

ADOLFO A. GOYALA, JR., PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND HON. PURITA M. DEYNATA, IN HER CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT OF ANTIPOLO, BRANCH 96, WIT...

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

In this petition for certiorari filed pursuant to Rule 65, the petitioner seeks to annul and set aside the 29 August 2014 and 05 January 2015 Resolutions[1] issued by the Regional Trial Court (RTC) denying the petitioner's Motion to Quash (with Motion to Cancel and Suspend the Arraignment) the Amended Information[2] which charged the petitioner with Acts of Lasciviousness.

The trial court, in denying the motion of the petitioner, held that all the elements of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b), Article III of Republic Act No. 7610 were recited in the amended information; that whether or not the felony had in fact been committed is for the prosecution to establish and for the petitioner to refute during a full-blown trial. Further, the trial court did not consider the claim of the petitioner that he would stand the risk of being convicted of another offense, i.e., grave coercion, because the other allegations of facts stated in the amended information were merely provided to complete the narration of facts.

The petitioner moved for the reconsideration by the trial court of the said resolution but the same was denied via the 05 January 2015 resolution which reiterated that given the validity of the information and the petitioner seriously disputing the criminal accusation against him, a full-blown trial was appropriate.

Undaunted, the petitioner comes to us via this petition for certiorari which ascribes to the respondent court grave abuse of discretion for denying his motion to quash the amended information that charged him with the crime of acts of lasciviousness.

The petition has no merit.

A preliminary consideration in this case relates to the propriety of the chosen legal remedy availed of by the petitioner to question the denial of his motion to quash the information filed against him. In the usual course of procedure, a denial of a motion to quash filed by an accused results in his arraignment, the continuation of the trial and the determination of his guilt or innocence. If a judgment of conviction is rendered and the trial court's decision of conviction is appealed, the petitioner can then raise the denial of his motion to quash not only as an error committed by the trial court but as an added ground to overturn the latter's ruling.[3]

In this case, the petitioner did not proceed to trial but opted to immediately question the denial of his motion to quash via a special civil action for certiorari under Rule 65 of the Rules of Court. As a rule, the denial of a motion to quash is an interlocutory order and is not appealable; an appeal from an interlocutory order is not allowed under Section 1(b), Rule 41 of the Rules of Court. Neither can it be a proper subject of a petition for certiorari which can

be used only in the absence of an appeal or any other adequate, plain and speedy remedy.[4] The plain and speedy remedy upon denial of an interlocutory order is to proceed to trial as discussed above.

A direct resort to a special civil action for certiorari is an exception rather than the general rule, and is a recourse that must be firmly grounded on compelling reasons. In a line of cases, the Supreme Court has cited the interest of a “more enlightened and substantial justice”;^[5] the promotion of public welfare and public policy;^[6] cases that “have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof”;^[7] or judgments or orders attended by grave abuse of discretion, as compelling reasons to justify a petition for certiorari.^[8]

In grave abuse of discretion cases, certiorari is appropriate if the petitioner can establish that the trial court issued the assailed resolutions without or in excess of jurisdiction or with grave abuse of discretion, and the remedy of appeal would not afford adequate and expeditious relief. The petitioner therefore carries the burden of showing that the attendant facts and circumstances fall within any of the cited instances.^[9]

A perusal of the submissions of the petitioner does not show a compelling reason to justify the resort to a petition for certiorari against the resolutions of the respondent court. The petitioner failed to demonstrate *prima facie* that the factual circumstances of his case fall under any of the above exceptional circumstances. The respondent court did not commit any grave abuse of discretion as its denial of the motion to quash adhered to existing rules and pertinent jurisprudence. That the trial court failed to agree with the petitioner that the charge against him should be quashed does not mean that the court thereby gravely abused its discretion.

The purpose of a motion to quash is to assail the validity of the criminal information or criminal complaint for defects or defenses apparent on the face of the information.^[10] A facial examination of the criminal information shows it to be valid and regular on its face considering its conformity to the guidelines under Section 6, Rule 110 of the Revised Rules of Criminal Procedure. This section provides:

“SEC. 6. Sufficiency of complaint or information. - A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

When an offense is committed by more than one person, all of them shall be included in the complaint or information.”

The criminal information, under which the petitioner stands charged, is sufficient in form and substance for it provides all the essential details required under the rules. Thus, the petitioner can be properly tried under the allegations of the information.

The petitioner's resort to Rule 65 therefore is not well-taken because he still has other appropriate remedies. Rule 65 certiorari is available only when there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law. In the petitioner's case, he can still proceed with the trial and then go on appeal should he ultimately be adjudged guilty after trial.

The Court finds the challenged interlocutory orders to have been duly premised and not arbitrarily, capriciously or whimsically issued.

The orderly administration of justice frowns upon parties who delay litigation by an inordinate resort to Rule 65 petitions for certiorari based on scant allegations of grave abuse of discretion.^[11]

WHEREFORE, the petition is DISMISSED.

IT IS SO ORDERED.

Bueser and [*]Paredes, JJ., concur.

[*] Acting Junior Member per Office Order No. 55-15-ABR dated 2/23/15.

[1] Issued by Presiding Judge Purita M. Deynata, RTC, Branch 96 in Crim. Case No. 2013-46581, rollo, pp. 88 and 108.

[2] Rollo, p. 56.

[3] Galzote vs. Briones and People, GR No. 164682, 14 September 2011, 657 SCRA 535.

[4] Santos vs. People, GR No. 173176, 26 August 2008, 563 SCRA 341.

[5] Curata vs. Philippine Ports Authority, GR Nos. 154211-12, 22 June 2009, 590 SCRA 214.

[6] Id.

[7] Santos vs. People supra note 4.

[8] Id.

[9] Galzote vs. Briones and People supra note 3.

[10] Los Baños vs. Pedro, GR No. 173588, 22 April 2009, 586 SCRA 303.

[11] Santos vs. People, supra note 4.

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