

THIRD DIVISION

[G.R. NO. 142762, March 04, 2005]

LILANY YULO Y BILLONES, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

Before us is a petition for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking to reverse the Decision^[1] of the Court of Appeals dated January 31, 1997 in CA-G.R. CR No. 17513 and its Resolution^[2] dated March 16, 2000.

The facts, as culled from the findings of the trial court and affirmed by the Court of Appeals are:

Sometime in August 1992, Lilany B. Yulo, petitioner, and Josefina Dimalanta went to the house of Myrna Roque, private complainant, in Caloocan City. Josefina, introduced to Myrna petitioner Yulo as her best friend and a good payer. Josefina told Myrna that petitioner wanted her checks encashed. In view of Josefina's assurance that petitioner is trustworthy, Myrna agreed to encash the checks. Petitioner then issued to Myrna three checks: (a) Equitable Bank (EB) Check No. 237936 in the amount of P40,000.00, postdated September 30, 1992; (b) EB Check No. 237941 in the amount of P16,200.00; and (c) Bank of the Philippine Islands (BPI) Check No. 656602 in the amount of P40,000.00, postdated November 18, 1992.

When Myrna presented the checks for payment to the drawee banks, they were dishonored. The EB checks were "Drawn Against Insufficient Funds," while the BPI check was stamped "Account Closed."

As Myrna did not know petitioner's address, she immediately informed Josefina about the dishonored checks. The latter told Myrna not to worry and repeated her assurance that petitioner is her best friend and a good payer. Myrna tried to get petitioner's address from Josefina, but the latter refused and instead made the assurance that she will inform petitioner that the checks were dishonored.

When no payment was forthcoming, Myrna lodged a complaint against petitioner with the Office of the City Prosecutor of Caloocan City.

On August 23, 1993, three (3) Informations were filed by the Caloocan City Prosecutor with the Regional Trial Court, Branch 130, same city, for violation of Batas Pambansa Blg. 22, docketed as Criminal Cases Nos. C-44774, 44775, and 44776.

When arraigned with the assistance of counsel *de parte*, petitioner pleaded not guilty to the charges. The cases were then consolidated and jointly heard.

Petitioner admitted having issued the checks in question but claimed that she merely lent them to Josefina. In turn, Josefina delivered the checks to her friend who showed them to a jeweler as "show money." It was understood that the checks were not to be deposited. Petitioner vehemently denied having any transaction with Myrna.

Petitioner also claimed that that when she issued the checks, she knew she had no funds in the banks; and that she was aware that the checks would be dishonored if presented for payment.

After hearing, the trial court rendered its Decision, the dispositive portion of which reads:

WHEREFORE, the Court finds the accused LILANY YULO y BILLONES, guilty beyond reasonable doubt of a violation of Batas Pambansa Blg. 22, and is hereby sentenced as follows:

(1) In Criminal Case No. C-44774, to an imprisonment of ONE (1) YEAR, and to indemnify the offended party Myrna Roque in the amount of P16,200.00, representing the face value of Equitable Bank Check No. 227941, and to pay the costs;

(2) In Criminal Case No. C-44775, to an to an imprisonment of ONE (1) YEAR, and to indemnify the offended party Myrna Roque in the amount of P40,000.00, representing the face value of Bank of the Philippine Islands Check No. 656602, and to pay the costs;

(3) In Criminal Case No. C-44776, to an imprisonment of ONE (1) YEAR, and to indemnify the offended party Myrna Roque in the amount of P40,000.00, representing the face value of Equitable Bank Check No. 237936, and to pay the costs.

Pursuant to Rule 114, Section 2(a) of the Rules of Court, as amended, the bail bond of the accused is cancelled and the accused is hereby committed to the City Jail.

SO ORDERED.^[3]

Upon appeal, docketed as CA-G.R. CR No. 17513, the Court of Appeals affirmed *in toto* the Decision of the trial court.

Petitioner filed a motion for reconsideration but was denied.

Hence, the instant petition raising the following assignments of error:

"I. WHETHER OR NOT THE PETITIONER WAS DEPRIVED OF HER RIGHT TO SPEEDY DISPOSITION OF CASES;

II. WHETHER OR NOT THE COURT OF APPEALS ERRED IN AFFIRMING

THE CONVICTION FOR VIOLATION OF BATAS PAMBANSA BLG. 22.
EVEN IF THE REQUISITES THEREFORE ARE NOT COMPLETE;

III. WHETHER OR NOT THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE TRIAL COURT ALTHOUGH THE LATTER'S DECISION WAS BASED ON THE UNCORROBORATED, INCREDIBLE, AND UNNATURAL STATEMENTS OF THE COMPLAINANT AND ALTHOUGH THE TESTIMONY OF THE ACCUSED WAS SUPPORTED BY CORROBORATING EVIDENCE.^[4]

The issues for our resolution are: (1) whether the Court of Appeals violated petitioner's right to a speedy trial; and (2) whether the same court erred in holding that the prosecution has proved petitioner's guilt beyond reasonable doubt.

On the *first issue*, petitioner contends that the Court of Appeals resolved her motion for reconsideration only after three (3) years from its filing. Such inaction violates her right to a speedy disposition of her case.

In his comment, the Solicitor General counters that the Appellate Court has explained satisfactorily why petitioner's motion for reconsideration was not resolved immediately.

Article III, Section 16 of the Constitution provides:

SEC.16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

Under the foregoing provision, any party to a case has the right to demand on all officials tasked with the administration of justice to expedite its disposition. However, the concept of speedy disposition is a relative term and must necessarily be a flexible concept.^[5] A mere mathematical reckoning of the time involved is not sufficient.^[6] In applying the Constitutional guarantee, particular regard must be taken of the facts and circumstances of each case.

The right to a speedy disposition of a case, like the right to speedy trial,^[7] is deemed violated only when the proceedings are attended by vexatious, capricious, and oppressive delays, or when unjustified postponements of the trial are asked for and secured, or when without cause or justifiable motive a long period of time is allowed to elapse without the party having his case tried.^[8] To determine whether the right has been violated, the following factors may be considered: (1) the length of the delay; (2) the reasons for such delay; (3) the assertion or failure to assert such right by the accused; and (4) the prejudice caused by the delay.^[9]

In the instant case, we agree with the Solicitor General that the delay was sufficiently explained by the Court of Appeals. The *ponente* of the decision in CA-G.R. CR No. 17513, Associate Justice Jainal D. Rasul, retired during the pendency of petitioner's motion for reconsideration filed on March 4, 1997. However, the case was assigned to Associate Justice Mercedes Gozo-Dadole only on February 28, 2000 and brought to her attention on March 2, 2000. We note that it took Justice Gozo-Dadole only two (2) weeks from notice to resolve the motion. Clearly, she did not incur any delay. We, therefore, rule that there has been no violation of the