

RENO ARCAYA AND EMMANUEL CEBALLOS, PETITIONERS, VS. THE HONORABLE JUDGE VICTORINO C. TELERON, AS JUDGE, BRANCH III, COURT OF FIRST INSTANCE OF BOHOL; HON. JUDGE, MUNICIPALITY OF...*G.R. NO. L-37446. May 31, 1974*

Ponente: AQUINO, J.

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On March 1, 1971, in Tubigon, Bohol, a jeep owned, by the Tagbilaran Branch of the Philippine National Bank (PNB), which was allegedly driven by Emmanuel Ceballos, bumped the Volkswagen Combi owned by Doctor Domiciano Nazareno. The collision resulted in injuries to the passengers in the Combi and damages to the colliding vehicles. Reno Arcaya was the regular driver of the jeep. He allegedly allowed Ceballos to drive it. They were PNB employees.

On April 27, 1971 the chief of police of Tubigon charged Ceballos and Arcaya in the municipal court with "double less serious physical injuries, slight physical injuries and damage to property thru reckless imprudence" (Criminal Case No. 1397). The offended parties were Doctor Remedios N. Relampagos and Paz F. Nazareno, who suffered less serious physical injuries, Mary Carlyn Relampagos, a five-year old minor who suffered lesiones leves, and Doctor Nazareno, the owner of the damaged Combi.

On June 11, 1971 Arcaya and Ceballos, through their counsel, Manuel Estimo, moved to quash the complaint on the ground that the three offenses charged therein could not be joined in a single indictment. Because of that motion, the chief of police filed on July 9, 1971 two amended complaints: (1) for less serious physical injuries and damage to property amounting to P10,000 through reckless imprudence, with the original docket No. 1397, and (2) another complaint for slight physical injuries through reckless imprudence docketed as No. 1397-A. He segregated the case of lesiones leves through reckless imprudence from the complex crime of lesiones menos graves and damage to property through reckless imprudence. Evidently, the amendment was designed to obviate the objection of Arcaya and Ceballos to the joinder of three offenses in Criminal Case No. 1397 which, according to their language are "incomplexible".

Notwithstanding that amendment, Arcaya and Ceballos pressed their motion to quash. They invoked the additional ground that the crime of lesiones leves through reckless imprudence "had already prescribed". The municipal court denied the motion to quash. Arcaya and Ceballos then filed in the Court of First Instance of Bohol the actions of certiorari and prohibition in order to set aside the order denying their motion to quash (Special Civil Action No. 2441). The Court of First Instance in a resolution dated April 12, 1973 dismissed the actions.

To review that resolution, Arcaya and Ceballos, through another counsel, belatedly filed in this Court the instant actions of certiorari, prohibition and mandamus on September 10, 1973. They contend (1) that the filing on April 27, 1971 of the complaint in Criminal Case No. 1397 did not confer jurisdiction on the municipal court because the three offenses therein could not have been properly joined and (2) that the municipal court has no jurisdiction

over a crime that had already prescribed. Hence, they argue that the Court of First Instance and the municipal court acted in excess of jurisdiction and with gross abuse of discretion in not quashing the complaints. They pray that the municipal court be ordered to dismiss Criminal Case No. 1397-A.

Those contentions are manifestly untenable. They do not justify the action for certiorari. They evince a palpable misapprehension of the meaning of jurisdiction and of the function of certiorari.

1. Petitioners' statement that the lower courts erred in holding that the complaint in Criminal Case No. 1397 "conferred jurisdiction" on the municipal court over the three offenses charged therein, is based on the wrong premise that a complaint "confers" jurisdiction. Jurisdiction is conferred by law. A complaint supplies the occasion for the exercise of jurisdiction vested by law in a particular court. It is incontrovertible that the municipal court of Tubigon has exclusive original jurisdiction to try the offense of *lesiones leves* through reckless imprudence and to conduct a preliminary investigation of the complex crime of *lesiones menos graves* and damage to property amounting to ten thousand pesos, both committed through reckless imprudence (Sec. 87, Judiciary Law).

