

SIXTEENTH DIVISION

[CA-G.R. CR NO. 29342, August 17, 2006]

**RUTH D. BAUTISTA, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES AND SUSAN ALONA, RESPONDENTS.**

D E C I S I O N

DE LOS SANTOS, J.:

Before Us is a petition for review filed by **petitioner Ruth D. Bautista** under Rule 42 of the Rules of Court seeking to set aside the decision of the Regional Trial Court of Cavite City, dated July 14, 2004 in Criminal Case No. 389-02, entitled "People of the Philippines vs. Ruth Bautista", affirming with modification the Decision dated September 12, 2002 of the Municipal Trial Court in Cities, Cavite City finding the accused guilty beyond reasonable doubt of violation of Batas Pambansa Blg. 22. The dispositive portion^[1] of the said decision reads:

"WHEREFORE, the decision appealed from is hereby AFFIRMED with the modification that accused is further ordered to pay interest at 12% per annum on the indemnity awarded to the complainant from the date of the demand until the amount is fully paid."

"SO ORDERED."

The Information^[2] filed against the petitioner reads:

"That sometime in the month of April, 1998, in the City of Cavite, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that she had no sufficient funds in the bank to cover the amount of her check, did, then and there, wilfully, unlawfully, and knowingly draw and issue to SUSAN ALONA, in payment of her obligation to the latter, Check No. 005014037 postdated May 8, 1998 in the amount of P1,500,000.00 drawn against the Metrobank Cavite City Branch, but which check, upon presentment after its maturity date, was dishonored by the drawee bank for the reason that it was drawn against a "INSUFFICIENT FUNDS" and notwithstanding repeated demands made upon her to make good the amount of her check, accused herein failed and refused to do so, to the damage and prejudice of Susan Alona, in the aforestated amount of P1,500,000.00

"CONTRARY TO LAW."

The facts are as follows: During the Christmas Party of the Philippine Fleet sometime in December 1997, Ruth Bautista was introduced to Susan Alona by Lina Fajardo. Sometime in January 1998, Ruth was able to get a loan from Susan in the amount of P1,500,000.00 in the form of a manager's check from the Trader's Royal Bank. In

exchange and as payment thereof, Ruth gave Susan Metrobank Check No. 005014037, postdated May 8, 1998. Susan deposited the check five months after or on October 20, 1998. The check issued by Ruth bounced upon presentment to the drawee bank because it was drawn against insufficient funds. The same was personally returned to Susan.

Thereafter, Susan sent a demand letter to Ruth informing the latter that her check was dishonored. She required Ruth to make the necessary arrangement for the payment of the check within five (5) working days after receipt of the notice of dishonor from the bank. Ruth failed to do so.

Aside from the P1,500,000.00 check, Ruth got another loan in the amount of P1,000,000.00 which was secured by another check in the same amount dated May 20, 1998. In addition, Ruth gave Susan two (2) land titles but the former took them back because according to her there were interested buyers. Apparently, the P1,000,000.00 had been set-off when Ruth assigned to Susan a condominium unit by way of Deed of Assignment. This forced Susan to confer with a lawyer who sent a demand letter to Ruth by registered mail. Despite receipt of the said letter as shown by the return card, Ruth refused to honor her obligation.

On September 12, 2002, the MTCC rendered a decision, the dispositive portion of which reads as follows:

"WHEREFORE, In View Of The Foregoing, the Court finds accused Ruth D. Bautista guilty beyond reasonable doubt of the offense charged and she is hereby sentenced to pay [a] fine in the amount of P200,000.00 with subsidiary imprisonment in case of insolvency to pay the aforesaid fine.

"Finally, as civil indemnity, accused is also ordered to pay complainant Susan Alona the face value of the check in the amount of P1,500,000.00 and to pay the costs.

"SO ORDERED."^[3]

Feeling aggrieved, Ruth elevated the case to the Regional Trial Court. On July 14, 2004, the RTC affirmed with modification the appealed decision. The RTC also ordered Ruth to pay the interest at 12% per annum on the indemnity awarded to the complainant from the date of demand until the amount is fully paid.

Hence, this petition for review on the grounds^[4] that:

"I

THE RTC DECISION DATED JULY 14, 2004 IS NULL AND VOID FOR FAILURE TO COMPLY WITH SEC. 14, ART. VIII OF THE 1987 CONSTITUTION, IT HAVING COMPLETELY BRUSHED ASIDE WITHOUT JUSTIFICATION PETITIONER'S FOURTH ASSIGNMENT OF ERROR ON THE LOWER COURT'S REFUSAL TO RECEIVE AND RESOLVE ACCUSED-APPELLANT'S DEMURRER TO EVIDENCE WITHOUT LEAVE OF COURT;

"II

THE HONORABLE RTC SERIOUSLY AND GRAVELY ERRED IN FAILING TO RULE THAT THE TRIAL COURT COMMITTED A GRAVE ABUSE OF ITS DISCRETION WHEN IT REFUSED TO RECEIVE AND/OR RESOLVE ACCUSED-APPELLANT'S DEMURRER TO EVIDENCE WITHOUT LEAVE OF COURT;

