

R.A. No. 4885: More Than a Case of Faulty Statutory Draftsmanship?

Wencelito T. Andanar

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SUBJECT: CRIMINAL LAW

KEYWORD: BOUNCING CHECKS

The Article provides a discussion on the results of the amendment brought about by Republic Act (R.A.) No. 4885, an Act Amending Article 315, Section 2, Paragraph (d). The Author, at the beginning of the Article posits questions he seeks to address which, in summary, is on the identification of substantial amendments or changes that were brought about the change in the law. Furthermore, the Article looks into the reasons behind the decision of Congress to promulgate the statute and if such reasons have been translated into action and have therefore been achieved. A background on Article 315 is presented by enumerating the elements that constitute the crime of Estafa. It was noted that from these elements, there were rampant problems of bouncing checks, stating that such law was insufficient to curtail the problems of the country's business centers during the 1960s. From this, the Author introduces the additional benefits brought about by the promotion of R.A. No. 4885 which, as the Author believes, achieved its primary objective of reducing fraudulent instances in the payment of pre-existing debts and obligations. He supports his claim by providing concluding observations on the effects of the law.