2. The issue of prescription is not a jurisdictional issue. Whether an offense has prescribed is to be decided by the court having jurisdiction over that offense. The lower courts correctly ruled that the light felony charged in Criminal Case No. 1397-A had not prescribed. That felony was committed on March 1, 1971. The complaint charging that offense was filed on April 27, 1971 or fifty-seven days after its commission. Light felonies prescribe in sixty days (Art. 90, Revised Penal Code). The circumstance that that light offense was separated from Criminal Case No. 1397 and refiled by means of an amended complaint as Criminal Case No. 1397-A on July 9, 1971 (or more than sixty days after its commission) would not mean that it was barred by prescription and that the municipal court had no jurisdiction over it because it was deemed filed "for the first time only on July 9, 1971".

The commencement of a criminal action interrupts the running of the prescriptive period. When the complaint is amended, the plea of prescription will relate to the time of the filing of the original complaint (*Pangasinan Transportation Co. vs. Philippine Farming Co., Ltd.*, 81 Phil. 273.)

It should be noted that it was the petitioners' motion to quash that constrained the chief of police to separate the light felony from the grave and less grave felonies charged in Criminal Case No. 1397. He might have been guided by the ruling in *People vs. Turla*, 50 Phil. 1001, that where a car, which was recklessly driven, caused *lesiones leves* and damaged another car in the sum of P114.50, separate informations should be filed for the two light offenses committed by the negligent driver (See *People vs. Benitez*, 73 Phil. 671). In *People vs. Linatoc*, 74 Phil. 586, it was assumed that one complaint should be filed for the light felony of *lesiones leves* and another complaint for the less grave offense of grave threats which was committed on the same occasion.

If the court has jurisdiction over the subject matter and of the person, its rulings upon all questions involved in the case are within its jurisdiction. Howsoever irregular or erroneous they may be, they cannot be corrected by certiorari. They must be corrected by appeal from the final decision. (*Herrera vs. Barretto and Joaquin*, 25 Phil. 245). As already shown, the lower court's denial of petitioners' motion to quash the amended complaints was not erroneous.

Certiorari and prohibition generally do not lie against an order denying a motion to quash (*Arches vs. Justice of the Peace of Panay*, 83 Phil. 971; *Acharon vs. Purisima*, L-23731, February 26, 1965, 13 SCRA 309). "If every error committed by the trial court were to be the subject of review by certiorari, trials would be interminable" (*Arvisu vs. Vergara*, 90 Phil. 621). Errors of jurisdiction may be reviewed by certiorari, while errors of judgment are reviewed by appeal (*Nocom vs. Geronimo*, 101 Phil. 735). The prerogative writ of certiorari does not lie to correct every controversial interlocutory ruling. It may be used to correct a grave abuse of discretion, that is, a

capricious, arbitrary or whimsical exercise of judgment equivalent to lack of jurisdiction (*Lingad vs. Macadaeg*, 63 O.G. 6395). It is confined to questions of jurisdiction. Its function is to keep an inferior court within its jurisdiction and to relieve persons from arbitrary acts, meaning acts which courts or judges have no power or authority in law to perform. It is not designed to correct procedural errors or the court's erroneous findings and conclusions (*Carandang vs. Cabatuando*, L-25384, October 26, 1973, 53 SCRA 383, 390.)

There is a prevailing erroneous impression that interlocutory rulings of trial courts on debatable legal points may be assailed by certiorari. To correct that impression and to avoid clogging the appellate courts with futile certiorari petitions, it should be underscored that "the office of the writ of certiorari has been reduced to the correction of defects of jurisdiction solely and cannot legally be used for any other purpose. It is truly an extra-ordinary remedy and, in this jurisdiction, its use is restricted to truly extraordinary cases — cases in which the action of the inferior court is wholly void; where any further steps in the case would result in a waste of time and money and would produce no result whatever; where the parties, or their privies, would be, utterly deceived; where a final judgment or decree would be nought but a snare and a delusion, deciding nothing, protecting nobody, a judicial pretension, a recorded falsehood, a standing menace. It is only to avoid such results as these that a writ of certiorari is issuable, and even here an appeal will lie if the aggrieved party prefers to prosecute it" (*Herrera vs. Barretto and Joaquin*, 25 Phil. 245, 271; *Fernando vs. Vasquez*, L-26417, January 30, 1970; 31 SCRA 288).

