

SECOND DIVISION

[G.R. No. 193279, March 14, 2012]

ELEANOR DE LEON LLENADO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND EDITHA VILLAFLORES, RESPONDENTS.

DECISION

SERENO, J.:

Petitioner was convicted by the Metropolitan Trial Court (MeTC) of Valenzuela City, Branch 82 in Criminal Case No. 54905 for violating *Batasang Pambansa Blg. 22* (B.P. 22) or the Bouncing Checks Law.

It appears that petitioner issued checks to secure the loans obtained from private respondent. Upon presentment, the checks were dishonored, leading to the filing with the MeTC of criminal cases docketed as Criminal Case Nos. 54905, 54906, 54907, and 54908 for four (4) counts of violation of B.P. 22.

Subsequently, petitioner settled the loans subject of Criminal Case Nos. 54906, 54907 and 54908 using the funds of the Children of Mary Immaculate College, of which she was president. Private respondent executed an Affidavit of Desistance for the three cases;^[1] thus, only Criminal Case No. 54905 covering a check worth, P1,500,000, proceeded to trial.

The MeTC found that all the following elements of a violation of B.P. 22 were present in the last check subject of the criminal proceedings: (1) the making, drawing, and issuance of any check to apply for account or for value; (2) 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; and (3) the drawee bank's subsequent dishonor of the check for insufficiency of funds or credit, or dishonor of the check for the same reason had not the drawer, without any valid cause, ordered the bank to stop payment.^[2] In ruling against petitioner, the MeTC took note that petitioner admitted knowledge of the check's dishonor, and that the demand letter with Notice of Dishonor mailed to petitioner's residence on 10 May 1999 was received by one Alfredo Abierra on 14 May 1999. Thus, petitioner was sentenced to pay P1,500,000, the amount of the dishonored check, and a fine of P200,000 with subsidiary imprisonment in case of insolvency.

The MeTC also held the Children of Mary Immaculate College liable for the value of the check for being the drawer thereof. Finally, the court ordered the payment of attorney's fees and litigation expenses.

On appeal with the Regional Trial Court (RTC), petitioner alleged that the receipt of the Notice of Dishonor was not sufficiently proven, and that the notice received by Abierra should not be held to be binding on her. However, on 26 November 2006,

the RTC affirmed the Decision of the MeTC.

Petitioner subsequently filed a Petition for Review with the Court of Appeals (CA) under Rule 42 of the Rules of Court. In her Petition, she alleged that the trial court erred in ruling that she had received a notice of dishonor and in holding the school also liable for the value of the check.

The CA ruled that the elements of a violation of B.P. 22 were established.^[3] However, it held that the trial court erred in holding Children of Mary Immaculate College civilly liable.

Applying *Lunaria v. People*,^[4] the CA modified the appealed judgment by imposing legal interest of 12% on the amount of the dishonored check. The dispositive portion of the CA Decision states:

WHEREFORE, the appeal is **GRANTED** in part. The Decision dated November 26, 2006 of the Regional Trial Court, Branch 75 of Valenzuela City, is **MODIFIED** in that petitioner is **SENTENCED** to pay a fine of P200,000.00 with subsidiary imprisonment in case of insolvency. Petitioner is **ORDERED** to indemnify private complainant in the amount of P1,500,000.00, the amount of the dishonored check, with 12% interest per annum from the date of judicial demand until the finality of this Decision plus attorney's fees of P20,000.00 and litigation expenses of P16,860.00. The civil liability adjudged against Children of Mary Immaculate College is **REVERSED** and **SET ASIDE**.

SO ORDERED.^[5]

Petitioner thereafter filed a Motion for Reconsideration.^[6] Finding no merit in the motion, it was denied by the CA through its assailed Resolution^[7] promulgated on 10 August 2010.

Hence, this Rule 45 Petition.

Petitioner now alleges that respondent failed to prove that there was actual receipt of the notice of dishonor. She also alleges, without expounding, that the ruling of the CA was not in accordance with laws and jurisprudence.

It is an established rule that the remedy of appeal through a Petition for Review on Certiorari under Rule 45 of the Rules of Court contemplates only questions of law and not questions of fact.^[8] The issue in the case at bar is clearly a question of fact that rightfully belonged to the proper determination of the MeTC, the RTC and the CA. All these lower courts found the elements of a violation of B.P. 22 present. Petitioner failed to provide any cogent reason for us to overturn these findings, or to consider this case as an exception to this general rule.

However, conforming to prevailing jurisprudence, we find the need to modify the ruling of the CA with regard to the imposition of interest on the judgment. It has been established that in the absence of stipulation, the rate of interest shall be 12%