

THIRD DIVISION

[G.R. No. 197582, June 29, 2015]

JULIE S. SUMBILLA, PETITIONER, VS. MATRIX FINANCE CORPORATION, RESPONDENT.

DECISION

VILLARAMA, JR., J.:

In this petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, petitioner Julie S. Sumbilla seeks the liberal application of procedural rules to correct the penalty imposed in the Decision^[1] dated January 14, 2009 of the Metropolitan Trial Court (MeTC) of Makati City, Branch 67, in Criminal Case Nos. 321169 to 321174 which had already attained finality in view of petitioner's failure to timely file an appeal.

The antecedent facts are not disputed.

Petitioner obtained a cash loan from respondent Matrix Finance Corporation. As partial payment for her loan, petitioner issued Philippine Business Bank Check Nos. 0032863 to 0032868. The six checks have a uniform face value of P6,667.00 each.

Upon maturity, the six checks were presented by respondent to the drawee bank for payment. However, all the checks were dishonored on the ground that they were drawn against a closed account.

Petitioner's refusal to heed the demand letter of respondent for the payment of the face value of the dishonored checks culminated in her indictment for six counts of violation of Batas Pambansa Blg. 22 (BP 22). The cases were docketed as Criminal Case Nos. 321169 to 321174, and were raffled off to Branch 67, MeTC of Makati.

In a Decision dated January 14, 2009, the MeTC found petitioner criminally and civilly liable for the issuance of the six rubber checks. For **each count** of violation of BP 22 involving a check with a face value of P6,667.00, the MeTC meted petitioner a penalty of fine amounting to **P80,000.00**, with subsidiary imprisonment. Her civil liability for the six consolidated cases was computed in the total amount of P40,002.00. The *fallo* of the decision provides:

WHEREFORE, the Court renders judgment finding accused Julie S. Sumbilla GUILTY beyond reasonable doubt of six counts of violation of Batas Pambansa Blg. 22. **For each count**, she is sentenced to pay **a fine of P80,000.00**, with subsidiary imprisonment in case of non-payment.

She is likewise ORDERED to indemnify private complainant Matrix Finance Corporation the total amount of P40,002.00 plus 12% annual

legal interest from September 21, 2002 until full payment.

No costs.

SO ORDERED.^[2] (Emphasis and underscoring added.)

Instead of filing a Notice of Appeal, petitioner opted to file a Motion for Reconsideration^[3] before the MeTC. The Motion was denied in the Order^[4] dated April 17, 2009 being a pleading barred under the Revised Rules on Summary Procedure. The MeTC further noted that the prohibited motion for reconsideration filed by the petitioner will not suspend the running of the period to perfect an appeal.

Subsequently, the Notice of Appeal filed by petitioner was also denied for having been filed beyond the 15-day reglementary period.

With the denial^[5] of her Motion for Reconsideration of the Order denying her appeal, petitioner filed a petition for certiorari^[6] under Rule 65 of the *Rules* which was docketed as SCA No. 09-1125 and raffled off to Branch 61, Regional Trial Court (RTC) of Makati City.

Ruling that the MeTC did not act with grave abuse of discretion in denying the Notice of Appeal filed by petitioner, the RTC dismissed^[7] the petition for certiorari. The Motion for Reconsideration^[8] filed by petitioner met the same fate of dismissal.^[9]

Petitioner elevated the case to the Court of Appeals (CA) via a petition for review^[10] under Rule 42 of the Rules of Court. The CA, however, ruled that an ordinary appeal under Section 2(a), Rule 41 of the Rules of Court is the correct remedy under the circumstances because the RTC rendered the decision in the petition for certiorari under Rule 65 of the Rules of Court in the exercise of its original jurisdiction.^[11]

On July 27, 2011, after she received a copy of the June 28, 2011 Resolution^[12] of the CA denying her Motion for Reconsideration,^[13] petitioner filed a motion for extension of time to file the instant petition.^[14]

