

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. THE HON.
GREGORIO D. MONTEJO, JUDGE OF THE COURT OF FIRST INSTANCE
OF ZAMBOANGA CITY, AND ACCUSED FRANCISCO LIM,
RESPONDENTS.**

G.R. No. L-28699. April 29, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

This is not the first time that former Judge Gregorio D. Montejo, respondent in this certiorari and prohibition proceeding, has been in the predicament of having his rulings on evidentiary matter challenged in this Tribunal. In *People v. Montejo*,^[1] a 1960 decision, he was similarly taken to task for rejecting the prosecution's offer to submit direct and rebuttal evidence. He was ordered to admit the same. As was stressed by the then Justice, later Chief Justice, Concepcion: "Hence, the parties should be allowed a certain latitude in the presentation of their evidence lest they may be so hampered that the ends of justice may eventually be defeated or appear to be defeated. The danger of leading to such result must be avoided, particularly in cases of the nature, importance and significance of the one under consideration."^[2] It could be, as he should, that he took to heart such admonition resulting in his having displayed, so the prosecution would assert, excessive liberality in the admission of evidence in the joint trial being conducted that resulted in this petition. It would be ironic, to say the least, and clearly unwarranted in law, if for manifesting fealty to a previous ruling thus addressed to him personally, he had laid himself open to the charge of gravely abusing his discretion. That is hardly in keeping with what was so explicitly decided. The petition then cannot be granted. Neither certiorari nor prohibition lies.

There is no dispute as to the facts. In a joint trial^[3] of the accused Francisco Lim, now private respondent, indicted for violation of the Retail Trade Law^[4] as well as of the Alien Registration Act of 1950,^[5] the crucial issue posed was his citizenship.^[6] His being an alien is mainly predicated on the allegation that his election of Philippine citizenship was made over and beyond the period provided for by law.^[7] In the course of such joint trial, so it is alleged, respondent Francisco Lim, through his counsel, with the prosecution objecting, presented testimonial and documentary evidence referring to matters pertaining to certain persons, namely, Fernando Nuevo and Porfirio Doctor, who are not parties to the cases.^[8] The prosecution was impelled to file this petition based on the apprehension that in allowing such matters to be introduced, there would be not only delay but likewise possible confusion.^[9]

The petition, rather diffuse and certainly verbose, hardly confined itself to the relevant facts. It was argumentative, even polemical. Its essence could be boiled down to what was above set forth. There was moreover further clarification supplied by the answer of private respondent. As he pointed out, he could not very well be accused of presenting "immaterial and impertinent" oral and documentary evidence covering "extraneous matters" as it was not yet his turn to do so, the prosecution not even having rested its case, no witness in his defense having thus far testified. Thus it did appear that what was objected to was the vigorous cross-examination of his counsel, the questions asked having relevancy either to what was testified to on direct examination or what was mentioned in

documentary exhibits of the prosecution.[10] As a matter of fact, the objection now raised in this Court would apply to certain exhibits "produced, presented and testified to before the trial court" by a witness for the prosecution.[11] What is more, it would appear that certain documents forming part of the state's evidence would for reasons hard to fathom be included in the wholesale condemnation of the prosecution.[12] There was a reply to the answer, but there was no refutation of the above assertions.

What appears rather obvious then after the subsequent pleadings and with the exaggerated tone of the petition fully exposed is, to repeat, the absence of any justification for granting the writs prayed for.

1. Respondent Judge certainly has not been shown to be remiss in the fulfillment of his judicial duties. On the contrary, the petition would impute not only abuse of discretion, but grave abuse thereof, when precisely he was manifesting fealty to the well-settled doctrine that a trial judge should display receptivity to offers of evidence as well as to searching questions with the end in view of having the truth come out. It would appear then that the provincial fiscal who filed this petition was motivated more by the apprehension and misgivings that with further information and data furnished the Court, an acquittal would be likely. That of itself is no argument for a petition of this character. Precisely, the constitutional rights granted an accused are intended to assure a full and unimpeded opportunity for him to meet what in the end could be a baseless accusation. Moreover, at the stage of the trial reached, there was an element of prematurity to this proceeding. At any rate, the presumption is to be indulged in that a trial judge can fairly weigh and appraise the evidence submitted by the respective parties. Petitions of this character certainly deserve no encouragement from this Tribunal.

