

FIRST DIVISION

[G.R. No. 146238, December 07, 2001]

**MA. ELENA LAGMAN, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

KAPUNAN, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court of the decision of the Court of Appeals dated April 24, 2000 in CA-G.R. CR No. 20998 which affirmed *in toto* the decision of the Regional Trial Court, Branch 157, Pasig City, dated June 27, 1996 finding herein accused-petitioner guilty beyond reasonable doubt of six counts of violation of Batas Pambansa Bilang 22, otherwise known as the *Bouncing Checks Law*, as well as the Order of May 26, 1997 modifying the judgment and providing for civil indemnification.

The antecedent facts as found by the trial court are as follows:

From the evidence presented by the prosecution, it has been established that the accused Gloria Elena Lagman, purchased from the private complainant Delia Almarines, various pieces of jewelry worth P700,250.00 from October, 1985 to December, 1985 at the Lipstick Beauty Parlor, located in San Juan, Metro Manila. The accused received the jewelries for which she signed and issued a receipt, that is Receipt No. 176, dated December 27, 1985 (Exhibit "A" with submarking Exhibit "A-1").

As guarantee for the payment of the jewelries, the accused issued to the private complainant Prudential Bank Check No. 471159 in the sum of P700,250.00 postdated January 15, 1986 (Exhibit "B").

The accused returned some of the pieces of jewelry valued at P14,334.00. And partial payment for the balance, she issued twenty nine (29) postdated checks in the total sum of P591,916.00 (Exhibits "C" to "Z", inclusive), and Exhibits "AA" to "EE", inclusive, to wit:

Check Number	Exhibit
1) 451041	
2) 451005	
3) 451042	
4) 471158	
5) 471155	
6) 488702	
7) 473808	
8) 466477	

9)	451006	
10)	466707	
11)	473809	Exh. "M"
12)	473801	Exh. "N"
13)	473810	Exh. "O"
14)	471156	Exh. "P"
15)	466704	Exh. "Q"
16)	473811	Exh. "R"
17)	466778	Exh. "S"
18)	466705	Exh. "T"
19)	473802	Exh. "U"
20)	473808	Exh. "V"
21)	466706	Exh. "W"
22)	471157	Exh. "X"
23)	466779	Exh. "Y"
24)	466707	Exh. "Z"
25)	473804	Exh. "AA"
26)	473805	Exh. "BB"
27)	466780	Exh. "CC"
28)	473806	Exh. "DD"
29)	451043	Exh. "EE"

All the checks bounced either for insufficiency of funds or for the reason that the account of the accused-drawer had been closed. A demand letter, consisting of three (3) pages (Exhibits "FF", "FF-1" and "FF-2"), was sent to the accused. It was personally served on or delivered to the accused, who acknowledged receipt thereof by affixing her signature thereon (Exhibit "FF-3").

The complainant admitted, however, that she encashed a check of P150,000.00 in October, 1988 and another check of P150,00.00 in September, 1990; that the accused paid her P100,000.00 on January 15, 1991; that accused also paid her P25,000.00 on February 27, 1991; and that accused again paid her P25,916.00 on March 17, 1991.

She also admitted that the accused returned a solo verdadero worth P125,000.00.

In April, 1991, the accused issued to the private complainant the following checks, to wit:

<u>Amount of</u> <u>Check</u>	<u>Date of</u> <u>Check</u>
1) P25,000.00	April 22, 1991
2) 25,000.00	May 2, 1991
3) 25,000.00	May 9, 1991
4) 35,916.00	May 15, 1991
5) 25,000.00	May 31, 1991
6) 50,000.00	June 15, 1991
7) 50,000.00	June 30, 1991
8) 25,346.00	July 15, 1991

Of the eight (8) checks, only two became good, more particularly, the April 22, 1991 check and the May 2, 1991 check. The other six (6) other checks were dishonored, to wit:

1) Prudential Bank Check No. 903744, dated May 9, 1991, in the sum of P25,000.00 (Exhibit "GG")

2) Prudential Bank Check No. 903745, dated May 15, 1991, in the sum of P35,916.00 (Exhibit "HH")

3) Prudential Bank Check No. 903746, dated May 31, 1991, in the sum of P25,000.00 (Exhibit "II")

4) Prudential Bank Check No. 903747, dated June 15, 1991, in the sum of P50,000.00 (Exhibit "JJ")

5) Prudential Bank Check No. 903748, dated June 15, 1991, in the sum of P50,000.00 (Exhibit "KK")

6) Prudential Bank Check No. 903749, dated July 15, 1991, in the sum of P25,346.00 (Exhibit "LL").

