

****Case Title:****

Personal Collection Direct Selling, Inc. vs. Teresita L. Carandang

****Facts:****

1. ****Initial Complaint and Information Filing:****

- On March 30, 2007, Personal Collection Direct Selling, Inc. (“Personal Collection”) filed a Complaint-Affidavit for estafa with abuse of confidence against Teresita L. Carandang before the Office of the City Prosecutor of Quezon City.
- Assistant City Prosecutor Job M. Mangente filed an Information for estafa against Carandang, docketed as Criminal Case No. Q-07-148858 before the Regional Trial Court (RTC) of Quezon City.

2. ****Arrest Warrant and Motion for Reinvestigation:****

- On September 20, 2007, RTC Presiding Judge Jocelyn A. Solis-Reyes issued an arrest warrant against Carandang after finding prima facie evidence for the charge.
- On July 10, 2009, Carandang filed a Motion for Reinvestigation, claiming she did not receive a subpoena, thus was unable to participate in the preliminary investigation. The RTC granted this motion.

3. ****Reinvestigation and Findings:****

- During reinvestigation, Carandang submitted a Counter Affidavit attributing her failure to liquidate cash advances to her abrupt termination by Personal Collection.
- The Office of the City Prosecutor, represented by State Prosecutor Liezel Aquiatan-Morales, recommended the complaint’s dismissal, explaining Carandang’s failure to liquidate did not suffice to hold her liable for estafa due to the absence of a demand for return of funds.

4. ****Prosecution’s Motion to Withdraw Information:****

- On June 15, 2010, Prosecutor Aquiatan-Morales filed a Motion to Withdraw Information, citing lack of probable cause.
- Personal Collection opposed, arguing demand was not a requisite for estafa.

5. ****Trial Court Orders:****

- On November 19, 2010, the RTC granted the Motion to Withdraw Information, acknowledging Carandang’s defense explanations.
- RTC denied Personal Collection’s Motion for Reconsideration and later granted

Carandang's Motion to Release Cash Bond post-dismissal.

6. **Appeal and Certiorari Petition:**

- Personal Collection filed a Petition for Certiorari with the Court of Appeals (CA), contesting the RTC orders due to alleged grave abuse of discretion.
- The CA dismissed the petition, stating the RTC performed an independent factual assessment in granting the withdrawal.

Issues:

1. **Withdrawal of Information:**

- Whether the RTC acted correctly and with proper discretion in allowing the withdrawal of the Information against Carandang for lack of probable cause.

2. **Due Process in Cash Bond Release:**

- Whether Personal Collection was denied due process because it allegedly did not receive notice or opportunity to contest Carandang's Motion to Release Cash Bond.

3. **Right to Seek Certiorari by Private Complainant:**

- Whether Personal Collection, as the private complainant, had the standing to file a Petition for Certiorari seeking reinstatement of the criminal aspects, which generally falls under the state's interest.

Court's Decision:

1. **Withdrawal of Information:**

- The Supreme Court upheld the RTC's discretion, ruling it did not abuse its authority. The RTC made an independent assessment post-reinvestigation, which included the defense presented by Carandang during the reinvestigation, justifying the lack of probable cause to continue with the charges.

2. **Due Process in Cash Bond Release:**

- The Court found no due process violation occurred in releasing the cash bond. The automatic cancellation of bail upon case dismissal aligns with procedural rules, thus no notice to Personal Collection was necessary.

3. **Private Complainant's Certiorari Right:**

- The Supreme Court emphasized that Personal Collection employed the wrong procedural remedy by filing a certiorari. The appropriate option in challenging dismissal would have

been through appeal, recognizing that certiorari does not serve as a substitute for lost appeal opportunities or errors of judgment.

****Doctrine:****

- ****Judicial Evaluation in Information Withdrawal:**** Courts must conduct an independent and cautious evaluation of the prosecution's evidence when ruling on motions to withdraw information, avoiding mere reliance on prosecutorial recommendations.
- ****Limited Role of Private Complainants:**** In criminal proceedings, private complainants' rights to question dismissals primarily pertain to the civil aspect; the criminal aspect's reinstatement falls to the State's prerogative.

****Class Notes:****

- ****Estafa under RPC Article 315(1)(b):****
 1. Defrauding another by unfaithfulness or abuse of confidence.
 2. Causing pecuniary damage or prejudice.
 3. Presupposes a fiduciary relationship.
- ****Appeal vs. Certiorari:**** Certiorari cannot substitute an appeal; appropriate when appeal has lapsed or for errors of jurisdiction, not judgment.
- ****Court's Role in Withdrawal Decisions:**** A substantive reasoned decision must accompany a court's order to withdraw or sustain charges post-preliminary findings, evidencing independence from prosecutorial discretion.

****Historical Background:****

- Estafa, as defined in the Revised Penal Code of the Philippines, reflects a long-standing system to penalize breaches of trust and confidence involving defraudment, reinforcing fiduciary obligations embedded in Philippine law. The case underscores the procedural rigor expected in affirming or dismissing such charges, mirroring a trend towards stringent adherence to due process across the judiciary.