

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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S E N A T E

S. No. 369

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Batas Pambansa Bilang 22, otherwise know as the Anti-Bouncing Check Law was enacted on April 13, 1979 to provide deterrents against the crime of estafa through the issuance of bouncing checks. As provided in the law, any person convicted of the crime will be subject to a fine of not less than the amount of the check, but not more than double the amount of the check which shall not exceed a ceiling of P200,000.

The considerable length of time which has elapsed since the initial effectivity of the law, and the inflation effects on the local currency has rendered this ceiling obsolete.

This bill seeks to lift the ceiling to prevent a situation where the offender is required to pay a fine that is much less than proportionate to the amount involved in the offense.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III
SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
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SENATE
S. No. 369

Introduced by Senator S. R. Osmeña III

AN ACT
AMENDING SECTION 1 OF BATAS PAMBANSA BILANG TWENTY TWO (22),
OTHERWISE KNOWN AS THE ANTI-BOUNCING CHECK LAW, REMOVING
THE MAXIMUM FINE IMPOSABLE AGAINST THE ISSUANCE OF CHECKS
WITHOUT SUFFICIENT FUNDS AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

1 **SECTION 1.** Title I of Batas Pambansa Bilang 22, Paragraph 1 of
2 Section 1, is hereby amended to read as follows:

3 "SECTION 1. Checks without sufficient funds. – Any person
4 who makes or draws and issues any checks to apply on account or
5 for value, knowing at the time of issue that he does not have
6 sufficient funds in or credit with the drawee bank for the payment of
7 such check in full upon its presentment, which check is subsequent
8 dishonored by the drawee bank for insufficient of funds or credit or
9 would have been dishonored for the same reason had not the
10 drawer, without any valid reason, ordered the bank to stop
11 payment, shall be punished by imprisonment of not less than thirty
12 days, but not more than one (1) year or by a fine of not less than
13 but not more than double the amount of the check [which fine shall
14 in no case exceed Two Hundred Thousand Pesos,] or both such
15 fine and imprisonment at the discretion of the court.

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

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

10 **SEC. 2. Effectivity Clause.** - This Act shall take effect fifteen (15) days
11 after its publication in the Official Gazette or in at least two (2) newspapers of
12 general circulation, whichever comes earlier.

Approved,