

The Other Side of the New Law on Bouncing Checks

Francis Ed. Lim

23 *ATENEO L.J.* 25 (1978)

SUBJECTS: REVISED PENAL CODE, SPECIAL LAWS

KEYWORD: BOUNCING CHECKS LAW

The Article examines the various amendments brought about on the Bouncing Checks Law. The original law was embodied in Article 315, paragraph 2 (d) of the Revised Penal Code, and was later on amended through Republic Act (R.A.) No. 4885, specifically deleting certain phrases from the old law. From this, the Author attempts to clarify whether the defense of a check being issued for a pre-existing obligation was still applicable in the new law. Citing decisions in the Court of Appeals, the Article provided for the different justifications of decisions which support or are contrary to the defense of a pre-existing obligation. The Author includes certain observations derived from the speech of Ex-Senator Ambrosio Padilla, the Author of R.A. No. 4885 as well as jurisprudence to conclude that pre-existing debts should be included under the Bouncing Checks Law.