

SECOND DIVISION

[G.R. No. 215118, June 19, 2019]

**MARIA NYMPHA MANDAGAN, PETITIONER, V. JOSE M. VALERO
CORPORATION, RESPONDENT.**

D E C I S I O N

CAGUIOA, J:

This is an appeal by *certiorari*^[1] under Rule 45 of the Rules of Court (Petition) questioning the Decision^[2] dated June 16, 2014 and Resolution^[3] dated October 29, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 119814. The CA Decision annulled the Decision^[4] dated February 15, 2011 of the Regional Trial Court of Manila, Branch 10 (RTC), in Criminal Case Nos. 10-276006 to 276013, which acquitted herein petitioner Maria Nympha Mandagan (petitioner Mandagan) of eight (8) counts of violation of Batas Pambansa Blg. (B.P.) 22.

The Facts

The antecedents, as summarized by the CA, are as follows:

JMV Corporation (JMV), herein private complainant, agreed to grant an accommodation in favor of the accused by allowing her to use its corporate name and account for a car loan intended for her personal use. The accommodation was extended to accused when she still enjoyed the good graces of company director, Mrs. Rosie V. Gutierrez (RVG), being her client. Upon full payment of [the] car, the accused would in turn purchase the same from JMV Corporation.

On July 28, 2001, JMV Corporation, represented by its executive officer, Ramon Ricardo V. Gutierrez, the son of RVG, entered into a lease-to-own arrangement with BPI Leasing Corporation (BPI) covering a 2001 Kia Rio sedan. Under the lease-to-own arrangement, BPI Leasing Corporation will remain the registered owner of the vehicle until full payment by JMV Corporation. Earlier, on July 11, 2001, JMV paid the down payment of Php87,922.00, guarantee deposit of Php3,078.00, initial rental of Php12,796.00 and notarial fee of Php200.00. Likewise, on July 28, 2001, JMV gave the possession and use of the Kia vehicle to accused Maria Nympha Mandagan (Mandagan), who in turn, issued and delivered to JMV thirty four (34) postdated checks against her bank account (Equitable-PCI). Said checks were all payable to JMV representing Mandagan's monthly payment of P12,796.00. In addition, Mandagan explicitly agreed that ownership over the Kia vehicle will only be transferred to her after full payment of the costs of the vehicle to JMV.

Fourteen (14) out of the thirty (34) checks in the amount of Php12,796.00 each totaling to Php179,144.00 were deposited by JMV

with BPI and were honored by the bank. However, the following eleven (11) checks, when deposited on their respective due dates were dishonored for reason drawn against insufficient funds or account closed. BPI advised Ms. Marcelina Balmeo, JMV's Treasury Head, every time the checks were dishonored, who in turn immediately communicated the dishonor of said checks to Mandagan and demanded for payment which were all unheeded by Mandagan.

JMV's General Account Supervisor, Ms. Rosemarie Edora, also started communicating with Mandagan sometime in April 2003, repeatedly informing the latter of the dishonored checks and reminding her of her outstanding obligations with JMV. Mandagan responded by requesting for photocopies of the dishonored checks and gave assurance that she would replace them with new ones and even promised that she will immediately settle her obligations with JMV by one-time payment, after she acknowledged receipt of her requested photocopies of the dishonored checks.

Meanwhile, all the checks issued by JMV to BPI as payment for its monthly amortization of the Kia vehicle were all honored.

On June 30, 2003, JMV's counsel demanded from Mandagan the payment of the eleven (11) checks that were dishonored plus 12.75% or to return the Kia vehicle, plus the amount of Php119,434.67 to cover depreciation costs. Mandagan was given five (5) days to comply with the demands of JMV. This was unheeded, however.

Thus JMV was constrained to institute the corresponding legal action against Mandagan. After preliminary investigation, the City Prosecutor's Office of Manila found probable cause against Mandagan for eight (8) counts of Violation of B.P. 22 and filed the corresponding informations before the Metropolitan Trial Court (MTC) of Manila. Charges representing the three (3) other checks were dismissed for insufficiency of evidence.

