



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 February 2021** which reads as follows:*

“G.R. No. 254067 (*Ruth P. Vega v. *People of the Philippines*). –** After a review of the records, the Court resolves to **DENY** the petition for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its October 4, 2019¹ and September 28, 2020² Resolutions in CA- G.R. CR No. 43902 as to warrant the exercise of this Court’s appellate jurisdiction.

The CA did not err in denying petitioner’s motion for extension of time. In *Yutingco v. Court of Appeals*,³ this Court held that the circumstance of heavy workload alone, absent a compelling or special reason, is not sufficient justification to allow an extension of the petition, to wit:

Heavy workload, which is relative and often self-serving, ought to be coupled with more compelling reasons such as illness of counsel or other emergencies that could be substantiated by affidavits of merit. Standing alone, heavy workload is not sufficient reason to deviate from the 60-day rule. Thus, we are constrained to state that the Court of Appeals did not err in dismissing the petition for having been filed late.⁴

Similarly in this case, petitioner’s only justification in her motion for extension of time is the heavy workload of her counsel. Clearly, there should be an effort on the part of the litigant invoking liberality to satisfactorily

* Also known as “Ruth G. Vega” in some parts of the *rollo*.

¹ *Rollo*, pp. 120-121; penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Mario V. Lopez (now a Member of this Court) and Walter S. Ong, concurring.

² *Id.* at 145-148; penned by Associate Justice Walter S. Ong with Associate Justices Japar B. Dimaampao and Victoria Isabel A. Paredes, concurring.

³ 435 Phil. 83 (2002).

⁴ *Id.* at 92.

explain why he or she was unable to abide by the rules.⁵ Here, the only reason offered by petitioner for availing of the motion is her counsel's heavy workload, which reason is neither compelling nor meritorious. Thus, the CA correctly found petitioner's excuse to be unacceptable and utterly lame to extend the period for filing the petition.

Anent petitioner's claim that she should not be held civilly liable because she was merely a guarantor, this Court agrees with the findings of the RTC that petitioner was not able to prove the same, to wit:

The argument that Vega is a mere guarantor has no leg to stand on because there was no Contract of Guaranty. A guaranty is not presumed; it must be express[ed] and cannot extend to more than what is stipulated therein. Guaranty falls under the Statute of Frauds since it is a special promise to answer for the debt, default or miscarriage of another. Thus, guaranty must not only be expressed but must also be reduced to writing. Since there was no contract of guaranty, the argument must fail.⁶

Moreover, in cases like violation of *Batas Pambansa Blg. 22*, a special law, the intent in issuing a check is immaterial. The law has made the mere act of issuing a bad check equivalent to *malum prohibitum*, an act prescribed by the legislature for being deemed pernicious and inimical to public welfare. The only inquiry in *mala prohibita* cases is whether the law has been breached.⁷ Thus, regardless of petitioner's intent, she remains civilly liable because the act or omission, particularly the making and issuing of the subject check, from which her civil liability arises, evidently exist.

However, this Court deems it necessary to impose interest on the monetary awards of the trial court. To be consistent with *Nacar v. Gallery Frames*,⁸ and in accordance with Section 1 of Resolution 796, dated May 16, 2013, of the Monetary Board of the *Bangko Sentral ng Pilipinas*, the interest on monetary awards shall be fixed at twelve percent (12%) *per annum* from the date of judicial or extrajudicial demand until June 30, 2013 and six percent (6%) *per annum* from July 1, 2013 until satisfaction thereof. Applying the foregoing, the rate of 12% interest *per annum* shall be applied from the time the Complaint was filed on October 12, 2004 until June 30, 2013. From July 1, 2013 until fully paid, 6% interest *per annum* shall be imposed.

⁵ *Labao v. Flores*, 649 Phil. 213, 223 (2010).

⁶ *Rollo*, p. 114.

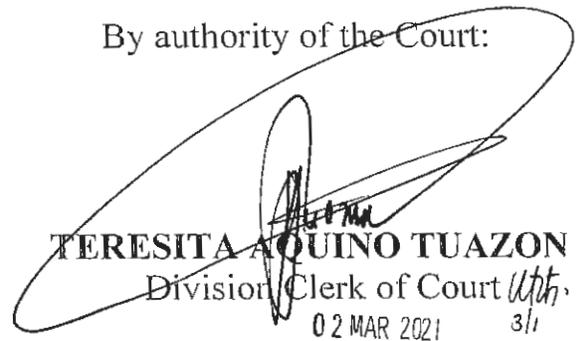
⁷ *Nissan Gallery-Ortigas v. Felipe*, 720 Phil. 828, 840 (2013), citing *Palana v. People*, 560 Phil. 558, 569 (2007).

⁸ 716 Phil. 267 (2013).

WHEREFORE, the petition is **DENIED**. The October 4, 2019 and September 28, 2020 Resolutions of the Court of Appeals in CA-G.R. CR No. 43902 are **AFFIRMED with MODIFICATION**. Petitioner Ruth P. Vega is **ORDERED to PAY** the private complainants the amount of Four Hundred Forty-Eight Thousand Pesos (₱448,000.00) with legal interest of twelve percent (12%) *per annum* from October 12, 2004 until June 30, 2013 and six percent (6%) *per annum* from July 1, 2013 until fully paid. The total amount of the foregoing shall, in turn, earn interest at the rate of 6% *per annum* from finality of the Resolution until full payment thereof.

SO ORDERED. (Delos Santos, J., designated as additional member per Raffle dated January 11, 2021, *vice* Lopez, M., J.)”

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *Uth*
 02 MAR 2021 3/1

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 (Crim. Case No. R-QZN-13-04587-92-CR)

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 GR254067. 2/01/2021(2)URES