and Raton's counsel from the PAO was present at the presentation of Mora's testimony and was in fact able to cross-examine him.¹⁸

Meanwhile, Atty. Abner Balo (**Atty. Balo**), Raton's PAO counsel, manifested that Raton failed to appear before him. Upon motion of the private prosecutor, Raton was then considered to have waived his right to present his evidence. MeTC-Branch 66 likewise ordered the arrest of Raton for his failure to attend the trial despite notice. Thus, a Warrant of Arrest¹⁹ dated June 11, 2013 was issued by MeTC-Branch 66 for Raton.²⁰

As Raton still failed to appear on the date scheduled for promulgation, MeTC-Branch 66 ordered that the promulgation proceed *in absentia*. The Order²¹ of MeTC-Branch 66 dated November 11, 2013 stated:

In criminal case nos. 363605-06 entitled People of the Philippines versus Jeremille Raton for Violation of B. P. 22 public attorney and the private prosecutor appeared. Accused failed to appear as he already moved-out of his residence.

WHEREFORE, in view of the foregoing, promulgation of judgment proceeded by recording the Decision in the criminal docket of this court and the furnishing [*sic*] a copy to the parties concerned.

SO ORDERED.²²

The Ruling of the MeTC-Branch 66

On November 11, 2013, MeTC-Branch 66 rendered its Decision in Criminal Case Nos. 363605 and 363606 and found Raton guilty beyond reasonable doubt. The Decision's dispositive portion reads:

WHEREFORE, in view of the foregoing, the prosecution having proven the guilt of the accused beyond reasonable doubt, the court renders judgement finding accused **Jeremille Raton, GUILTY** of the offense of Violation of B.P. Blg. 22 on two (2) counts under Criminal Case Nos. 363505 to 363606 and hereby sentenced him to pay the respective FINE of P200,000.00 for each count with subsidiary imprisonment in case of insolvency. Said accused is further **ORDERED** to civilly indemnify the

¹⁸ *Id.* at 76.

¹⁹ *Id.* at 85.

²⁰ *Id.* at 30.

²¹ *Id.* at 86.

²² *Id.*

complainant Pedro Valentino Mora the amount of P1,000,000.00 for each count or a total amount of 2,000,000.00 with interest at 12% per annum from the filing the complaint on July 15, 2010 until the amount is fully paid and to pay the cost of suit.

SO ORDERED.²³ (Emphases in the original)

The MeTC-Branch 66 held that:

Without doubt, the prosecution had proven its case by satisfying all the three (3) elements of the offense charged, thus, accused should be held criminally liable thereto.

x x x x

Complainant Mora, in the case at bar, have [*sic*] satisfactorily established by sufficient evidence that accused issued the subject two (2) checks as payment of loan [*sic*] obtained from the complainant. Said checks, however, were dishonored upon presentment with the drawee bank on their respective due dates for the reason “DAIF”/Account Closed”. Despite demand made by the complainant, accused still failed to pay or to make arrangement within five (5) days and up to the present for the full settlement of the face amount of the two (2) checks in the amount of P1,000,000.00 each or a total of P2,000,000.00. Consequently, accused should be held civilly liable for the face amount of the checks.²⁴

On March 17, 2014, the prosecution filed a Motion for Issuance of Writ of Execution,²⁵ and the same was granted by MeTC-Branch 66 in its Order,²⁶ dated May 21, 2014.

On June 27, 2017, Raton filed a Notice of Appeal,²⁷ claiming he only received a copy of the assailed Decision on June 15, 2017, when a copy was secured by his new counsel, Atty. Junel Anthony D. Ama (**Atty. Ama**). Attached to the Notice of Appeal was an Omnibus Motion²⁸ seeking to recall the Warrant of Arrest and to quash the Writ of Execution.

On August 3, 2017, MeTC-Branch 66 issued an Order²⁹ giving due course to Raton’s Notice of Appeal. The Order stated that Raton was not

²³ *Id.* at 54-55.

²⁴ *Id.* at 54.

²⁵ *Id.* at 87.

²⁶ *Id.* at 93.

²⁷ *Id.* at 95-96.

²⁸ *Id.* at 97-99.

²⁹ *Id.* at 101.

duly notified of the promulgation of judgment because the notice was sent to his old address in Quezon City. Thus, Raton's "failure to appear was justified as he was not duly notified of the said hearing. Consequently, he has not lost the remedies available to him under the Rules of Court."³⁰

The Ruling of the RTC

On December 26, 2019, the RTC rendered its Decision affirming the MeTC's Decision, with the following dispositive portion:

WHEREFORE, premises considered, this Court finds no reason to revise, reverse, and/or modify the appealed decision. Accordingly, the *Decision* dated 11 November 2013 of MeTC, Branch 66, Makati City is hereby **AFFIRMED IN TOTO**.

