

**MARIA LOURDES QUODALA AND VICTORIA A. AVENA, PETITIONERS,  
VS. HON. GENIE G. GAPAS-AGBADA, ACTING PRESIDING JUDGE,  
REGIONAL TRIAL COURT OF PASIG CITY, BRANCH 154 AND RENATO  
CORON...**

Ponente: SALAZAR-FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/014ec0484c0c/>

---

**SALAZAR-FERNANDO, J.:**

Before this Court is a Petition for Certiorari[1] under Rule 65 of the 1997 Revised Rules of Court seeking to annul and set aside the Orders dated January 29, 2013[2] and March 11, 2013[3] of the Regional Trial Court, National Capital Judicial Region, Branch 154, Pasig City in Civil Case No. 70777-PSG entitled “Renato Coronado, Plaintiff, versus Ma. Lourdes Quodala and Victoria Avena, Defendants.”, the dispositive portions of which read:

January 29, 2013 Order

“Acting on the plaintiff's formal offer of evidence, over the comment thereto by the defendants, plaintiff's Exhibits 'A' to 'K', 'M' and 'N' are admitted.

As agreed by the parties, today's hearing is cancelled and reset to February 26, 2013, at 10:0 (sic) o'clock in the morning, and on March 12, April 2, and April 23, 2013, all at 8:30 o'clock in the morning.

SO ORDERED.”

March 11, 2013 Order

“WHEREFORE, the defendants' Motion for Reconsideration is DENIED for lack of merit.

SO ORDERED.”

The facts are:

This case stemmed from a complaint[4] filed by private respondent Renato Coronado (Coronado for brevity) against petitioners Maria Lourdes Quodala (Quodala for brevity) and Victoria Avena (Avena for brevity) for breach of contract with damages.

During the proceedings below, petitioners objected to the admission of private respondent Coronado's exhibits for the following reasons: a) that all exhibits are mere photocopies; b) that the exhibits offered do not prove the purpose for which they are being offered (Exhibits “A” to “B”); c) that the exhibits are hearsay because the persons who allegedly issued the documents (Exhibits “C” and “D”) were not subjected to cross-examination; and d) that the exhibits are improper in that stage of the trial since the exhibits (Exhibits “C”, “D”, “E”, “H”, “I” and “K”) are in the nature of rebuttal evidence.[5]

On the other hand, private respondent Coronado contends that he filed his Formal Offer of Evidence[6] on November 26, 2012. However, despite receipt thereof on November 29, 2012, petitioners did not immediately file an opposition to the Formal Offer. Instead, on January 4, 2013, more than a month after the receipt of the formal

offer, petitioners filed an Omnibus Motion[7] dated January 3, 2013 and later, their comment to the Formal Offer.

The Omnibus Motion was to recall private respondent Coronado's witnesses Aureo Costales and Arabelle Petilla for cross-examination, defer action on the Formal Offer, and defer reception of petitioners' evidence.

Public respondent judge denied the recall of private respondent Coronado's witnesses as the petitioners were deemed to have waived their right to cross-examine the witnesses for failure of the petitioners' counsel to appear during the November 15, 2012 trial despite notice, while the other motions were technically granted as petitioners were given ten (10) days to file their comment.[8]

After the submission of petitioners' comment[9] to private respondent Coronado's Formal Offer of Evidence, public respondent judge resolved to admit the same in the assailed Order dated January 29, 2013. With the denial of their Motion for Reconsideration, petitioners come to this Court via a petition for certiorari contending that public respondent judge committed grave abuse of discretion in admitting private respondent Coronado's documentary evidence for being mere photocopies, that they do not prove the purposes for which they are being offered, that the witnesses who identified them were not subjected to cross-examination, and that some were in the nature of rebuttal evidence, hence, improper at that stage of the proceeding.

The petition is devoid of merit.

At the outset, it must be emphasized that certiorari is an extraordinary remedy available only when there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law.[10] It is a remedy designed for the correction of errors of jurisdiction, not errors of judgment.[11]

Evidently, petitioners assail the order of the lower court admitting private respondent Coronado's Formal Offer of Evidence. This order is an interlocutory order since it did not dispose the case with finality. It did not adjudicate the parties' contentions and determine their rights and liabilities as regards each other.

In the case of *Yu vs. Hon. Agnes Reyes-Carpio*[12] the Supreme Court ruled that:

“When the court has jurisdiction over the case and person of the defendant, any mistake in the application of the law and the appreciation of evidence committed by the court may be corrected only by appeal. The determination made by the trial court regarding the admissibility of evidence is but an exercise of its jurisdiction and whatever fault it may have perpetrated in making such determination is an error of judgment, not jurisdiction. Hence, settled is the rule that rulings of the trial court on procedural questions and on admissibility of evidence during the course of a trial are interlocutory in nature and may not be the subject of a separate appeal or review on certiorari. They must be assigned as errors and reviewed in the appeal properly taken from the decision rendered by the trial court on the merits of the case.”

An interlocutory order merely rules on an incidental issue and does not terminate or finally dispose of the case; it leaves something to be done before the case is finally decided on the merits.[13] Certiorari is not the proper remedy against an interlocutory order where remedy of appeal is available and the order is not patently erroneous.[14] Hence, based on the foregoing precept, petitioners' petition for certiorari is already dismissible for not being the proper remedy. But to belabor an issue, this Court deems to discuss the issues presented by the petitioners.

