

### Title: Nilo Hipos, Sr., et al. vs. Honorable RTC Judge Teodoro A. Bay

### Facts:

This case revolves around Petitioners Nilo Hipos, Sr., Benjamin Corsiño, and Erlinda Villaruel, representing Darryl Hipos, Jaycee Corsiño, and Arthur Villaruel, respectively, who were charged with two counts of rape and one count of acts of lasciviousness before the Regional Trial Court (RTC) of Quezon City, Branch 86, presided by Respondent Judge Teodoro A. Bay. The Informations were filed on 15 December 2003.

On 23 February 2004, the private complainants filed a Motion for Reinvestigation, which Judge Bay granted, leading to a reinvestigation by the City Prosecutor of Quezon City. Despite the petitioners filing a Joint Memorandum to dismiss the charges due to lack of probable cause, the City Prosecutor initially affirmed the Informations on 10 August 2004.

Subsequently, on 3 March 2006, the Resolution was reversed by the 2nd Assistant City Prosecutor due to lack of probable cause, prompting the City Prosecutor to file a Motion to Withdraw Informations before Judge Bay, which was, however, denied in an Order dated 2 October 2006. Instead of seeking reconsideration, the petitioners filed a Petition for Mandamus under Rule 65 of the Rules of Court directly with the Supreme Court seeking to compel Judge Bay to dismiss the case.

### Issues:

1. Whether mandamus can compel a trial judge to dismiss a case based on a resolution by the Office of the City Prosecutor of Quezon City finding no probable cause against the accused.
2. Whether the Supreme Court can review the factual basis for the trial court's finding of probable cause when a Motion to Withdraw Informations is denied.

### Court's Decision:

The Supreme Court dismissed the Petition for Mandamus, elucidating that mandamus cannot be used to direct the exercise of judicial discretion in a particular way, especially in matters of assessing probable cause for the continuation of a criminal case. The Court underscored that once a criminal complaint or information is filed in court, its disposition rests within the sound discretion of the court, not on the prosecution or any external directive. The Court highlighted that the appropriate recourse for addressing perceived errors in the denial of a Motion to Withdraw Informations would have been a Petition for Certiorari, not Mandamus, if grave abuse of discretion was involved.

The Court further admonished Atty. Procopio S. Beltran, Jr., for misleading citations and statements in the petitioners' memorandum, ordering him to show cause why he should not be disciplined.

### ### Doctrine:

The ruling reaffirmed the doctrine that the trial court holds the discretion to decide on the disposition of criminal cases before it, including motions to dismiss or withdraw charges filed by the prosecution. It also reinforced that mandamus is not the proper remedy to contest court orders that involve the exercise of judicial discretion, where certiorari might be considered in cases of grave abuse of discretion.

### ### Class Notes:

- **Mandamus** is applicable only for compelling the performance of a ministerial duty, not for directing discretion-based judicial decisions.
- **Probable Cause Assessment**: The discretion in determining probable cause in criminal cases after an information is filed lies with the trial court, not with the prosecution or any external authority.
- **Proper Remedies**:
  - For disputes involving discretionary judgments by a trial court: Petition for Certiorari under Rule 65 (in cases of grave abuse of discretion), not Mandamus.
  - Petitioners must exhaust all immediate remedies, such as a motion for reconsideration, before elevating the matter to a higher court unless extraordinary circumstances justify bypassing such steps.
- **Legal Ethics**: Misrepresentation of legal authorities or the factual scenario in pleadings is a violation of professional conduct rules and may result in disciplinary action.

### ### Historical Background:

In the Philippine legal system, the interplay between prosecutorial discretion and judicial authority has always been a significant theme. The Supreme Court's decisions frequently emphasize the boundary between the roles of the prosecutor in charging cases and the judiciary in adjudicating them. This case exhibits the judiciary's autonomy in criminal case management, underscoring its ultimate authority over prosecutions within its purview, a principle rooted deeply in the doctrine of separation of powers.