

### Title: Maximo and Panganiban v. Villapando: A Discourse on Authority and Perjury in Filing Information

### Facts:

This case originated from a complaint filed by Francisco Z. Villapando, Jr. against John Labsky P. Maximo and Robert M. Panganiban, directors of ASB Realty Corporation, accusing them of violating Sections 17, 20, and 25 of Presidential Decree (P.D.) No. 957 for alleged non-compliance related to a condominium unit and parking slot in Makati City. The Office of the City Prosecutor of Makati City dismissed Villapando's complaint due to the perceived good faith of ASB, which encountered liquidity problems and sought rehabilitation under the Securities and Exchange Commission (SEC).

Subsequently, Maximo and Panganiban accused Villapando of perjury, asserting that Villapando falsely claimed in his complaint that they were officers of ASB Realty Corporation at the time of the contested transactions when they were actually minors. This led to a series of legal filings starting from the Metropolitan Trial Court (METC) to the Supreme Court, involving motions to quash information for perjury, reconsiderations, appeals, and petitions for review on certiorari under Rule 45 of the Rules of Court. The legal journey entailed disputations over the authority to file information without the City Prosecutor's approval and whether the facts alleged constituted the offense of perjury.

### Issues:

1. Whether the Information for Perjury filed against Villapando without the written authority of the City Prosecutor should be quashed.
2. Whether the denials of motions to quash by the METC and RTC constituted grave abuse of discretion justifying petitions for certiorari under Rule 65.
3. Whether violations of Sections 17, 20, and 25 of P.D. No. 957 are continuing offenses that do not constitute perjury.

### Court's Decision:

The Supreme Court affirmed the Court of Appeals' decision, which reversed the RTC's and METC's orders denying the motion to quash the Information for Perjury against Villapando. It was established that the Information was defective due to being filed without the prior written approval of the City Prosecutor, violating Section 4 of Rule 112 of the Rules of Court. The Court also elucidated that direct resort to a special civil action for certiorari is

permissible in exceptional circumstances demonstrating grave abuse of discretion, as was applicable in Villapando's case. Furthermore, the Court declined to deliberate on whether violations of P.D. No. 957 constituted continuing offenses, deeming it premature and unrelated to the immediate legal query of procedural defects in filing the Information.

### ### Doctrine:

1. **Authority to File Information**: No complaint or Information may be filed or dismissed by an investigating prosecutor without the prior written authority or approval of the provincial or city prosecutor or chief state prosecutor, as mandated by Section 4, Rule 112 of the Rules of Court.
2. **Certiorari as a Remedy**: A special civil action for certiorari under Rule 65 is an appropriate remedy to assail an interlocutory order in exceptional cases, particularly when there's grave abuse of discretion by the lower courts.

### ### Class Notes:

- **Presumption of Regularity in Prosecutorial Functions**: This presumption supports the actions of prosecuting officers but does not supersede the requirement for written authority from a higher prosecuting authority to file Information.
- **Continuing Offenses**: The determination of whether a crime constitutes a "continuing offense" should be carefully analyzed based on the law violated and the specific circumstances surrounding the case.
- **Rule 65 Certiorari**: Identifies the specific circumstances under which certiorari may be considered an appropriate legal remedy against interlocutory orders, providing guidance on immediate legal recourses available prior to the completion of trials.

### ### Historical Background:

This case illustrates the complex interplay between procedural rules governing the filing of criminal Information and the substantive examination of alleged criminal acts under Philippine law. It underscores the judiciary's functional hierarchy from metropolitan trial courts to the Supreme Court, highlighting the procedural safeguards and remedies available to litigants amidst disputes over prosecutorial discretion and authority.