

## SECOND DIVISION

**[ G.R. No. 133325, June 30, 2000 ]**

**FELIPA B. CUEME, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.  
D E C I S I O N**

**BELLOSILLO, J.:**

FELIPA B. CUEME assails in this petition for review the Decision of the Court of Appeals promulgated 22 October 1997 which affirmed the decision of the trial court finding her guilty of fifteen (15) violations of *Batas Pambansa Blg. 22 (Bouncing Checks Law)*, sentencing her to six (6) months imprisonment and fine for each violation, and ordering her to pay the complaining witness the face value of the dishonored checks with legal interest.<sup>[1]</sup>

Helen Simolde was a bank teller of the Bank of the Philippine Islands (BPI), Makati Branch.<sup>[2]</sup> One of the bank's clients was petitioner Felipa B. Cueme, General Manager of Mark-Agro Trading Corporation and AMF General Trading Corporation engaged in the trading of cacao in Davao and Manila.<sup>[3]</sup> Since both Simolde and Cueme hail from Davao they became friends and soon Simolde started lending money to Cueme for which Cueme would issue post-dated crossed checks to Simolde covering the amounts lent plus interests.<sup>[4]</sup> As recorded, their transactions were -

DATE S OF CHECKS	AMOUNTS LENT BY SIMOLDE	FAVE VALUE CHECKS	BPI CHECKS NOS.
7 Feb. 1990	P 25,000.00	P 27,000.00	647647 <sup>[5]</sup>
12 Feb. 1990	175,000.00	189,000.00	647626 <sup>[6]</sup>
17 Feb. 1990	175,000.00	189,000.00	356891 <sup>[7]</sup>
21 Feb. 1990	100,000.00	108,000.00	356892 <sup>[8]</sup>
3 Mar. 1990	25,000.00	27,000.00	356941 <sup>[9]</sup>
6 Mar. 1990	25,000.00	27,000.00	356942 <sup>[10]</sup>
8 Mar. 1990	-----	696,000.00	356942 <sup>[11]</sup>
10 Mar. 1990	135,000.00	155,000.00	647700 <sup>[12]</sup>
12 Mar. 1990	50,000.00	54,000.00	356915 <sup>[13]</sup>

12 Mar. 1990	50,000.00	55,000.00	356943 <sup>[14]</sup>
14 Mar. 1990	200,000.00	220,000.00	356944 <sup>[15]</sup>
14 Mar. 1990	75,000.00	82,500.00	356945 <sup>[16]</sup>
15 Mar. 1990	130,000.00	145,000.00	356946 <sup>[17]</sup>
16 Mar. 1990	350,000.00	385,000.00	356947 <sup>[18]</sup>
24 Mar. 1990	27,500.00	27,500.00	356948 <sup>[19]</sup>

Each of these checks was drawn against the deposit accounts of Mark-Agro Trading Corporation at BPI.

On several occasions Cueme somehow persuaded Simolde not to deposit the checks as issued. But on 9 May 1990 Simolde finally deposited all the checks<sup>[20]</sup> in her BPI-Makati account which, however, were dishonored for being "drawn against insufficient funds" (DAIF). Simolde immediately informed Cueme about the dishonored checks and repeatedly demanded payment but to no avail. Apparently Cueme had no intention of making good any of those checks.

Petitioner Felipa B. Cueme however had a different story when she took the witness stand. She disputed Simolde's claim that she borrowed money from her. She contended that the sums petitioner received were not Simolde's but those of the investors of Mark-Agro Trading Corporation. She likewise denied having issued the subject checks to Simolde alleging instead that it was Simolde who procured the pre-signed blank checks from petitioner's secretary, Leonora Gabuan, and thereafter entered the dates, names and amounts in each of the checks only for the purpose of showing them to prospective investors of Mark-Agro Trading Corporation.