Petitioners claim that private respondent Coronado's exhibits are not original documents but mere photocopies and that they do not prove the purposes for which they were offered. On this score, the lower court held that:

“Contrary to defendants' claim, all the exhibits of plaintiff are original documents or duly compared with the original copies. More, the objection interposed by the defendants against the admissibility of the exhibits being offered are not valid ground to deny the admissibility of the exhibits being offered. The purpose/s for which a

particular exhibit (Exhibits 'A' and 'B') is being offered is not a ground for inadmissibility. The Court's ruling is only with respect to their admissibility and not their probative values since the same will be considered when the Court finally renders its decision.”

Moreover, most of these exhibits presented were already stipulated and admitted by the petitioners during the pre-trial of the case.[15] For petitioners to question their admission now is preposterous.

Petitioners' claim that public respondent committed grave abuse of discretion in admitting the exhibits identified by private respondent Coronado's witnesses despite the fact that they were not subjected to cross-examination. Granting that these witnesses were not cross-examined by petitioners' counsel, petitioners cannot put the blame on private respondent Coronado for such misstep.

It is not amiss to emphasize that this case has dragged for several years now. Private respondent Coronado asserts that his testimony was terminated as early as mid 2008. Yet, he was only cross-examined in December 2009, more than a year after he testified, due to petitioners counsel's postponements and non-appearance during hearings. It is also noteworthy that petitioners changed their counsel of record several times which contributed to the delay in the resolution of the case, for each time a new counsel appeared, he or she would ask for time to study the case.

Private respondent Coronado, thru his counsel, was ordered to present his last witness/es and to terminate the presentation of his evidence on November 15, 2012. On said date, the witnesses, Aureo Costales and Arabelle Petilla, both LTO Officers, were present. Unfortunately, petitioners' counsel again failed to appear despite notice. Trial proceeded and the witnesses were presented to testify and to identify the documents they brought with them. For failure of petitioners' counsel to appear despite notice, her right to cross-examine the witnesses was deemed to have been waived.[16]

The foregoing were the reasons presented by the petitioners in assailing public respondent judge's order admitting private respondent Coronado's formal offer of evidence. By so doing, petitioners impute grave abuse of discretion on the part of public respondent judge.

What constitutes grave abuse of discretion is such capricious and arbitrary exercise of judgment as that which is equivalent, in the eyes of the law, to lack of jurisdiction – it does not encompass an error of law.[17] In issuing the order admitting private respondent Coronado's formal offer of evidence, public respondent judge did not commit grave abuse of discretion as the issuance is not characterized by caprice or arbitrariness. Said order is not tainted with grave abuse of discretion simply because petitioners disagree with it. Even giving credence to the evidence offered by one party over that of the other, is an exercise of the court's sound judgment and is not equivalent to grave abuse of discretion.[18]

Finally, admissibility of evidence is an affair of logic and law. The admissibility of evidence should not be confused with its probative value.[19] Admissibility refers to the question of whether certain pieces of evidence are to be considered at all, while probative value refers to the question of whether the admitted evidence proves an issue. Thus, a particular piece of evidence may be admissible, but its evidentiary weight depends on judicial evaluation within the guidelines provided by the rules. Just because a piece of evidence is admitted does not ipso facto means that it conclusively proves the fact in issue.[20]

Objections to the admissibility of evidence which merely refer to the weight of the evidence should be overruled, for evidence or facts which have distinct probative value are not to be rejected merely because they are not, in themselves, convincing.[21] Similarly, improbability of evidence does not justify refusing to admit it.[22]

WHEREFORE, premises considered, the petition is hereby DENIED and ordered DISMISSED for lack of merit.

**SO ORDERED.**

Bruselas and Gaerlan, JJ., concur.

---

[1] Rollo, pp. 3-20

[2] id., p. 24

[3] id., pp. 21-23

[4] Rollo, pp. 78-89

[5] Order, pp. 21-23

[6] Rollo, pp. 26-30

[7] id., pp. 287-292

[8] id., p. 325

[9] id., pp. 55-59

[10] Quesada vs. Court of Appeals, 581 SCRA 362

[11] Julie's Franchise Corporation vs. Ruiz, 597 SCRA 463

[12] G.R. No. 189207, June 15, 2011

[[13]] Marmo vs. Anacay, 606 SCRA 232

[14] De Castro vs. De Castro, Jr. , 589 SCRA 277

[15] Pre- Trial Orders, Rollo, pp. 300-305

[16] Order, November 15, 2012, p. 325

[17] Carabeo vs. Court of Appeals, 607 SCRA 394

[18] United Overseas Bank of the Philippines vs. Rosemoor Mining and Development Corporation, 534 SCRA 528

[19] Lepanto Consolidated Mining Company vs. Dumapis, 562 SCRA 103

[20] Heirs of Lourdes Saez Sabanpan vs. Comorposa, et al., G.R. No. 152807, August 12, 2003

[21] People vs. Abellera, 47 Phil. 731

[22] Shane vs. State, 172 SO 272, 233 Ala. 418

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.