

PEOPLE OF THE PHILIPPINES AND DIOSCORDES G. ESTEBAN, JR., AS ATTORNEY-IN-FACT OF MA. CHERYL C. ESTEBAN, PETITIONERS, VS. HON. ELVIRA D.C. PANGANIBAN IN HER CAPACITY AS ACTING PR...

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0c094c06a310/>

ELBINIAS, J.:

Before Us is the Petition for Certiorari[1] (“Petition” for brevity) filed by petitioner Dioscordes G. Esteban (“petitioner Esteban” for brevity) under Rule 65 of the Rules of Court. The Petition[2] assails the Decision[3] of the Regional Trial Court of Quezon City, Branch 92 (“respondent court” for brevity) in Criminal Case No. Q-05-137538 for “Qualified Theft”, which Decision[4] acquitted private respondent Marlon Rotap (“private respondent” for brevity) on ground of reasonable doubt.[5]

To begin with, the Petition[6] for Certiorari at bench is readily defective and dismissible. What was being questioned by petitioner Esteban as private complainant, was the criminal aspect of the case - in particular, the acquittal of private respondent. The Petition[7] should therefore have been initiated and filed by the State through the Office of the Solicitor General (“OSG” for brevity). That this is to be so is in accordance with the following pronouncement of the Supreme Court in *Benjamin B. Bangayan vs. Sally Go Bangayan*, G.R. Nos. 172777 and 172792, October 19, 2011:

“It is well-settled that in criminal cases where the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability. Thus, in the prosecution of the offense, the complainant's role is limited to that of a witness for the prosecution. If a criminal case is dismissed by the trial court or if there is an acquittal, an appeal therefrom on the criminal aspect may be undertaken only by the State through the Solicitor General. Only the Solicitor General may represent the People of the Philippines on appeal. The private offended party or complainant may not take such appeal. However, the said offended party or complainant may appeal the civil aspect despite the acquittal of the accused.

xxx

A perusal of the petition for certiorari filed by Sally Go before the CA discloses that she sought reconsideration of the criminal aspect of the case. Specifically, she prayed for the reversal of the trial court’s order granting petitioners’ demurrer to evidence and the conduct of a full blown trial of the criminal case. Nowhere in her petition did she even briefly discuss the civil liability of petitioners. It is apparent that her only desire was to appeal the dismissal of the criminal case against the petitioners. Because bigamy is a criminal offense, only the OSG is authorized to prosecute the case on appeal. Thus, Sally Go did not have the requisite legal standing to appeal the acquittal of the petitioners.” (Emphasis supplied)

Besides, even if petitioner had the standing to file the Petition for Certiorari at bench, still, the Petition[8] is dismissible for petitioner's failure to raise errors of jurisdiction in his Petition.[9]

Here, a perusal of the Petition[10] shows that the issues raised by petitioner referred to respondent court's appreciation of the evidence of the parties. Such issues are considered as errors of judgment. Specifically, petitioner alleged that:

“In the lower court, private respondent anchors his defense on the alleged inconsistent testimonies of the prosecution witnesses that purportedly failed to establish the loss and value or amount of the property stolen by him. xxx.

xxx

This is not so in the case before the sala of public respondent wherein the prosecution presented four (4) witnesses, three of whom, xxx, had an eyewitness account of the crime and, in a clear, categorical and straightforward manner, positively pointed to and identified the private respondent as the culprit as they personally witnessed the commission of the crime when they caught the accused in flagrante delicto xxx.

xxx

xxx, where there is nothing to show that the witnesses for the prosecution were actuated by improper motive, their positive and categorical declarations on the witness stand under the solemnity of an oath deserve full faith and credence. Inconsistencies as to minor details and collateral matters do not affect the credibility of the witnesses nor the veracity or weight of their testimonies. xxx

xxx, a cerebral perusal of the prosecution[s] evidence, both oral and documentary, readily shows the presence of all the elements of qualified theft xxx.

