

CRISTINA DELAGDON, PETITIONER, VS. HON. NICANOR A. MANALO, MILAGROS CHAVEZ, AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

For resolution is petitioner's Motion for Reconsideration[1] of this Court's Resolution[2] dated January 8, 2014 arguing that she (petitioner) should not be criminally prosecuted nor held civilly liable for issuing post dated checks in this case because Republic Act No. 10022 abrogated the civil and criminal liabilities of accommodation parties and guarantors for loans obtained by Overseas Filipino Workers and it divested the lower courts of jurisdiction to award damages and impose penalties.

She likewise argues that her petition is urgent, that appeal would not afford her plain, speedy and adequate remedy because a Writ of Execution has already been issued, and she would be fined and subsidiarily imprisoned if she continuously defies the coercive processes of the lower court.

On the other hand, the Office of the Solicitor General argues that by filing a Petition for Certiorari, petitioner availed of the wrong remedy which could not be substituted for a lost appeal.

There is no showing that private respondent Milagros Chavez ("Chavez" for brevity) lent Liezel Era ("Era" for brevity) money with an interest exceeding eight percent (8%) per annum so that the latter could pay her placement fees.

On the contrary, Era engaged the services of private respondent Chavez as her talent manager, the former undertook to pay the latter P56,165.50 for services rendered during the first trip abroad, and petitioner guaranteed Era's payment of private respondent Chavez's compensation before leaving for Japan by issuing the subject checks.

Thus, the lower court found that the subject checks issued to private respondent Chavez were made for her services and not as a guarantee to the obligations of an OFW.

The pertinent provision of Section 5 of Republic Act No. 10022, which amended Section 6 of the Migrant Workers and Overseas Filipinos Act of 1995[3], reads:

"In addition to the acts enumerated above, it shall also be unlawful for any person or entity to commit the following prohibited acts:

(1) Grant a loan to an overseas Filipino worker with interest exceeding eight percent (8%) per annum, which will be used for payment of legal and allowable placement fees and make the migrant worker issue, either personally or through a guarantor or accommodation party, postdated checks in relation to the said loan;"

What the afore-quoted law prohibits is the inducement by any person or entity of a migrant worker to issue, either personally or through a guarantor or accommodation party, postdated checks in relation to a loan, bearing more

than eight percent (8%) interest per annum, granted by said person or entity to an OFW for placement fee payment.

Since there is no showing that an OFW obtained a loan in this case to pay the placement fee, petitioner could not relieve herself of liabilities consequent to her issuance of the subject postdated checks by invoking the beneficent provision of R.A. No. 10022. The subject postdated checks were issued in relation to a cause other than a loan granted to an OFW by a person or entity alluded to in the aforementioned law.

Petitioner's contention as regards the unavailability of appeal or any plain, speedy and adequate remedy in the ordinary course of law does not persuade this Court.

The remedy of appeal was available, thus, the filing of petition for certiorari was inapt.

The RTC rendered the aforesaid assailed decision and order in the exercise of its original jurisdiction. That very same jurisdiction of the RTC was invoked by petitioner when she assailed by Certiorari the MeTC's aforesaid orders before it.

This Court finds the OSG's observation meritorious that there is simply no reason why petitioner could not obtain the same reliefs and advance the same arguments raised in her petition in an ordinary appeal. Petitioner could have appealed the assailed decision of the RTC upon receipt of a copy thereof if this case is indeed urgent.

A special civil action for certiorari under Rule 65 is an original or independent action based on grave abuse of discretion amounting to lack or excess of jurisdiction. It will lie only if there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law. As such, it cannot be a substitute for a lost appeal, especially if such loss or lapse was due to one's own negligence or error in the choice of remedies.[4]

The appeal to this Court in cases decided by the RTC in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party.[5]

Besides, records show that the MeTC judgment sought to be dismissed and vacated had already become final and executory[6].

Petitioner failed to establish by competent evidence the applicability of R.A. No. 10022 in the instant case and that it falls among the recognized exceptions to the doctrine of finality of judgment or immutability of judgment like: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) the cause not being entirely attributable to the fault or negligence of the party favored by the suspension of the doctrine; (e) the lack of any showing that the review sought is merely frivolous and dilatory; or (f) the other party will not be unjustly prejudiced by the suspension[7] to enable her to properly seek the stay of execution or the quashal of the writ of execution, or move for the modification or alteration of judgment in order to harmonize it with justice.

Under the doctrine of finality of judgment or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down.

Thus, the lower court remains vested with jurisdiction to award damages and impose penalties in this case.

Finding no new matter of substance that would warrant the modification much less the reversal of the January 8, 2014 Resolution[8] of this Court, the Motion for Reconsideration filed by the petitioner is hereby DENIED for lack of merit.

SO ORDERED.

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

[1] Rollo, pp. 65-69

[2] Rollo, pp. 62-64

[3] Republic Act No. 8042

[4] Dabon Vda. de Mendez vs. CA, G.R. No. 174937, June 13, 2012

[5] Section 2 (a), Rule 41 of the Rules of Court

[6] Rollo, pp. 38-40

[7] As cited in Abrigo vs. Flores, G.R. No. 160786, June 17, 2013

[8] Rollo, pp. 62-64

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