

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

SENATE
OFFICE OF THE SECRETARY

04 JUN 30 PM 23

SENATE

S. No. 807

RECEIVED BY: 

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

The Constitution provides "No person shall be imprisoned for debt..." (Section 20, Article III). This constitutional provision is included in the Bill of Rights, which is enjoyed by persons under the jurisdiction of the Philippines. Stated in full, this means that no person may be imprisoned for debt in virtue of an order in a civil proceeding, either as a substitute for satisfaction of a debt or as a means of compelling satisfaction.

This bill seeks to de-criminalize the crime of bouncing check under Batas Pambansa Big. 22 in order to conform to the constitutional provision. There is also a need to de-clog the burdened dockets of the court, which comprise a large number of B.P. 22 cases. The Supreme Court also made previous rulings to remove imprisonment as a penalty to B.P. 22 offenders and impose a fine double the amount or a maximum of Php 200,000 in lieu of prison terms. According to Justice Vicente V. Mendoza, "it would serve the ends of justice if in fixing the penalty, we consider preventing unnecessary deprivation of personal liberty and economic usefulness with due regard to the protection of social order. Indeed, the penal provisions of the law work injustice against offenders who clearly indicate good faith or a clear mistake of fact without taint of negligence.

The legislative department, being the body vested with the power to make laws that fix the penalty of a crime, has the power and responsibility to reduce or abolish the penalty prescribed under B.P. No. 22 to adopt to the changing circumstances.

The prompt and immediate passage of this bill deserves utmost attention.



MANUEL B. VILLAR, JR.
Senator

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**AN ACT AMENDING BATAS PAMBANSA BLG. 22 DE-CRIMINALIZING THE
MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT
SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES**

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

SECTION 1. Section 1 of Batas Pambansa Blg. 22 is hereby amended to read as follows:

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 [punished by imprisonment of not less than thirty days but not more than one (1) year or- by a fine] BE LIABLE TO PAY THE AMOUNT 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] PLUS LEGAL INTERESTS. The same [penalty] LIABILITY shall be [imposed upon] INCURRED BY 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.

SEC. 2. Section 3 of the same Act is hereby amended to read as follows:

Sec. 3. *Duty of drawee; rules of evidence.* - It shall be the duty of the drawee of any check, when refusing to pay the same to the holder thereof upon presentment, to cause to be written, printed, or stamped in plain language thereon, or attached thereto, the reason for drawee's dishonor or refusal to pay the same: Provided That where there are no sufficient funds or credit with such drawee bank, such fact shall always be explicitly stated in ALL [PROSECUTION] CLAIMS OF THE OFFENDED PARTY under this Act, the introduction in evidence of any unpaid and dishonored check, having the drawee's refusal to pay stamped or written thereon or attached thereto, with the reason attached therefore as aforesaid, shall be prima facie evidence of the making or issuance of said check, and the due presentment to the drawee for payment and the dishonor thereof, and that the same was properly dishonored for the reason written, stamped or attached by the drawee on such dishonored check.

Notwithstanding receipt of an order to stop payment, the drawee shall state in the notice that there were no sufficient funds in or credit with such bank for the payment in full of such check, if such be the fact.

SEC. 3. Section 5 of the same Act is hereby amended as follows:

Sec. 5. *Liability under the Revised Penal Code.* - [Prosecution] CLAIMS MADE FOR LIABILITIES INCURRED BY THE OFFENDING PARTY under this Act shall be without prejudice to THE PROSECUTION OF any liability for violation of any provision of the Revised Penal Code.

SEC. 4. *Repealing Clause.*-- All laws, decrees, executive orders, rules, and issuances inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 5. *Separability Clause.* If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue in full force and effect.

SEC. 6. *Effectivity Clause.* This Act shall take effect fifteen days following its publications in the Official Gazette or in any two newspapers of general circulation.

Approved,