

FIRST DIVISION

[G.R. NO. 156169, August 12, 2005]

**VICTOR ONGSON, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

The instant petition for review seeks to annul and set aside the June 27, 2002 decision^[1] of the Court of Appeals in CA-G.R. CR No. 18662 which affirmed with modification the March 8, 1995 decision^[2] of the Regional Trial Court of Quezon City, Branch 97, in Criminal Case Nos. Q-93-43435 to Q-43442, finding petitioner Victor Ongson guilty beyond reasonable doubt of eight (8) counts of violation of Batas Pambansa Blg. 22 (B.P. 22).

The evidence for the prosecution shows that on separate occasions, private complainant Samson Uy extended loans to petitioner and as payment therefor, he issued to Uy eight (8) post dated checks. Upon presentment, the checks were dishonored and despite demands, petitioner failed to make good the bounced checks. On April 15, 1993, eight (8) separate Informations were filed against petitioner and docketed as follows:

Criminal Case No.	Check No.	Date	Amount	Drawee Bank	Reason for the dishonor
Q-93- 43435 ^[3]	119789 ^[4]	Nov. 23, 1992	P200,000.00	PSB	Payment Stopped/Drawn Against Insufficient Funds (DAIF)
Q-93- 43436 ^[5]	492837 ^[6]	Nov. 4, 1992	24,000.00	FBTC	Account Closed
Q-93- 43437^[7]	492615^[8]	Oct. 15, 1992	3,117.00	FBTC	DAIF
Q-93- 43438 ^[9]	492319 ^[10]	Oct. 15, 1992	11,887.10	FBTC	DAIF
Q-93- 43439 ^[11]	492482 ^[12]	Oct. 15, 1992	50,000.00	FBTC	DAIF
Q-93- 43440 ^[13]	492581 ^[14]	Oct. 4, 1992	25,500.00	FBTC	DAIF
Q-93- 43441 ^[15]	492666 ^[16]	Oct. 2, 1992	200,000.00	FBTC	DAIF
Q-93- 43442^[17]	492580^[18]	Sept. 28, 1992	68,145.62	FBTC	DAIF

Except as to the check's drawee bank, number, amount and date of issue, the Informations were similarly worded in this wise:

That on or about the 23rd day of November, 1992, in Quezon City, Philippines, the said accused did then and there willfully, unlawfully and feloniously make or draw and issue to SAMSON UY to apply on account or for value Philippine Savings Bank Check No. 119789 dated November 23, 1992 payable to Cash in the amount of P200,000.00, Philippine Currency, said accused well knowing that at the time of issue she/he/they did not have sufficient funds in or credit with the drawee bank for payment of such check in full upon its presentment, which check when presented for payment was subsequently dishonored by the drawee bank for insufficiency of funds/Account Closed and despite receipt of notice of such dishonor, said accused failed to pay said Samson Uy the amount of said check or to make arrangement for full payment of the same within five (5) banking days after receiving said notice.

CONTRARY TO LAW.^[19]

Upon arraignment, petitioner entered a plea of not guilty.

At the pre-trial, petitioner admitted the authenticity of his signatures on the checks, the stamps of dishonored deposit, the dates thereof and reasons for dishonor.^[20]

After the prosecution rested its case, the defense presented Rowena Carbon but since she failed to appear for continuation of the cross-examination,^[21] the trial court ordered her testimony stricken off the record.^[22] The defense also presented Evelyn Villareal who testified that Liana's Supermarket, where Uy was sole distributor of petitioner's beverage products, issued check vouchers to Uy.^[23]

On March 8, 1995, the trial court rendered a one-page decision finding petitioner guilty as charged, the full text of which reads:

The consolidated Informations, above-numbered, for violation of Batas Pambansa Blg. 22, for eight (8) counts are on record.

Upon arraignment accused pleaded Not Guilty and at the pre-trial, he agreed to and signed the Pre-trial order on Page 108, dated July 14th, 1993, wherein accused admitted the authenticity of the signatures on the checks in question, Exh "B", Exh "C", "D", "E", "F", "G", "H", "I" and submarkings thereon, showing the fact of dishonor, the reason therefor and the dates thereof, reserving only for trial on the merits the issue of the correctness of the amounts and the consideration.

The private complainant testified as to the consideration, which is also presumed under the law, unless rebutted by accused, which he failed to do, convincing the court beyond reasonable doubt of his guilt as charged herein.

WHEREFORE, accused Victor Ongson is hereby declared GUILTY of

Violations of Batas Pambansa Blg. 22 on eight (8) counts and sentenced to serve 6 months imprisonment for each of the eight (8) counts and to pay a fine equivalent to the amount of the said checks mentioned in the above-numbered informations or a total of P582,149.72, and to indemnify, as actual and compensatory damages, the private complainant Samson Uy in the same amount of the said checks, or P582,149.72 plus interest at 12% from the date of this decision.

SO ORDERED.^[24]

Petitioner appealed to the Court of Appeals contending he was denied due process and that the trial court's decision violated the Constitution and the Rules of Court. In the assailed decision of June 27, 2002, the Court of Appeals found no infirmity in the trial court's decision and affirmed the conviction of petitioner, but modified the penalty as follows:

WHEREFORE, with the MODIFICATIONS that the penalty of fine is hereby DELETED and appellant sentenced to a prison term of thirty (30) days in each of the eight (8) counts whereof he was found guilty by the lower court, the decision appealed from is hereby AFFIRMED and this appeal DISMISSED.

