



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **21 June 2021** which reads as follows:*

“**G.R. No. 256223 (Arlene Santos y Tolentino v. People of the Philippines)**. – The Court **NOTES** the manifestation and motion¹ dated April 8, 2021 of counsel for petitioner Arlene Santos y Tolentino (petitioner) that due to physical closure of the Court last April 7, 2021, petitioner was unable to file her motion for extension to file petition and pay the docket fees, with an undertaking that the same will be filed and paid upon the reopening of the Court, and praying that the motion for extension be considered as timely filed.

After a judicious study of the case, the Court resolves to **DENY** the petition² and **AFFIRM** the Decision³ dated June 30, 2020 and the Resolution⁴ dated March 15, 2021 of the Regional Trial Court of Malolos City, Bulacan, Branch 11 (RTC) for failure of petitioner to sufficiently show that the RTC committed any reversible error in dismissing her *certiorari* petition and affirming the orders of the Municipal Trial Court of Pulilan, Bulacan (MTC), which granted the Motion for Leave (to File Amended Information)⁵ filed by the prosecution and thereby allowed the insertion of the phrase ‘on account or for value’ to the body of the twelve (12) Informations⁶ for violation of Batas Pambansa Blg. 22⁷ filed against petitioner even after her arraignment.

A formal amendment does not change the crime charged or affect the accused’s theory or defense. It adds nothing crucial for a conviction as to deprive the accused of the opportunity to meet the new Information. When an amendment only rectifies something that was already included in the original information, it is but a formal amendment. A second arraignment, therefore, is no longer necessary. Moreover, the information need not reproduce the law verbatim in alleging the acts or omissions that constitute the offense. If its language is understood, the

¹ *Rollo*, pp. 3-5.

² See Petition for Review on *Certiorari* dated April 14, 2021; *id.* at 7-22.

³ *Id.* at 26-30. Penned by Presiding Judge Felizardo S. Montero, Jr.

⁴ *Id.* at 31.

⁵ Dated July 9, 2018; *id.* at 44-48.

⁶ Dated May 16, 2016; *id.* at 32-43. Signed by Senior Assistant Provincial Prosecutor Sinforsoso T. Roque, Jr.

⁷ Entitled ‘AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES,’ approved on April 3, 1979.

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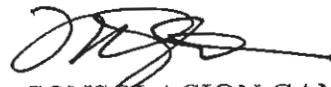
constitutional right to be informed of the nature and cause of the accusation against the accused stands unviolated,⁸ as in this case where the amendment sought by the prosecution to insert the phrase 'on account or for value' in the body of the subject Informations neither altered the crime charged nor affected or rendered unavailable the defense interposed by petitioner. Besides, even without the said phrase in the body of the subject Informations, it is presumed that the checks subject thereof were issued for a valuable consideration.⁹ Hence, as correctly ruled by the RTC, no grave abuse of discretion can be ascribed upon the MTC in allowing the amendment of the Informations sought by the prosecution.

SO ORDERED. (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021)."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *mg 7/4*
07 JUL 2021

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Malolos City, Bulacan
(Civil Case No. 115-M-2019)

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GR256223. 6/21/2021(218)URES

⁸ See *Villarba v. CA and People*, G.R. No. 227777, June 15, 2020; citations omitted.
⁹ Section 24 of the Negotiable Instruments Law states:

'Section 24. *Presumption of Consideration.* – Every negotiable instrument is deemed *prima facie* to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.'