SO ORDERED.³¹ (Emphases in the original)

The RTC held that "writing one's address in the minutes of the hearing is not sufficient compliance with the requirement of filing a formal notice of change of address" and that "[a] mere notation on the minutes of an address fails to give sufficient notice, not only to the court but to all other parties in the case, that such address is a new address or another address in addition to that which is already of record." Thus, "[u]nder such considerations, accused-appellant's appeal has no leg to stand on. Accused-appellant was duly notified in the course of the proceedings on [*sic*] his official address of record at 46-F 6th Avenue, Barangay Socorro, Murphy, Cubao, Quezon City, there being no formal notice of change of address filed." Therefore, "[*t*]rial *in absentia*, in this case, [was] perfectly valid having been held in accordance with Article III, Section 14(2) of the 1987 Constitution."³²

Raton then filed a Petition for Review from the RTC Decision with the CA.

The Ruling of the CA

On August 25, 2022, the CA affirmed the RTC Decision. The dispositive portion of the CA Decision reads:

³⁰ *Id.*

³¹ *Id.* at 47.

³² *Id.* at 45.

WHEREFORE, premises considered, the instant petition for review is **DENIED**. The Decision dated December 26, 2019 of Branch 56, Regional Trial Court (RTC) of Makati City in Criminal Case Nos. 363605 and 363606 is **AFFIRMED**.

SO ORDERED.³³ (Emphases in the original)

The CA ruled that Raton had failed to sufficiently notify the MeTC and the other party of his change of address, and therefore trial and promulgation *in absentia* were valid.³⁴

The CA held that “the fact that [Raton’s] new address was indicated in the Minutes of arraignment does not suffice as ‘proper and adequate notice’ to the court.”³⁵

The CA emphasized that Raton had been represented by counsel from the PAO, and could have easily informed his counsel as to his change of address, and his counsel could have, in turn, filed the formal notice of change of address. The CA also noted that Raton’s PAO counsel was actively involved in his defense, and had in fact been able to cross-examine Mora, the private complainant, and therefore Raton could hardly claim to have been totally deprived of his day in court, and certainly not without any fault on his part.³⁶

The CA found Raton’s action, or more specifically, inaction, as proof of his negligence in relation to keeping abreast of the developments in his case. The CA stated that: “[Raton], as a litigant, should not expect that all he needs to do is sit back, relax and await the outcome of his case. It is, therefore, his responsibility to check the status of his case from time to time and give the necessary assistance to his counsel for what is at stake is his interest in the case.”³⁷

The CA noted the length of time that Raton continued to be negligent, finding that “it took him more than six (6) years after his last appearance in court and more than three (3) years after the promulgation of judgment by MeTC-Branch 66 to question the Decision of MeTC-Branch 66.”³⁸ The CA

³³ *Id.* at 41-42. Emphasis in the original.

³⁴ *Id.* at 37.

³⁵ *Id.*

³⁶ *Id.* at 37-38.

³⁷ *Id.* at 38.

³⁸ *Id.*

thus observed that “[t]his is a clear case of his negligence and lack of prudence in dealing with his case.”³⁹

Lastly, the CA gave the Constitutional and procedural bases for trial *in absentia* and promulgation *in absentia*, respectively, as premised on Section 14, paragraph 2, Article III of the Constitution, and Section 6, Rule 120 of the Revised Rules on Criminal Procedure.⁴⁰

For reference, Section 14, paragraph 2, Article III of the Constitution provides:

In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused: Provided, that he has been duly notified and his failure to appear is unjustifiable. (Underscoring supplied)

Meanwhile, the portion of Section 6, Rule 120 of the Revised Rules on Criminal Procedure allowing for promulgation *in absentia* states:

In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him a copy thereof at his last known address or thru his counsel.

The CA thus found that the requisites for a valid promulgation *in absentia* were satisfied.⁴¹

In closing, the CA found that the Decision of MeTC-Branch 66 had already become final and executory, not only because Raton’s notice of appeal was filed long past the reglementary period, but also because under the last paragraph of Section 6, Rule 120, Raton’s absence without justifiable cause led to the loss of the remedies available to him under the Rules.⁴²

³⁹ *Id.*

⁴⁰ *Id.* at 39-40.

⁴¹ *Id.*

⁴² *Id.* at 40-41.

The Issue

The primary issue presented in the Petition is whether indicating the change of address in the Minutes of the arraignment of Raton is sufficient to constitute proper and adequate notice to the court and the parties of Raton's new address, which would in turn determine whether trial and promulgation *in absentia* were valid.

The Ruling of the Court

The CA committed no reversible error when it affirmed the RTC Decision.

As can be seen from the overview of the CA Decision above, the CA clearly laid out the legal bases for its ruling, and showed that its result was amply supported by the facts.

It is worth noting that the Petition mainly attempts to do two things in its effort to frame the legal issue as novel or compelling: the *first* is to argue that notation in the minutes constitutes due notice of Raton's change in address for the reason that the minutes are part of the court record and are signed by the parties; and *second* is to contend that the requirements of a formal notice of change of address apply only to counsel and not to the parties.