No pronouncement as to costs.

SO ORDERED.^[25]

Petitioner filed a motion for reconsideration but was denied. Hence, the instant petition. The issues for resolution are:

1) Was the decision of the trial court violative of the requirements of the Constitution and the Rules of Court?

2) Was the conviction of petitioner proper?

Section 14, Article VIII of the Constitution, as well as Section 1 of Rule 36 and Section 1, Rule 120 of the Rules on Civil Procedure, similarly state that a decision, judgment or final order determining the merits of the case shall state, clearly and distinctly, the facts and the law on which it is based. Pertinently, the Court issued on January 28, 1988 Administrative Circular No. 1, which requires judges to make complete findings of facts in their decision, and scrutinize closely the legal aspects of the case in the light of the evidence presented, and avoid the tendency to generalize and to form conclusion without detailing the facts from which such conclusions are deduced.

We emphasized in *Velarde v. Social Justice Society*,^[26] citing *Yao v. Court of Appeals*,^[27] that:

"Faithful adherence to the requirements of Section 14, Article VIII of the Constitution is indisputably a paramount component of due process and fair play. It is likewise demanded by the due process clause of the Constitution. The parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons

that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to the 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 precisely prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. More than that, the requirement is an assurance to the parties that, in reaching judgment, the judge did so through the processes of legal reasoning. It is, thus, a safeguard against the impetuosity of the judge, preventing him from deciding *ipse dixit*. Vouchsafed neither the sword nor the purse by the Constitution but nonetheless vested with the sovereign prerogative of passing judgment on the life, liberty or property of his fellowmen, the judge must ultimately depend on the power of reason for sustained public confidence in the justness of his decision."

...

In the present case, it is starkly obvious that the assailed Decision contains no statement of facts - much less an assessment or analysis thereof - or of the court's findings as to the probable facts. The assailed Decision begins with a statement of the nature of the action and the question or issue presented. Then follows a brief explanation of the constitutional provisions involved, and what the Petition sought to achieve. Thereafter, the ensuing procedural incidents before the trial court are tracked. The Decision proceeds to a full-length opinion on the nature and the extent of the separation of church and state. Without expressly stating the final conclusion she has reached or specifying the relief granted or denied, the trial judge ends her "Decision" with the clause "SO ORDERED."

What were the antecedents that necessitated the filing of the Petition? What exactly were the distinct facts that gave rise to the question sought to be resolved by SJS? More important, what were the factual findings and analysis on which the trial court based its legal findings and conclusions? None were stated or implied. Indeed, the RTC's Decision cannot be upheld for its failure to express clearly and distinctly the facts on which it was based. Thus, the trial court clearly transgressed the constitutional directive.

The significance of factual findings lies in the value of the decision as a precedent. How can it be so if one cannot apply the ruling to similar circumstances, simply because such circumstances are unknown? Otherwise stated, how will the ruling be applied in the future, if there is no point of factual comparison?

Based on the foregoing considerations, we find that the trial court's decision in the case at bar did not state the material facts, i.e., the transaction that led to the issuance of the checks, their respective amounts, the date and reason for dishonor. The decision likewise failed to discuss the elements of B.P. 22 and other pertinent facts. Clearly, the absence of relevant antecedents as well as the lack of evaluation of the evidence adduced by the parties and justification for its conclusion render the instant decision void.

The Court would ordinarily remand this case to the court a quo for compliance with the constitutional requirements. However, we deem it proper to resolve the case on the merits to avoid further delay.^[28]

Section 1 of B.P. 22, states:

SECTION 1. *Checks without sufficient funds.* - Any person who makes or draws and issues any check to apply on account or for value, knowing at the time of issue that he does not have sufficient funds in or credit with the drawee bank for the payment of such check in full upon its presentment, which check is subsequently dishonored by the drawee bank for insufficiency of funds or credit or would have been dishonored for the same reason had not the drawer, without any valid reason, ordered the bank to stop payment, shall be punished by imprisonment of not less than thirty days but not more than one (1) year or by a fine of not less than but not more than double the amount of the check which fine shall in no case exceed Two hundred thousand pesos, or both such fine and imprisonment at the discretion of the court.

The same penalty shall be imposed upon any person who having sufficient funds in or credit with the drawee bank when he makes or draws and issues a check, shall fail to keep sufficient funds or to maintain a credit to cover the full amount of the check if presented within a period of ninety (90) days from the date appearing thereon, for which reason it is dishonored by the drawee bank.

Where the check is drawn by a corporation, company or entity, the person or persons who actually signed the check in behalf of such drawer shall be liable under this Act.

The elements of violation of B.P. 22 are: (1) making, drawing, and issuance of any check to apply on account or for value; (2) knowledge of the maker, drawer, or issuer that at the time of issue he does not have sufficient funds in or credit with the drawee bank for the payment of the check in full upon its presentment; and (3) subsequent dishonor of the check by the drawee bank for insufficiency of funds or credit, or dishonor for the same reason had not the drawer, without any valid cause, ordered the bank to stop payment.^[29]

The first element, i.e., making, drawing, and issuance of any check, requires that the check be properly described in the Information to inform the accused of the nature and cause of the accusation against him. Without a sufficient identification of the dishonored check in the Information, the conviction of the accused should be set aside for being violative of the constitutional requirement of due process.^[30]