On August 11, 2011, petitioner filed her Petition for Review on Certiorari^[15] within the period of extension granted in our Resolution^[16] dated September 7, 2011. She ascribed to the CA a sole error:

THE HONORABLE COURT OF APPEALS ERRED IN DENYING THE PETITION FOR CERTIORARI ON TECHNICALITY AND NOT EXERCISING ITS POSITIVE DUTY OF GIVING DUE IMPORTANCE ON THE SUBSTANTIVE AND CONSTITUTIONAL RIGHTS OF THE PETITIONER DESPITE A CLEAR PRESENCE OF SUCH VIOLATION OF LAW AS DEFINED BY PETITIONER IN HER PETITION WHICH COULD HAVE MERIT A FULL DECISION BY A HIGHER COURT.^[17]

Petitioner acknowledged^[18] the procedural lapse of filing a petition for certiorari under Rule 65 of the Rules of Court instead of an ordinary appeal before the CA. She

also fully grasped^[19] the effects of her erroneous filing of the Motion for Reconsideration to challenge the MeTC Decision finding her guilty of six counts of violation of BP 22. Knowing that her conviction had already attained finality, petitioner seeks the relaxation of the rules of procedure so that the alleged erroneous penalty imposed by the MeTC can be modified to make it in accord with existing law and jurisprudence.

Respondent countered that the right to appeal being a mere statutory privilege can only be exercised in accordance with the rules, and the lost appeal cannot be resurrected through the present remedial recourse of a petition for review on certiorari.

The main issue to be resolved is whether the penalty imposed in the MeTC Decision dated January 14, 2009, which is already final and executory, may still be modified.

The petition is meritorious.

Petitioner does not dispute the finality of the Decision dated January 14, 2009 in Criminal Case Nos. 321169 to 321174 rendered by the MeTC, finding her guilty beyond reasonable doubt of six counts of violation of BP 22. For every count of violation of BP 22 involving a check with a face value of P6,667.00, petitioner was meted a penalty of fine of P80,000.00, with subsidiary imprisonment in case of non-payment. She assails the penalty for being out of the range of the penalty prescribed in Section 1 of BP 22, and the subsidiary imprisonment to be violative of Administrative Circular Nos. 12-2000 and 13-2001, and the holdings in *Vaca v. Court of Appeals*.^[20] Petitioner asserted that the maximum penalty of fine that can be imposed against her in each count of violation of BP 22 is double the amount of the face value of the dishonored check only or P13,334.00. The fine of P80,000.00 for each count is thus excessive. She further implied that the imposition of subsidiary imprisonment contravened Section 20 of Article III of the Constitution which proscribes imprisonment as a punishment for not paying a debt.

Section 1 of BP 22 provides:

SECTION 1. *Checks without sufficient funds.* - Any person who makes or draws and issues any check to apply on account or for value, knowing at the time of issue that he does not have sufficient funds in or credit with the drawee bank for the payment of such check in full upon its presentment, which check is subsequently dishonored by the drawee bank for insufficiency of funds or credit or would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment, shall be punished by imprisonment of not less than thirty days but not more than one (1) year or **by a fine of not less than but not more than double the amount of the check** which fine shall in no case exceed Two hundred thousand pesos, or both such fine and imprisonment at the discretion of the court.

x x x x (Emphasis supplied)

The court may thus impose any of the following alternative penalties against an accused found criminally liable for violating BP 22: (1) imprisonment of not less than 30 days, but not more than one year; or (2) a fine of not less or more than double

the amount of the check, and shall in no case exceed P200,000.00; or (3) both such fine and imprisonment. The discretion to impose a single (imprisonment or fine) or conjunctive (fine and imprisonment) penalty pertains to the court.

If fine alone is the penalty imposed, the maximum shall be double the amount of the face value of the rubber check which in no case should exceed P200,000.00.