With the prosecution witnesses' clear and positive identification of the private respondent as against the latters' bare denial and self-serving evidence, petitioner most respectfully yet firmly submits that it is grave abuse of discretion for public respondent to acquit the private respondent on ground of reasonable doubt xxx.”[11] (Italics was made in the original, emphasis supplied)

Given that what petitioner Esteban raised were errors of judgment in a Decision[12] of acquittal, then any review of the findings of respondent court would violate private respondent's Constitutional right against Double Jeopardy. This was as had been similarly ruled by the Supreme Court in *People of the Philippines v. Hon. Enrique C. Asis, et al.*, G.R. No. 173089, August 25, 2010, to wit:

“The arguments proffered in the said petition call for a review of the evidence and a recalibration of the factual findings. At the outset, the OSG faulted the trial court for giving full faith and credit to the testimonies of Abordo and his witnesses. It wrote:

In ruling that private respondent had no intent to kill private complainants, respondent judge thus accorded full faith and credit to the testimonies of private respondent and his witnesses Julito Bernadas and Melquiades Palconit. His findings, however, are contrary to law and the evidence. Therefore, he acted with grave abuse of discretion amounting to lack or excess of jurisdiction.

It further pointed out that the CA 'failed to notice certain relevant facts which, if properly considered, would justify a different conclusion.' Subsequently, in its memorandum, it merely reiterated the purported errors of the trial judge in appreciating and assessing the evidence of both the prosecution and the defense. Apparently, it wants a review of the trial court's judgment which it claimed to be erroneous.

The OSG then proceeded to show how the evidence should have been appreciated by the trial court in its favor and against Abordo to demonstrate that there was intent to kill on his part.

What the OSG is questioning, therefore, are errors of judgment. This, however, cannot be resolved without violating Abordo's constitutionally guaranteed right against double jeopardy. xxx” (Emphasis Supplied)

Indeed, errors of judgment can not be raised in a Petition for Certiorari under Rule 65 of the Rules of Court, such a Petition being a remedy designed to correct errors of jurisdiction. This is as had been declared by the Supreme Court in *People of the Philippines v. Hon. Sandiganbayan (Fifth Division) and Wilfredo Cunanan*, G.R. No.

173396, September 22, 2010, to wit:

“It is fitting to reiterate the holding of the Court in *People v. Tria-Tirona*, to wit:

xxx

xxx Certiorari will not be issued to cure errors by the trial court in its appreciation of the evidence of the parties, and its conclusions anchored on the said findings and its conclusions of law.

The Court further expounded in *First Corporation v. Former Sixth Division of the Court of Appeals*, thus:

It is a fundamental aphorism in law that a review of facts and evidence is not the province of the extraordinary remedy of certiorari, which is extra ordinem - beyond the ambit of appeal. In certiorari proceedings, judicial review does not go as far as to examine and assess the evidence of the parties and to weigh the probative value thereof. It does not include an inquiry as to the correctness of the evaluation of evidence. Any error committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by certiorari. An error of judgment is one which the court may commit in the exercise of its jurisdiction. An error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction, or with grave abuse of discretion, which is tantamount to lack or in excess of jurisdiction and which error is correctible only by the extraordinary writ of certiorari. Certiorari will not be issued to cure errors of the trial court in its appreciation of the evidence of the parties, or its conclusions anchored on the said findings and its conclusions of law. It is not for this Court to re-examine conflicting evidence, re-evaluate the credibility of the witnesses or substitute the findings of fact of the court a quo.” (Italics and emphasis were made in the original)

Thus, little choice is given but to dispose this matter accordingly as stated below.

IN VIEW OF ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-17.

[2] Rollo, pp. 3-17.

[3] Rollo, pp. 21-29.

[4] Rollo, pp. 21-29.

[5] Rollo, p. 29.

[6] Rollo, pp. 3-17.

[7] Rollo, pp. 3-17.

[8] Rollo, pp. 3-17.

[9] *Jerome Castro vs. People of the Philippines*, G.R. No. 180832, July 23, 2008.

[10] Rollo, pp. 3-17.

[11] Rollo, pp. 13-16.

[12] Rollo, pp. 21-29.

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.