Leonora Gabuan corroborated petitioner's version. Gabuan testified that she knew petitioner and complaining witness to be very close to each other like sisters;<sup>[21]</sup> that sometime in March 1990 she had with her pre-signed checks entrusted by petitioner who was then in Davao for the payment of telephone and electric bills, payroll and petty cash;<sup>[22]</sup> that Simolde approached her and asked for checks purportedly to be shown to potential investors but she refused knowing that she was not authorized to use them for any purpose other than that for which they were intended;<sup>[23]</sup> that upon Simolde's insistence however she eventually relented and handed over to Simolde the requested checks;<sup>[24]</sup> that the following day Simolde requested her to fill up three (3) blank checks to which she complied but she told Simolde that those checks were not funded yet and that Simolde would be paid as soon as they had the money.

As stated earlier, the trial court found petitioner guilty as charged and sentenced her to a uniform prison term of six (6) months in each of the fifteen (15) cases plus a fine of P27,000.00 in Crim. Case No. 92-5626, P189,000.00 in Crim. Case No. 92-5625, P189,000.00 in Crim. Case No. 92-5621, P108,000.00 in Crim. Case No. 92-5622, P27,000.00 in Crim. Case No. 92-5613, P27,000.00 in Crim. Case No. 92-

5612, P200,000.00 in Crim. Case No. 92-5624, P155,000.00 in Crim. Case No. 92-5627, P54,000.00 in Crim. Case No. 92-5614, P55,000.00 in Crim. Case No. 92-5615, P220,000.00 in Crim. Case No. 92-5616, P82,500.00 in Crim. Case No. 92-5617, P145,000.00 in Crim. Case No. 92-5618, P200,000.00 in Crim. Case No. 92-5619, and P27,500.00 in Crim. Case No. 92-5620.<sup>[25]</sup>

On appeal, the Court of Appeals affirmed with modification the trial court's decision

The judgment of the court *a quo* finding the appellant guilty as charged is hereby affirmed. However, the penalty imposed in Criminal Case No. 92-5616, where the accused was sentenced to a fine of P220,000.00 in addition to six (6) months imprisonment must be modified.

Section 1 of B.P. Blg. 22 provides that the fine to be imposed against the accused shall be "not less than but not more than double the amount of the check which fine shall in no case exceed Two Hundred Thousand Pesos x x x x. "

In Criminal Case No. 92-5616, the accused issued Check No. 356944 with a face value of P220,000.00. Consequently, the fine imposed against the accused must be reduced to the maximum amount of Two Hundred Thousand Pesos (P200,000.00) only.

Her motion for reconsideration having been denied by the Court of Appeals, petitioner now entreats us to reverse her conviction contending that, *first*, she did not issue the checks in question as she merely signed them in blank; *second*, it was complainant who procured the checks from petitioner's secretary, made the corresponding entries therein, and thereafter deposited them in her account; and *third*, the checks were not issued for value or consideration as they were merely intended to be shown to would-be investors of Mark-Agro Trading Corporation, and not to be encashed or deposited in the bank.

After a thorough review of the records we find petitioner's conviction for violations of B.P. Blg. 22 well-founded. B.P. Blg. 22 was purposely enacted to prevent the proliferation of worthless checks in the mainstream of daily business and to avert not only the undermining of the banking system of the country but also the infliction of damage and injury upon trade and commerce occasioned by the indiscriminate issuances of such checks. By its very nature, the offenses defined under B.P. Blg. 22 are against public interest. Thus in *Lozano v. Martinez*<sup>[26]</sup> we held -

The effects of the issuance of a worthless check transcend (sic) the private interests of the parties directly involved in the transaction and touch (sic) the interest of the community at large. The mischief it creates is not only a wrong to the payee and holder but also an injury to the public. The harmful practice of putting valueless commercial papers in circulation, multiplied a thousand fold, can very well pollute the channels of trade and commerce, injure the banking system and eventually hurt the welfare of society and the public interest.