

## **EIGHTH DIVISION**

**[ CA-G.R. CR NO. 34102, October 31, 2014 ]**

**ANALENE DELOS ANGELES, PETITIONER, VS. THE PEOPLE OF  
THE PHILIPPINES, RESPONDENT.**

### **DECISION**

**GARCIA-FERNANDEZ, J.:**

This is a petition for review under Rule 42 of the Rules of Court, as amended, seeking to reverse and set aside the decision dated November 30, 2010<sup>[1]</sup> and resolution dated March 14, 2011<sup>[2]</sup>, issued by the Regional Trial Court of Manila, Branch 39 in Crim. Case No. 10-276191, which affirmed the decision dated September 10, 2009<sup>[3]</sup> issued by the Metropolitan Trial Court of Manila (MeTC), Branch 3, in Crim. Case No. 379428-CR. The latter court found petitioner guilty beyond reasonable doubt of violation of Batas Pambansa 22 (BP 22) and sentenced her to pay a fine of TWO HUNDRED THOUSAND PESOS (PHP200,000.00), with subsidiary imprisonment in case of insolvency but not to exceed six months, as well as to indemnify the offended party the sum of TWO HUNDRED FORTY ONE THOUSAND, FIVE HUNDRED PESOS (PHP 241,500.00), and to pay the costs.

The factual antecedents are as follows:

Petitioner was charged in an information dated April 14, 2002<sup>[4]</sup> for violation of BP 22, otherwise known as "The Bouncing Checks Law," as follows:

"That on or about March 15, 2000, the said accused did then and there willfully, unlawfully and feloniously make or draw and issue to MEGA UMBRELLA MANUFACTURING CENTER, INC., represented by SALVADOR BALTAZAR to apply on account or for value MAYBANK Check No. 0202452 dated June 10, 2000, payable to Mega Umbrella Manufacturing Center, Inc. in the amount of P241,500.00, said accused well knowing that at the time of issue she did not have sufficient funds in or credit with the drawee bank for payment of such check in full upon its presentment, which check after having deposited in the City of Manila, Philippines and upon being presented for payment within ninety (90) days from the date thereof was subsequently dishonored by the drawee bank for PAYMENT STOPPED, but the same would have been dishonored for insufficient funds had not the accused, without any valid reason, ordered the bank to stop payment, the said accused, despite the receipt of notice of such dishonor, failed to pay said MEGA UMBRELLA MANUFACTURING CENTER, INC. of the amount of the check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice."

Petitioner entered a plea of not guilty during arraignment. The case was then referred to the Philippine Mediation Center, but was referred back to the MeTC when

parties failed to enter into an amicable settlement.

The MeTC made the following findings:

"Complainant Baltazar averred that being the General Manager of Mega Umbrella Manufacturing Center, Inc., (MUMCI), he was authorized by its Board of Directors to initiate and maintain the prosecution of the instant case against accused Analene delos Angeles, by virtue of a Secretary's Certificate dated January 23, 2002, duly signed by the company's Corporate Secretary and President (Exhs. "B", "B-1", & "B-2").

He maintained that accused Analene A. delos Angeles, doing business under the name and style of "Repletion International Trading Corporation," ordered from their company ten thousand (10,000) pieces of yellow and red umbrella of different specifications and designs. As evidence thereto, he averred that a facsimile copy of the Purchase Order dated March 31, 2000, duly signed by accused was sent to their office (Exh. "C", "C-1", "C-2", "C-3").

Following the communication by accused of her intention to purchase, two (2) deliveries were then made. The first partial delivery, as evidenced by Delivery Receipt No. 4381 dated March 3, 2000, was personally delivered by the accused (Exhs. "I", "I-1", "I-2"), and the second partial delivery of the goods were received on March 15, 2000, and as evidence thereto, Delivery Receipt No. 4403 dated March 10, 2000 (Exhs. "D" & "D-1") and No. 4407 dated March 11, 2000 (Exhs. "E" & "E-1") were issued.

Complainant further averred that upon deliver of said goods, accused issued a postdated check drawn against Maybank, Makati Branch, bearing Check No. 0202452 in the amount of Two Hundred Forty-One Thousand Five Hundred Pesos (Php241,500.00) dated June 10, 2000, which when deposited at Metrobank, Divisoria Branch, was dishonored and a notation "Payment Stopped" was placed at the dorsal portion of said check (Exhs. "F", "F-1" to "F-4"). In addition, a Debit/Credit Memo by Metrobank was issued as regards the dishonored check (Exhs. "G" & "G-1").

Following such dishonor, private complainant through counsel sent a Notice of Dishonor of Checks and Demand to Pay Vale dated September 20, 2001, which was delivered to the accused through his counsel's liaison officer. Upon delivery of said letter, the same was refused acceptance after accused herself found inaccuracies with the spelling of her first name, to which, she placed a notation "wrong spelling" in the face of the demand letter (Exhs. "L-5-A" & "L-5-B"). It was only on September 27, 2001 that the demand letter with the necessary correction was sent to the accused. However, despite said written demand to made good of her outstanding obligation, accused allegedly failed and refused to pay the amount due thereon, and upon inquiry with Shell Corporation in Buendia, complainant came to know that the said company had already paid the amount of the goods to accused.

On cross-examination, complainant Baltazar claimed that the instant

action stemmed from the Purchase Order made by accused dated February 28, 2000. As evidence thereto, three (3) delivery receipts covering two (2) transactions were issued to accused delos Angeles. Likewise, he asserted that it was accused who sent the purchase order for and in behalf of Repletion International Trading Corporation and Steven Hoo. Upon accused's representation as owner and general manager of said corporation, without any knowledge of the fact that it was Steven Hoo who actually owns the corporation, complainant accepted payment from accused as regard Delivery Receipt Nos. 4403 and 4470, which were made at her office in Balut, Tondo, Manila.

Furthermore, complainant maintained that accused was duly notified of the dishonor of the check after a demand letter dated September 20, 2001 was sent and was received by Jene Arlene A. Carrasco (Exh. "H-3").

However, complainant herein clarified during the re-direct that it was actually Jennifer Olasso who received the goods in behalf of the corporation, but as regards Delivery Receipt No. 4381 dated March 31, 2000, he claimed that the same was personally received by accused delos Angeles. Anent to the demand letter addressed to accused dated September 20, 2001, complainant admitted that it was received by one Arlene Carrasco only on September 27, 2001, after it was returned [xxx] his counsel upon accused's refusal to acknowledge receipt thereof, because of the inaccuracy in the spelling of the latter's first name.

On re-cross, private complainant maintained that Delivery Receipt No. 4381 was actually received by accused, and in consideration thereof, a check in behalf of Repletion International Trading Corporation was issued, which was in the name of Steven Hoo.

However, with respect of the testimony of the second witness for the prosecution in the person of Nelson Mailom, Bank Manager of Maybank, Makati Branch, the prosecution and the defense entered into stipulation of facts on the following material points, to wit:

(a) Ledge Card on Account No. 00-059-00-0521-1 in the name of accused Analene Acosta delos Angeles Hoo (Exhs. "M", "M-1" to "M-4");

(b) Personal Account Opening in the name of the accused (Exhs. "N", "N-1" & "N-2");

(c) Universal Terms and Conditions for Depositi Account under Account No. 00-059-00-0521-1 in the name of Analene dated April 4, 2000 (Exhs. "O", "O-1", "O-2", "O-3" & "O-3-A")'

Computer-generated copy of Current Status of Account (Exh. "P");

(e) Computer-generated copy of the Status of Checking Account as certified by witness Nelson Mailon dated October 7, 2005 (Exh. "P-2-A");