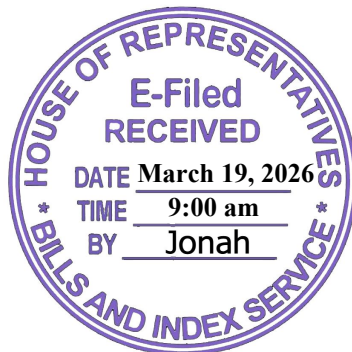




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 8708



Introduced by Representatives JOCELYN P. TULFO and RALPH WENDEL P. TULFO

AN ACT FURTHER AMENDING BATAS PAMBANSA BLG. 22, OTHERWISE KNOWN AS "THE BOUNCING CHECKS LAW," TO STRENGTHEN THE PROOF OF NOTICE OF DISHONOR, SIMPLIFY ITS SERVICE, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Batas Pambansa Blg. 22 (BP 22) was enacted to protect the public from the deleterious and pernicious practice of issuing worthless checks. However, judicial interpretation and procedural technicalities have often hindered the swift conviction of violators.

Current jurisprudence requires the prosecution to prove beyond reasonable doubt that the accused **actually received** the notice of dishonor. This strict requirement has allowed unscrupulous individuals to evade liability by simply refusing to sign a notice or by claiming that a person who received it on their behalf was unauthorized. The Supreme Court itself has acknowledged that proving actual receipt is the most difficult hurdle in these cases. Furthermore, the requirement of personal service is labor-intensive, expensive, and often impractical, especially if the issuer deliberately avoids service.

This bill proposes amendments to address these gaps. First, it introduces a **"deemed received"** provision, creating a disputable presumption that a notice properly sent to the drawer's last known address is received. This shifts the burden to the accused to **contest** receipt, preventing them from benefiting from their own evasion. Second, it explicitly validates **alternative modes of service**—such as registered mail, courier, and electronic means—to make the process less tasking for the complainant. These amendments aim to uphold the integrity of checks as a vital medium of trade and commerce without compromising the issuer's right to due process.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


HON. JOCELYN P. TULFO
Representative, ACT-OIS PARTYLIST


HON. RALPH WENDEL P. TULFO
Representative, 2ND DISTRICT OF
QUEZON CITY



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

Section 1. Short Title. This Act shall be known as the "BP 22 Procedural Reform Act."

Section 2. Declaration of Policy. It is the policy of the State to ensure the stability and reliability of checks as a medium of commercial transaction. Towards this end, the State shall provide effective remedies against the issuance of worthless checks and streamline procedures to prevent the evasion of liability through technicalities.

Section 3. Amendment of Section 2 of Batas Pambansa Blg. 22. Section 2 of Batas Pambansa Blg. 22 is hereby amended to read as follows:

"SEC. 2. Evidence of knowledge of insufficient funds; Notice of Dishonor. — The making, drawing, and issuance of a check, payment of which is refused by the drawee because of insufficient funds in or credit with such bank, when presented within ninety (90) days from the date of the check, shall be *prima facie* evidence of knowledge of such insufficiency of funds or credit unless such maker or drawer pays the holder thereof the amount due thereon, or makes arrangements for payment in full by the drawee of such check within five (5) banking days after receiving notice that such check has not been paid by the drawee.

(a) Manner of Serving the Notice of Dishonor. — A written notice of dishonor may be served upon the maker or drawer by any of the following modes:

(i) Personal Service. — By handing a copy of the notice to the drawer in person, or if refused, by leaving it with a person of suitable age and discretion at the drawer's residence or place of business.

(ii) Registered or Courier Mail. — By sending it through registered mail or a reputable courier service to the drawer's address indicated on the check, or to the drawer's last known address.

(iii) Electronic Means. — By sending it through electronic mail, text message, or other similar electronic messaging systems to the last known contact information provided by the drawer.

(iv) **Publication.** — If the drawer's address is unknown or cannot be ascertained despite diligent efforts, or if the drawer is residing outside the Philippines, service may be effected by publication once in a newspaper of general circulation in the place where the check was issued or where the drawer last resided.

(b) **When Notice is Deemed Received.** — A written notice of dishonor sent to the correct or last known address of the maker or drawer shall be **presumed to have been received** by the addressee. The presumption of receipt arises upon proof of any of the following:

(i) An acknowledgment receipt signed by the drawer or any person residing or employed in the drawer's household or office;

(ii) A registry return card or courier tracking record indicating delivery to the specified address;

(iii) A certification from the postal service or courier that the notice was delivered or that delivery was attempted but refused; or

(iv) An electronic reply, read receipt, or other confirmation of delivery from the electronic messaging system used.

(c) **Disputable Presumption.** — The presumption of receipt established in this Section is disputable. The maker or drawer may overcome this presumption by presenting evidence, under oath, that they did not actually receive the notice. However, a mere denial of receipt, without convincing proof that the notice was not delivered to their address or that they were unavoidably prevented from receiving it, shall not be sufficient to overcome the presumption.

(d) **Five-Day Period to Reckon from Deemed Receipt.** — For purposes of computing the five (5) banking day period within which the maker or drawer may pay the amount due or make arrangements for payment, the period shall commence from the date the notice is **deemed received** in accordance with this Section, unless the drawer proves a later date of actual receipt."

Section 4. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

Section 5. Repealing Clause. All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,