

LEONCIA CABRERA DE CHUATOCO, PETITIONER, VS. GREGORIO ARAGON AND JUDGE ESTEBAN GARCIA, RESPONDENTS.

G.R. No. L-20316. January 30, 1968

Ponente: ZALDIVAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8f9527c8bbd2/>

ZALDIVAR, J.:

This case was certified to this Court by the Court of Appeals, the issues raised by the petitioner-appellant being purely questions of law.

The record shows that on November 6, 1958 the respondent-appellee Gregorio Aragon, who was then a municipal policeman of Antipolo, Rizal, filed a criminal complaint for simple slander against the petitioner-appellant, Leoncia Cabrera de Chuatoco, before the Justice of the Peace Court of Antipolo presided over by the respondent-appellee Esteban Garcia. The complaint, docketed as Criminal Case No. 415, alleged:

"That on or about November 6, 1958, at about 3:00 o'clock in the afternoon in the municipality of Antipolo, province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the said accused with intent to discredit, disrepute and dishonor the good name and reputation of the herein complainant, did then and there wilfully, unlawfully and feloniously declared in public and within the hearing distance of third persons, the following malicious and defamatory remarks: 'IKAW AY WALANG PINAGARALAN, LECHE KA', for which false malicious and defamatory remarks, the herein complainant suffered moral damages which may be fixed at the discretion of the Honorable Court.

"For the aggravating circumstances, the undersigned complainant is a Policeman, engaged in the performance of his official duties and it took place in the office of the Chief of Police."

The appellant was arrested on August 12, 1960, and on August 16, 1960 she filed with the Justice of the Peace Court a motion to quash the criminal complaint upon the ground that the facts charged there-in did not constitute an offense. On September 20, 1960 the motion to quash was denied by the appellee Justice of the Peace Esteban Garcia, for lack of merit. Instead of entering a plea after the denial of her motion to quash, the appellant filed a petition for certiorari with preliminary injunction before the Supreme Court against the herein appellees, alleging that appellee Justice of the Peace Esteban Garcia acted with grave abuse of discretion in denying her motion to quash the criminal complaint for slight slander which was filed in his court. That petition was docketed in this Court as G. R. No. L-17536. This Court dismissed the petition "without prejudice to action, if any, in the Court of First Instance; and appeal at the proper time is the remedy."

Taking a hint from the resolution of this Court dismissing her petition for certiorari, the appellant filed in the Court of First Instance of Rizal a petition for certiorari with preliminary injunction containing practically the same allegations as those contained in the petition which she had previously filed before this Court. The Court of First Instance of Rizal gave due course to the petition and issued a writ of preliminary injunction directed against appellee Justice of the Peace enjoining him from proceeding with Criminal Case No. 415 before his court until further orders. The appellees in the present case, who were respondents before the Court of First Instance of Rizal,

filed a motion to dismiss the petition for certiorari upon the ground that said petition did not state a cause of action. After due hearing; the Court of First Instance of Rizal, on March 3, 1961, dismissed the petition for certiorari and dissolved the writ of preliminary injunction that it had previously issued. In its order dismissing the petition the lower court declared, among others, as follows:

"A petition for certiorari may be availed of only to correct an abuse of discretion on the part of a tribunal, board or officer exercising judicial functions or for the purpose of annulling the proceeding of such tribunal, board or officer when the proceeding has been taken without or in excess of its jurisdiction or has acted with grave abuse of discretion and there is no appeal nor any fair, speedy and adequate remedy in the ordinary course of law. (Sec. 1, Rule 67 of the Rules of Court). In other words, it is an action to prevent acts in excess of authority or jurisdiction as well as to correct manifest abuse of discretion committed by an inferior tribunal when an appeal does not prove to be more speedy and adequate remedy. (Claudio, et al. v. Zandueta, 64 Phil. 812, 817).

"In the instant case, there has been no showing that respondent court has acted without or in excess of its jurisdiction or with grave abuse of discretion. On the other hand, the denial of a motion to quash assuming it was erroneous can be the object of an appeal once the case has been tried on the merits.

"In view of the foregoing the Court is of the opinion that the petition really states no cause of action."

From the foregoing order of the Court of First Instance of Rizal, the appellant appealed to the Court of Appeals. The appellant filed her brief in due time, but the appellees did not file any brief. On August 30, 1962 the Court of Appeals certified this case to this Court, as we have stated at the beginning of this opinion.

In her brief the appellant makes the following assignments of error:

1. That the lower court erred in not holding that the phrase in question "Ikaw ay walang pinagalaran, leche ka" is not slanderous.
2. That the lower court erred in not issuing the writ of certiorari, as prayed for under the circumstances.
3. That the lower court erred and gravely abused its discretion in barring petitioner-appellant from presenting her evidence.
4. The lower court erred in denying petitioner-appellant due process.

This appeal has no merit.