[5]

Ruling of the MeTC^[6]

In a Decision^[7] dated December 28, 2009, the MeTC found petitioner Mandagan guilty of eight (8) counts of violation of B.P. 22:

WHEREFORE, upon a careful consideration of the foregoing evidence, the Court finds the same to be sufficient to support a conviction of the accused beyond reasonable doubt of violation of Batas Pambansa Bilang 22. Accordingly, this Court hereby sentences accused Myrna Nympha Mandagan to pay a fine of twenty five thousand five hundred ninety two pesos (P25,592), plus cost, for each of the eight counts charged, with subsidiary imprisonment in case of insolvency.

The accused is further ordered to pay complainant JMV Corporation the amount of one hundred two thousand three hundred sixty eight pesos (P102,368) representing the value of Equitable Bank PCI Bank Check Nos. 0025328, 0025338, 0025343, 0025344, 0089351, 0089352, 0089354 and 0089355 with interest thereon at 12% per annum from the filing of the Information until the finality of this decision; and the sum of

which, inclusive of interest, shall thereafter incur 12% per annum interest until the amount due is fully paid.

SO ORDERED.^[8]

Aggrieved, petitioner Mandagan appealed her conviction to the RTC.

Ruling of the RTC

In the Decision dated February 15, 2011, the RTC **reversed** the MeTC Decision and **acquitted** petitioner Mandagan of all criminal charges but, at the same time, held her civilly liable to respondent JMV Corporation. Thus:

WHEREFORE[, i]n light of [the] foregoing, the Decision dated December 28, 2009 rendered by the Metropolitan Trial Court (MTC), Branch 4, Manila, convicting the accused for violation of BP. 22 is hereby reversed and set aside. Accordingly, the accused is hereby acquitted of the crime charged on ground of reasonable doubt. However, the Decision of the MTC imposing civil liability upon the accused is hereby retained with the modification only that no compound interest shall be imposed. Hence, the accused is hereby ordered to pay JMV Corporation the amount of P102,368.00 representing the value of the eight (8) Equitable PCI Bank checks with interest thereon at 12% per annum from the filing of the information until the amount due is fully paid, and to pay the costs of suit.

SO ORDERED.^[9]

The RTC found that the MeTC erred in relying on admissions allegedly made by petitioner Mandagan during the preliminary conference proceedings and in her Counter-Affidavit dated November 26, 2006.^[10] The RTC held in particular that while the defense admitted to the genuineness and due execution of a demand letter from respondent JMV Corporation in the Pre-Trial Order of the MeTC, there was no mention, much less any admission, that petitioner Mandagan actually received such demand letter.^[11] Moreover, any purported admissions contained in the said Pre-Trial Order were not binding on petitioner Mandagan as she did not sign the same and neither did her counsel.^[12]

In the same vein, any alleged admission of receipt of such demand letter by petitioner Mandagan in her Counter-Affidavit was inconclusive as it was unclear whether she came to know of the demand letter *before* the case was filed against her and not just by reason of the criminal complaint as she had insisted.^[13] In fine, the RTC concluded that the prosecution failed to prove the fact of petitioner Mandagan's receipt of a notice of dishonor, thus negating the existence of the crime charged.^[14]

Aggrieved, respondent JMV Corporation brought the case before the CA via Rule 65 petition for *certiorari*, claiming grave abuse of discretion on the part of the RTC in acquitting petitioner Mandagan. Respondent JMV Corporation argued that the prosecution was indeed able to prove that the demand letter precipitating the complaint was received by petitioner Mandagan long before its filing.^[15]

Ruling of the CA

In its Decision dated June 16, 2014, the CA **granted** the petition, **annulled** the Decision dated February 15, 2011 of the RTC and **reinstated** the Decision dated December 28, 2009 of the MeTC:

WHEREFORE, premises considered, We **GRANT** the petition and **ANNUL** the assailed decision of the Regional Trial Court dated February 15, 2011. Accordingly, We **AFFIRM** the Decision of the Metropolitan Trial Court dated December 28, 2009. No costs.