Certiorari does not lie in this case because the Court of First Instance of Bohol and the municipal court of Tubigon did not act in excess of jurisdiction and did not gravely abuse their discretion in not dismissing Criminal Case No; 1397-A. They did not commit any jurisdictional error. The alleged error imputed to them was an error in the exercise of jurisdiction or an error of judgment which is not reviewable on certiorari (3 Moran's Comments on the Rules of Court, 1970 Ed., p. 159 and cases cited therein).

The petitioners filed certiorari actions in connection with the other cases stemming from the vehicular collision already mentioned. Those actions were dismissed, because, like the instant case, no jurisdictional errors were involved.*

Since the petitioners have no cause of action for certiorari, their actions for mandamus and prohibition herein, which are interwoven with their certiorari action, must likewise fail.

With that pronouncement, this case may be terminated and the petition dismissed. It is not necessary to pass upon the petitioners' confused and confusing arguments regarding the ruling, that there are no crimes of serious, less serious or slight physical injuries or damage to property through reckless imprudence and that the crime under article 365 of the Revised Penal Code is criminal negligence and the result of such negligence is taken into consideration only to determine the imposable penalty (*Corpus vs. Paje*, L--27637, July 31, 1964, 28 SCRA 1062; *People vs. Buan*, L--25366, March 29, 1968, 22 SCRA 1383).

Petitioners' arguments are based on their erroneous assumption that Criminal Case No. 1397, in charging three offenses, which do not constitute a complex crime, did not "confer jurisdiction" on the municipal court. As already explained, that wrong premise is the flaw of their petition in this case. Moreover, the petitioners themselves admit that such ruling may not yet be settled in view of the contradictory dictum that "reckless imprudence is not a crime in itself. It is simply a way of committing it and merely determines a lesser degree of criminal liability" (*People vs. Faller*, 67 Phil, 529). The instant case, being a certiorari case that should be confined to jurisdictional errors, is not the proper case for clarifying those apparently conflicting rules.

WHEREFORE, the petition is dismissed with costs against the petitioners. The restraining order heretofore issued is dissolved. So ordered.

Zaldivar, (Chairman), Fernando, Barredo, Antonio, and Fernandez, JJ., concur.

* The other cases and development which stemmed from the collision may be summarized as follows:

After Criminal Case No. 1397 was elevated to the Court of First Instance, the Fiscal filed against Arcaya and Ceballos an information for the complex crime of less serious physical injuries and damage to property through reckless imprudence (Crim. Case No. 806). On January 4, 1974 Arcaya, Ceballos and the PNB again, filed in this Court the actions of certiorarimandamus and prohibition. They assailed the order of Judge Victorino C. Teleron dated December 13, 1973 wherein he denied their motion to quash the information in Criminal Case No. 806. This Court dismissed the petition for lack of merit (Arcaya vs. Teleron, L-38010-11, Res. of March 29, 1974).

The offended parties in Criminal Case No. 1397 (Criminal Case No. 806) filed a civil action for damages (Civil Case No. 2250). In connection with that civil case, the PNB, Arcaya and Ceballos filed in the Court of Appeals actions for certiorari mandamus and prohibition. Their purpose was to compel Judge Teleron to suspend the hearings in that case during the pendency of the criminal actions.

The Court of Appeals dismissed the actions on the ground that the plaintiffs could file an action for damages based on culpa aquiliana. (Philippine National Bank vs. Teleron, CA-G.R. No. SP-00652-R, October 30, 1972. This Court denied the petition for the review of that decision (Philippine National Bank vs. Court of Appeals, L-36028, March 12, 1973).

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