It is the rule that a writ of certiorari would lie against any tribunal, board or officer exercising judicial function only when it is shown that, said tribunal, board or officer had acted without or in excess of jurisdiction or with grave abuse of discretion. We agree with the statement of the lower court, in its order appealed from, that there has been no showing that appellee Justice of the Peace had acted without or in excess of his jurisdiction or with grave abuse of discretion when he denied appellant's motion to dismiss the criminal complaint for slight slander filed before his court upon the ground that the facts charged in the complaint did not constitute an offense. The appellee Justice of the Peace had jurisdiction over the subject matter and the person of the accused in Criminal Case No. 415. When said Justice of the Peace denied the motion to quash the criminal complaint upon the ground that the facts charged did not constitute an offense he had thereby ruled that in his opinion the complaint contained allegations of facts constituting an offense. Certainly the Justice of the Peace did not abuse his discretion when he made that ruling. His ruling might be erroneous, but it cannot be said that he abused his discretion or that he acted without jurisdiction when he made that ruling. The appellant herein contends that the statement "Ikaw ay walang pinagalaran, leche ka" are not slanderous per se. On the other hand, the appellee Justice of the Peace, in his order denying the motion to quash, stated that "malice may be presumed and need not

be proved when the defendant fails to prove some justifiable motives" and that "the burden of proof is upon the defendant to show that such publication was made with justifiable motives."

In his first assignment of error the appellant claims that the court a quo committed error in not holding that the statement "Ikaw ay walang pinagalaran, leche ka" is not slanderous. In dismissing the petition for certiorari it was not necessary for the court a quo to rule whether that statement is slanderous or not. All that the lower court had to do was to make a finding as to whether the Justice of the Peace of Antipolo had acted with jurisdiction and without abuse of discretion when he ruled that the criminal complaint before him ad alleged facts constituting an offense. For the lower court to make a ruling whether those words allegedly uttered by the appellant are slanderous or not would be to decide the criminal complaint pending before the Justice of the Peace of Antipolo on its merits. It was not incumbent on the lower court to make such a ruling in deciding whether or not the Justice of the Peace of Antipolo had jurisdiction or had acted with abuse of discretion when he denied the motion to quash the complaint in Criminal Case No. 415. Neither is it proper for this Court now to make a ruling on whether those words are slanderous or not, because for this Court to do so would also be to decide on its merits the criminal case pending before the Justice of the Peace Court of Antipolo.

In her second assignment of error appellant contends that the lower court erred in not issuing the writ of certiorari prayed for, stressing the fact that: there was no appeal from the interlocutory order of the appellee Justice of the Peace denying the motion to quash the complaint. This contention is indeed flimsy. The record shows that the lower court dismissed the petition for certiorari because it sustained the averment of the appellees - respondents below - that the facts charged in the complaint in Criminal Case No. 415 of the Justice of the Peace Court of Antipolo did constitute an offense; that certiorari was not the proper remedy against an order denying the motion to quash, and that there was no showing that the respondent Justice of the Peace acted with grave abuse of discretion. The action taken by the lower court was in accordance with the rules on criminal procedure and the rulings of this Court. An order denying a motion to quash an information or a complaint in a criminal case does not dispose of the case on its merits, and the order is merely interlocutory. Pursuant to section 1 of Rule 113 of the old Rules of Court (now Section 1 of Rule 117 of the new Rules of Court) if the defendant in a criminal case moves to quash, and the motion is denied "he shall immediately plead" - and this can have no other meaning than that the trial must go on. If judgment is rendered against the defendant after due trial, the defendant can appeal, and in the appeal he may raise the question which he sought to be decided in the motion to quash.[1]

The rulings of this Court on this matter have been consistent that neither certiorari nor prohibition lies against an order of the court granting or denying a motion to quash the complaint or information in a criminal case. If the court has jurisdiction to take cognizance of the case and to decide the motion to quash, appeal in due time is the obvious and only remedy for the public prosecutor or the accused, as the case may be.[2]

The appellant contends in her third and fourth assignments of error that the lower court erred and gravely abused its discretion in not allowing her to present evidence and that the lower court had denied her due process. We also consider these assignments of error as flimsy. The record shows that the lower court decided the petition for certiorari on the basis of the motion to dismiss filed by the appellee in the court below. The lower court ruled on the motion to dismiss on the basis of the pleadings thus presented. The matter of whether or not the appellee Justice of the Peace had abused his discretion when he denied the motion to quash did not require the presentation of evidence.

The appellant claims that in her motion for reconsideration of the lower court's order dismissing the petition she offered to present evidence, to prove that appellee Justice of the Peace had abused his discretion because he had arbitrarily accepted the flimsy criminal complaint and issued the warrant of arrest almost two years after the complaint had been filed, and also to prove that when the words "Ikaw ay walang pinagalaran, leche ka" were

uttered by her she did not have malicious intent to place the appellee Gregorio Aragon in dishonor or disrepute. The evidence that the appellant offered to present was not relevant to the determination of whether the appellee Justice of the Peace had acted with abuse of discretion when he denied the motion to dismiss. We repeat that it was not necessary for the lower court to hear evidence because it was satisfied from the reading of the petition and the motion to dismiss, along with the annexes thereto, that the petition did not allege a cause of action that would warrant the issuance of a writ of certiorari. The record shows that before the lower court issued the order dismissing the petition the parties were heard in oral argument. Under the circumstances, the appellant was not denied due process of law by the lower court.

IN VIEW OF THE FOREGOING, the order appealed from should be, as it is hereby, affirmed, with costs against the petitioner-appellant.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Sanchez, Castro, Angeles, and Fernando, JJ., concur.

[1] *Mill vs. Yatco*, 101 Phil. 599, 602.

[2] *Arches vs. Beldia, et al.*, G.R. No. L-2414, May 27, 1949; *Ricafort vs. Fernan, et al.*, G. R. No. L-9789, May 25, 1957; *Mill vs. Yatco*, *supra*.

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.