

**EUFROCINA CARLOS DIONISIO AND WINIFREDO SALCEDO MOLINA,
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, PRESIDING JUDGE,
REGIONAL TRIAL COURT, BRANCH 22, MALOLOS CITY, EDITHA
PONCE ...**

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

For resolution is petitioners' Motion for Reconsideration[1] of this Court's Resolution[2] dated March 10, 2014 which dismissed the petition for certiorari for failure to file the necessary motion for reconsideration of the assailed order dated December 4, 2013 of the Regional Trial Court, Branch 22, Malolos City in Criminal Case No. 3594-M-2013.

Petitioners contend that the public respondent Judge's orders to arrest and to arraign them on April 7, 2014, at 8:30 o'clock in the morning, without personally determining the existence of probable cause entitle them to the Writ of Certiorari. Their right to due process was also violated. There is an urgent necessity for the resolution of this issue to prevent irreparable damages and injury, and any further delay would be prejudicial to their interests.

On the other hand, the Office of the Solicitor General contends that there are no exceptional circumstances exempting petitioners from the rule that a motion for reconsideration is a condition sine qua non before a petition for certiorari could be filed. Petitioners failed to allege any compelling reason to support their claim regarding the presence of extreme urgency. Petitioners enjoy the presumption of innocence and they need not fear of a full-blown trial on the merits if they vigorously claim that they are innocent. The judicial finding of probable cause for the issuance of a warrant of arrest is distinct from the probable cause found after the conduct of preliminary investigation. The petition for certiorari is but a subtle yet futile attempt to enjoin a criminal proceeding without any valid nor justifiable ground. Public respondent Judge is deemed to have determined probable cause when the arrest warrants were issued in this case.

Records show that the Information[3] was filed on October 11, 2013 and the warrants of arrest were only issued on October 16, 2013[4]. It took public respondent Judge five (5) days after the filing of the Information together with the records of preliminary investigation to order petitioners' arrest showing that public respondent Judge did not deviate from the prescribed procedure.

Besides, petitioners already posted the bond for their provisional liberty and subsequently the lower court lifted and set aside on October 30, 2013 the warrants for their arrest. This just proves that petitioners' claim that they would suffer irreparable damages and injury is baseless.

For failure to support their claim that they would suffer damages and injury if this petition is not given due course and for failure to cite compelling reasons to justify non-filing of a motion for reconsideration, the March 10, 2014 Resolution of this Court STANDS and the Motion for Reconsideration filed by the petitioners is hereby DENIED for lack of merit.

SO ORDERED.

Bruselas, Jr., and Gaerlan, JJ., concur.

[1] Rollo, pp. 241-251

[2] Rollo, pp. 239-240

[3] Rollo, pp. 156-158

[4] Rollo, p. 155

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