Here, the face value of **each** of the six checks that bounced is P6,667.00. Under Section 1 of BP 22, the **maximum penalty** of fine that can be imposed on petitioner is only **P13,334.00**, or the amount double the face value of each check. Indubitably, the MeTC meted the petitioner a penalty of fine way beyond the maximum limits prescribed under Section 1 of BP 22. The fine of P80,000.00 is more than 11 times the amount of the face value of each check that was dishonored.

Instead of using as basis the face value of each check (P6,667.00), the MeTC incorrectly computed the amount of fine using the total face value of the six checks (P40,002.00). The same error occurred in *Abarquez v. Court of Appeals*,^[21] where we modified the penalty of fine imposed in one of the consolidated cases therein (Criminal Case No. D-8137) to only double the amount of the face value of the subject check.

Unfortunately, in the present case, the MeTC Decision is already final and executory after petitioner failed to timely file a Notice of Appeal. Under the doctrine of finality and immutability of judgments, a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law, and whether it will be made by the court that rendered it or by the highest court of the land.^[22] Upon finality of the judgment, the Court loses its jurisdiction to amend, modify or alter the same.^[23]

Nonetheless, the immutability of final judgments is not a hard and fast rule. The Court has the power and prerogative to suspend its own rules and to exempt a case from their operation if and when justice requires it.^[24] After all, procedural rules were conceived to aid the attainment of justice. If a stringent application of the rules would hinder rather than serve the demands of substantial justice, the former must yield to the latter,^[25] as specifically mandated under Section 2, Rule 1 of the Rules of Court:

SEC. 2. *Construction.* – These rules shall be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy, and inexpensive determination of every action and proceeding.

Consequently final and executory judgments were reversed when the interest of substantial justice is at stake and where special and compelling reasons called for such actions.^[26] In *Barnes v. Judge Padilla*,^[27] we declared as follows:

x x x a final and executory judgment can no longer be attacked by any of the parties or be modified, directly or indirectly, even by the highest court of the land.

However, this Court has relaxed this rule in order to serve substantial justice considering (a) matters of life, liberty, honor or property, (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.

Invariably, rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed. Even the Rules of Court reflects this principle. The power to suspend or even disregard rules can be so pervasive and compelling as to alter even that which this Court itself had already declared to be final.

The judgment of conviction was already final in *Rigor v. The Superintendent, New Bilibid Prison*^[28] when the Court corrected the minimum and maximum periods of the indeterminate sentence imposed on the accused which exceeded the period of the imposable penalty. The correction was made in the interest of justice and only for the penalty imposed against petitioner to be in accordance with law and nothing else.^[29]

Both *People v. Gatward*,^[30] and *People v. Barro*^[31] cited the duty and inherent power of the Court to correct the erroneous penalties meted on the accused in a final and executory judgments, and make it conform to the penalty prescribed by law.

The interest of justice and the duty and inherent power of the Court were the reasons anchored upon in *Estrada v. People*^[32] in ruling that it is befitting to modify the penalty imposed on petitioner even though the notice of appeal was belatedly filed.

In *Almuete v. People*,^[33] the penalty imposed upon the petitioner which is outside the range of the penalty prescribed by law was duly corrected even if it was already final on the ground of substantial justice, thus:

In this case, it cannot be gainsaid that what is involved is the life and liberty of petitioner. If his penalty of imprisonment remains uncorrected, it would be not conformable with law and he would be made to suffer the penalty of imprisonment of 18 years, 2 months and 21 days of *reclusion temporal* as minimum, to 40 years of *reclusion perpetua*, as maximum, which is outside the range of the penalty prescribed by law. Contrast this to the proper imposable penalty the minimum of which should only be within the range of 2 years, 4 months and 1 day to 6 years of *prision correccional*, while the maximum should only be anywhere between 11 years, 8 months and 1 day of *prision mayor* to 13 years of *reclusion temporal*. Substantial justice demands that we suspend our Rules in this case. "It is always within the power of the court to suspend its own [R]ules or except a particular case from its operation, whenever the purposes of justice require. x x x Indeed, when there is a strong showing