The reason for the dishonor of the checks, as marked on the dorsal sides of the checks (Exhibits "GG-2", "HH-2", "II-2", "JJ-2", "KK-2", and "LL-2") and as stated in their respective debit advices (Exhibits "GG-3", "HH-3", "II-3", "JJ-3", "KK-3", and "LL-3") is: "IF" or insufficiency of funds.

After the dishonor of the above-mentioned six (6) checks, a letter of demand, dated September 2, 1991 (Exhibit "MM"), was sent to the accused by registered mail (Exhibit "MM-1") and it was received by the accused as evidenced by the corresponding Registry Return Receipt (Exhibit "MM-2").

Despite demand, the accused failed to make good or pay for the value of the six (6) checks which had been dishonored.^[1]

Accused-petitioner was charged with thirty-five counts for violation of B.P. 22. Twenty-nine of these charges were docketed as Criminal Cases Nos. 73071 to 73104 before the Regional Trial Court, Branch 157, Pasig City, and six counts, Criminal Cases Nos. 92270 to 92275, were filed before another branch of the Regional Trial Court.

On arraignment, accused-petitioner entered a plea of "*Not Guilty*" to all the charges. Thereafter, Criminal Cases Nos. 73071 to 73084 were dismissed. Criminal Cases Nos. 92270 to 92275 were later consolidated with the remaining twenty cases pending before Branch 157.

On June 27, 1996, a Joint Judgment was rendered by the trial court acquitting accused-petitioner in Criminal Cases Nos. 73085 to 73104 because the checks subject of these twenty cases were either paid or replaced by other checks. Accused-petitioner, however, was found guilty in Criminal Cases Nos. 92270-92275. The dispositive portion of the Joint Judgment states:

WHEREFORE, premises considered, judgment is hereby rendered:

I. In Criminal Case Nos. 73085 to 73104, inclusive: acquitting the accused in all the cases, with costs *de officio*;

II. In Criminal Case No. 92270:

Finding the accused guilty beyond reasonable doubt of the offense of violation of B.P. Blg. 22 and sentencing her to a penalty of imprisonment of ONE (1) YEAR and a fine of P25,000.00 with costs;

III. In Criminal Case No. 92271:

Finding the accused guilty beyond reasonable doubt of the offense of violation of B.P. Blg. 22 and imposing upon her the penalty of imprisonment of ONE (1) YEAR and a fine of P35,916.00 with costs;

IV. In Criminal Case No. 92272:

Finding the accused guilty beyond reasonable doubt of the offense of violation of B.P. Blg. 22 and imposing upon her the penalty of imprisonment of ONE (1) YEAR and a fine of P25,000.00 with costs;

V. In Criminal Case No. 92273:

Finding the accused guilty beyond reasonable doubt of the offense of

violation of B.P. Blg. 22 and sentencing her to a penalty of imprisonment of ONE (1) YEAR and a fine of P50,000.00 with costs;

VI. In Criminal Case No. 92274:

Finding the accused guilty beyond reasonable doubt of the offense of violation of B.P. Blg. 22 and sentencing her to a penalty of imprisonment of ONE (1) YEAR and a fine of P50,000.00 with costs; and

VII. In Criminal Case No. 92275:

Finding the accused guilty beyond reasonable doubt of the offense of violation of B.P. Blg. 22 and sentencing her to a penalty of imprisonment of ONE (1) YEAR and a fine of P25,346.00 with costs.

SO ORDERED.^[2]

On motion by the private complainant, the judgment was modified in an Order dated May 26, 1997 imposing civil indemnification in addition to the penalty of imprisonment and fine and ordering accused-petitioner to pay attorney's fees, to wit:

WHEREFORE, as prayed for by the private complainant, the joint judgment, dated June 27, 1996, is hereby amended or modified in that the accused is hereby also ordered: (1) to indemnify the private complainant, Delia Almarines, in the following amounts:

<u>Amount of</u> <u>Indemnification</u>	<u>Criminal</u> <u>Case No.</u>
1) P25,000.00	Criminal Case No. 92270
2) 35,916.00	Criminal Case No. 92271
3) 25,000.00	Criminal Case No. 92272
4) 50,000.00	Criminal Case No. 92273
5) 50,000.00	Criminal Case No. 92274
6) 25,346.00	Criminal Case No. 92275

and (2) to pay to the complainant the sum of P20,000.00 as reimbursement for attorney's fees.^[3]

Not satisfied with the foregoing judgment and order, accused-petitioner brought the case to the Court of Appeals. On April 24, 2000, the Court of Appeals affirmed the