2. It cannot be otherwise as the challenged actuation of respondent Judge hardly suffers from any unorthodoxy. Nor should it occasion any surprise. No one could have been more fully aware of the aforecited ruling in *People v. Montejo* as he was the party directly involved. Nor was there any novelty in the principle therein announced as to the latitude allowed the parties in the presentation of evidence to assure that there be no hindrance to the ends of justice being achieved. It was first enunciated by this Court in *Prats and Co. v. Phoenix*,^[13] a 1929 decision, with Justice Street as ponente. Thus: "in the course of long experience we have observed that justice is most effectively and expeditiously administered in the courts where trivial objections to the admission of proof are received with least favor. The practice of excluding evidence on doubtful objections to its materiality or technical objections to the form of the questions should be avoided. In a case of any intricacy it is impossible for a judge of first instance, in the early stages of the development of the proof, to know with any certainty whether testimony is relevant or not; and where there is no indication of bad faith on the part of the attorney offering the evidence, the court may as a rule safely accept the testimony upon the statement of the attorney that the proof offered will be connected later. Moreover, it must be remembered that in the heat of the battle over which he presides a judge of first instance may possibly fall into error in judging of the relevancy of proof where a fair and logical connection is in fact shown. When such a mistake is made and the proof is erroneously ruled out, the Supreme Court, upon appeal, often finds itself embarrassed and possibly unable to correct the effects of the error without returning the case for a new trial, — a step which this Court is always very loath to take. On the other hand, the admission of proof in a court of first instance, even if the question as to its form, materiality, or relevancy is doubtful, can never result in much harm to either litigant, because the trial judge is supposed to know the law; and it is its duty, upon final consideration of the case, to distinguish the relevant and material from the irrelevant and immaterial."^[14] That has been, since, then, the invariable approach.^[15] This petition, far from justifying any justifiable departure therefrom, demonstrates its continuing validity.

WHEREFORE, this petition for certiorari and prohibition is dismissed for lack of merit. The preliminary injunction issued is lifted and set aside. The successor of respondent Judge is directed to continue the joint trial forthwith.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] 108 Phil. 613.

[2] Ibid., 621.

[3] Criminal Cases Nos. 2927 and 2928 of the Court of First Instance of Zamboanga City.

[4] Republic Act No. 1180 (1924).

[5] Republic Act No. 562 (1950).

[6] Petition, pars. 1 and 2.

[7] Ibid., par. 3.

[8] Ibid., par. 4.

[9] Ibid., par. 5.

[10] Answer, par. IV, 1-2.

[11] Ibid, par. IV, 3.

[12] Ibid, par. V.

[13] 52 Phil. 807.

[14] Ibid, 816 -817.

[15] Cf. Prats & Co. v. Phoenix Insurance Co., 52 Phil. 807 (1929); East Furniture Inc. v. Globe & Rutgers Fire Insurance Co., 57 Phil. 576 (1932); Jai Alai Corporation of the Phil. v. CFI of Manila, 96 Phil. 407 (1955); Phil. Air Lines & Far Eastern Air Transport v. Teodoro, 97 Phil. 461 (1955); Shotwell v. Lazatin, 97 Phil. 677 (1955); People v. Yatco, 97 Phil. 940 (1955); Luchayco v. Reyes, 107 Phil. 41 (1960); Republic v. Luzon Stevedoring Corporation, L-21749, Sept. 29, 1967, 21 SCRA 279; People v. Abalos, L-29039, Nov. 28, 1969, 30 SCRA 599; Lamagan v. De la Cruz, L-27950, July 29, 1971, 40 SCRA 101.

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