The CA Decision handily dealt with the *first* contention, however, when it quoted with approval the discussion of the RTC regarding the nature of the "minutes":

The minutes is a brief summary of courtroom proceedings. It is not a transcript of everything that was said in open court (*vis-a-vis* a transcript of stenographic notes taken down by a court stenographer). After each hearing, the presiding judge issues an Order which is furnished to the parties. The minutes, on the other hand, become part of the records of the case, but is not furnished to the parties, except upon request. Parties sign the document, in no particular order, and often only for the purpose of indicating their attendance in the proceedings.

A mere notation on the minutes of an address fails to give sufficient notice, not only to the court but to all other parties in the case, that such address is a new address or another address in addition to that which is already of record. The significance of filing a formal notice of change of address has been, time and again, emphasized by the Supreme Court. Counsels are so advised that notices should properly be sent to

their address of record in the absence of due notice to the court of a change of address.⁴³

As for the *second* contention, this can be met when it is considered that the general rule is that notice to counsel binds the client.

In the case of *Javier v. Gonzales*⁴⁴ the Court restated the “established doctrine that notice to counsel is notice to client,” when it found that the judgment *in absentia* was validly promulgated as the records had shown that counsel for the accused was properly notified of the date of the promulgation, and that this constituted due notice sufficient for the promulgation *in absentia*.

It can be read, therefore, that the stringent requirement of a formal change of notice of address applies to counsel *precisely* because notice to them constitutes notice to the client, and thus any changes in address must necessarily be tracked carefully.

Again, and as noted by the Office of the Solicitor General (OSG) in its Memorandum⁴⁵ with the CA, Raton was duly represented throughout the proceedings by his counsel of record, the PAO. The RTC in its Decision stated:

The Court notes that accused-appellant has always been duly represented in the course of the proceedings by his counsel of record, the Public Attorney's Office. From his arraignment to the promulgation of this case, the PAO has consistently entered its unqualified appearance on behalf of accused-appellant, and extended no justifiable explanation with regard to accused-appellant's failure to appear in court. The PAO, through Atty. Abner Balo II even conducted his cross-examination of the prosecution's sole witness, Pedro Valentin Mora. No formal withdrawal of counsel, with the requisite written conformity of the accused, has ever been filed in this case.⁴⁶ (Underscoring in the original)

The OSG noted as well that the PAO would have had the duty to inform the court of any changes in Raton's address, but that the PAO's failure to do so could not be considered as negligence of counsel that would constitute a denial of due process on the part of Raton, considering that “Atty. Balo [of the PAO], even manifested before the MeTC that [Raton]

⁴³ *Id.* at 37.

⁴⁴ 803 Phil. 631 (2017).

⁴⁵ *Rollo*, pp.147-165.

⁴⁶ *Id.* at 46.

failed to appear before him. There could thus be no gross negligence as [Raton's] counsel himself has tried to get in touch with [Raton]."⁴⁷

The RTC also aptly observed that to allow Raton to prevail would be to allow him to benefit unfairly from his own negligence:

[Raton] cannot be allowed to benefit from his failure to properly notify this court and the adverse party of his change in address. In the same vein, [Raton] cannot be allowed to benefit from his failure to dutifully inquire with his counsel of record on matters concerning the case.⁴⁸
(Underscoring in the original)

Lastly, the Petition⁴⁹ and the Motion for Extension of Time⁵⁰ are both lacking in procedural requirements.⁵¹ Both these pleadings lack electronic copies and verified declarations as required by the *Efficient Use of Paper Rule*.⁵² These shortcomings, in and of themselves, are sufficient to merit the Petition's outright denial.

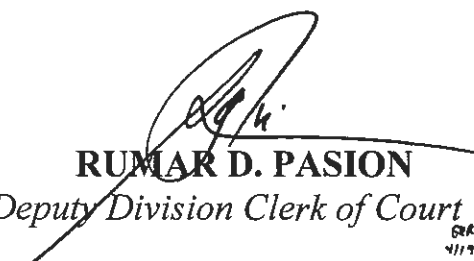
WHEREFORE, the Petition for Review on *Certiorari* filed by the petitioner Jeremille E. Raton is **DENIED**. The Decision, dated August 25, 2022, of the Court of Appeals in CA G.R. CR No. 44644 is **AFFIRMED**.

SO ORDERED."

By authority of the Court:

MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court

By :


RUMAR D. PASION
Deputy Division Clerk of Court
G.R.
4/19/23

⁴⁷ *Id.* at 158.

⁴⁸ *Id.* at 46.

⁴⁹ *Id.* at 8-23.

⁵⁰ *Id.* at 3-6.

⁵¹ *Id.* at 1 and 7.

⁵² SC Administrative Matter No. 11-9-4-SC, November 13, 2012.

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 56, 1200 Makati City
(Criminal Case Nos. 363605 and 363606)

The Presiding Judge
METROPOLITAN TRIAL COURT
Branch 66, 1200 Makati City
(Criminal Case Nos. 363605 and 363606)

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