SO ORDERED.^[16]

A motion for reconsideration filed by petitioner Mandagan was denied by the CA in the Resolution^[17] dated October 29, 2014.

Hence, this Petition.

Before the Court, petitioner Mandagan raises the following issues: (i) that the CA erred in giving due course to respondent JMV's petition for *certiorari* considering that public respondent, Hon. Judge Virgilio M. Almeda, did not commit grave abuse of discretion,^[18] and (ii) that the CA erred in ignoring her acquittal by public respondent.^[19]

Issue

Simplified, the issue to be resolved is simply whether the CA committed reversible error in annulling the Decision dated February 15, 2011 of the RTC.

The Court's Ruling

The Petition is meritorious.

Finality of judgment of acquittal; exception

In criminal cases, no rule is more settled than that a judgment of acquittal is immediately final and unappealable.^[20] Such rule proceeds from the accused's constitutionally-enshrined right against prosecution if the same would place him under double jeopardy.^[21] Thus, a judgment in such cases, once rendered, may no longer be recalled for correction or amendment — regardless of any claim of error or incorrectness.^[22]

The Court is not unaware that, in some situations, it had allowed a review from a judgment of acquittal through the extraordinary remedy of a Rule 65 petition for *certiorari*.^[23] A survey of these exceptional instances would, however, show that such review was only allowed **where the prosecution was denied due process or where the trial was a sham**.^[24] In *People v. Court of Appeals*,^[25] the Court made the following rulings:

x x x [F]or an acquittal to be considered tainted with grave abuse of discretion, **there must be a showing that the prosecution's right to due process was violated or that the trial conducted was a sham.**

Although the dismissal order is not subject to appeal, it is still reviewable but only through *certiorari* under Rule 65 of the

Rules of Court. For the writ to issue, the trial court must be shown to have acted with grave abuse of discretion amounting to lack or excess of jurisdiction such as where the prosecution was denied the opportunity to present its case or where the trial was a sham thus rendering the assailed judgment void. **The burden is on the petitioner to clearly demonstrate that the trial court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.** (Citations omitted)

The petition is bereft of any allegation, much less, evidence that the prosecution's right to due process was violated **or the proceedings before the CA were a mockery such that Ando's acquittal was a foregone conclusion.** Accordingly, notwithstanding the alleged errors in the interpretation of the applicable law or appreciation of evidence that the CA may have committed in ordering Ando's acquittal, absent any showing that the CA acted with caprice or without regard to the rudiments of due process, the CA's findings can no longer be reversed, disturbed and set aside without violating the rule against double jeopardy. x x x^[26] (Emphasis and underscoring supplied)

Thus, the Court therein stressed that a re-examination of the evidence without a finding of mistrial will violate the right of an accused as protected by the rule against double jeopardy.^[27]

In this case, petitioner Mandagan faults the CA in granting the petition for *certiorari* of respondent JMV Corporation and reversing her acquittal. While petitioner Mandagan agrees that the rule on double jeopardy is not without exceptions, she nevertheless maintains that no grave abuse of discretion was attributable to the RTC in rendering the Decision dated February 15, 2011.^[28]

The Court agrees.

The CA erred in finding that the RTC committed grave abuse of discretion in rendering the Decision dated February 15, 2011

To recall, the CA's annulment of the Decision dated February 15, 2011 was predicated on the RTC's perceived error in appreciating the evidence:

In the present case, the Regional Trial Court opined as follows: "Under the circumstances, therefore, the accused may not be convicted for violation of B. P. 22 for failure of the prosecution to prove all the elements of said crime. The evidence presented by the prosecution is insufficient to prove her guilt beyond reasonable doubt absent any showing that the lawyer's letter of demand was sent to the accused and actually received by her. There is no evidence presented against the accused to prove the receipt of the demand letter other than the alleged admissions made during the preliminary conference and in her counter affidavit. As mentioned, such admissions cannot be used against the