"III

THE HONORABLE RTC COMMITTED A GRAVE AND SERIOUS ERROR IN HOLDING THAT THE TESTIMONY OF THE PRIVATE COMPLAINANT, TAKEN TOGETHER WITH THE DOCUMENTS FOUND IN THE RECORD, SUFFICIENTLY ESTABLISHED BEYOND REASONABLE DOUBT THAT THE DRAWER OF THE CHECK, HEREIN ACCUSED KNOWS AT THE TIME OF ISSUE THAT SHE DOES NOT HAVE SUFFICIENT FUNDS IN OR CREDIT WITH THE DRAWEE BANK FOR THE PAYMENT OF SUCH CHECK IN FULL UPON PRESENTMENT;

"IV.

THE HONORABLE RTC SERIOUSLY ERRED IN HOLDING THAT THE PROSECUTION PROVED BEYOND REASONABLE DOUBT THAT A VALID NOTICE OF DISHONOR WAS ACTUALLY SENT TO AND RECEIVED BY PETITIONER, DESPITE LACK OF SHOWING THEREOF IN THE RECORDS AND THE FACT THAT PRIVATE COMPLAINANT DID NOT COMPLY WITH THE REQUIREMENTS OF THE LAW AS EXPLAINED IN TING VS. COURT OF APPEALS, 344 SCRA 551 (2000);

"V

THE HONORABLE RTC SERIOUSLY ERRED IN HOLDING THAT PETITIONER FAILED TO PAY OR TO MAKE ARRANGMENT FOR PAYMENT IN FULL OF METROBANK CHECK NO. 005014307, DESPITE THE FACT THAT THE SAME WAS DULY FULLY PAID BY WAY OF DACION EN PAGO."

Anent the ***first issue***, the lower court allegedly made generalizations without detailing the basis of its findings. The Philippine Constitution no less, mandates that no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.^[5]

We uphold that the assailed decision substantially complied with the mandate of Article VIII, Section 14 of the Constitution. The RTC decision fully explained the correlation of facts of the case, the weight and admissibility of the evidence presented for or against the petitioner, the assessments made from the evidence presented, and the conclusions drawn therefrom after applying the pertinent law as basis of the decision.

In *People vs. Orbita*^[6], the Supreme Court said that the purpose of Article VIII, Section 14 of the Constitution is to inform the person reading the decision, and especially the parties, of how it was reached by the court after consideration of the pertinent facts and examination of the applicable laws. The losing party is entitled to know why he lost, so he may appeal to a higher court, if permitted, should he

believe that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is especially prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. Thus, a decision is adequate if a party desiring to appeal therefrom can assign errors against it. The accused-appellant cannot pretend he is unable to understand the basis of his conviction for she was able to assign specific errors against the trial court's decision and discuss them intelligently.

Anent the **second issue**, petitioner contends that the RTC gravely erred when it refused to receive and/or resolve her demurrer to evidence without leave of court, after the MTCC had denied her earlier demurrer to evidence with leave of court, thereby depriving her the opportunity to be heard in violation of her right to due process as an accused.

The petitioner further argues that the MTCC's refusal to consider her subsequent demurrer to evidence without leave of court deprived her of the opportunity to be heard thereunder, in violation of her right to due process as an accused.

Petitioner admits that in the hearing of May 13, 2002, the MTCC denied her motion for leave to file demurrer to evidence. In the same hearing, the said court directed the petitioner to present her evidence. By reason thereof, the only right, which the petitioner has, under Section 23, Rule 119 of the Revised Rules on Criminal Procedure after having been denied leave to submit demurrer to evidence, is to adduce evidence in her defense. However, petitioner still insisted on filing a demurrer to evidence without leave of court instead of presenting evidence in her defense.

It is the contention of the petitioner that when the MTCC denied her motion, it was in effect a denial only of the motion for leave to file demurrer to evidence and not the demurrer to evidence itself and therefore, the order of the MTCC upon petitioner to present evidence was premature. This being the case, she can still file the demurrer to evidence proper.

We cannot sustain the petitioner.

In *People vs. Sandiganbayan*^[7], the Supreme Court said, "*Under Sec. 23, Rule 119 of the Revised Rules on Criminal Procedure, as amended, the trial court may dismiss the action on the ground of insufficiency of evidence upon a demurrer to evidence filed by the accused with or without leave of court. Thus, in resolving the accused's demurrer to evidence, the court is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or support a verdict of guilt. The grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of grave abuse of discretion. xxx,*"

In this case, We find that the MTCC denied petitioner's motion for leave to file demurrer to evidence for two reasons: **first**, the prosecution established a *prima facie* case for violation of B.P. 22 against the petitioner; and **second**, petitioner's allegations in her motion for leave to file demurrer to evidence were insufficient to justify the grant of the same. In view of the MTCC's finding that a *prima facie* case against the petitioner exists, her proper recourse is to adduce evidence in her