

**THE PEOPLE OF THE PHILIPPINES, PETITIONER, VS. THE
HONORABLE COURT OF APPEALS (NOW INTERMEDIATE APPELLATE
COURT), JOSE V. PEREZ, JOSE S. LADINES, LORETA LOVEYE,
BONIFACIO MARTIN...**

G.R. No. L-43554. December 26, 1984

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ffe530acbdde/>

RELOVA, J.:

The petition arose from twenty (20) criminal cases of estafa, thru falsification of public and commercial documents, instituted by Lucena Rural Bank against Jose V. Perez, Jose S. Ladines, Loreta Loveye, Bonifacio Martinez, Narciso Cabrejas, Vicente Jarvinia and Miguel Roncesvalles before the then Court of First Instance of Quezon. The People moved for the discharge of accused Vicente Jardinia and Miguel Roncesvalles in these cases in order that they may be utilized as state witnesses. The motion was opposed by herein private respondents Jose V. Perez, Jose S. Ladines, Loreta Loveje, Bonifacio Martinez and Narciso Cabrejas.

After hearing, the lower court, on September 11, 1973, granted the People's motion and accused Vicente Jarvinia and Miguel Roncesvalles were discharged from the informations. The other accused (herein private respondents) filed a motion for reconsideration of the order of discharge, but the same, on October 10, 1973, was denied.

Thereafter, herein private respondents filed a petition for certiorari and prohibition with application for a writ of preliminary injunction (CA-G.R. No. 02482-R) with the then Court of Appeals which, however, did not give due course and, on October 25, 1973, summarily dismissed the petition on the ground that the same was not sufficient in form and substance. In its resolution, the appellate court said:

"An examination of the face of the petition readily shows that petitioners have failed to allege therein that respondent Trial Judge has acted 'without or in excess of its or his jurisdiction, or with grave abuse of discretion.' Petitioners limit themselves to making the averment that 'there is no appeal, nor any plain, speedy or adequate remedy in the ordinary course of law in the afore-mentioned orders of the respondent Judge dated September 11, 1973 and October 10, 1973.' This omission renders the petition insufficient in form.

"It is well settled that certiorari and prohibition as special civil actions must be predicated upon the basis set forth in Sections 1 and 2 of Rule 65 of the Rules of Court, of lack or excess of jurisdiction or grave abuse of discretion as having characterized the actuations or the proceedings followed by the respondent Judge, in the absence of which the extraordinary writs should not issue (Fernando vs. Vasquez, L-26417, January 30, 1970, 31 SCRA 286)." (p. 85, Rollo)

The matter was brought to this Court and, on February 27, 1974, We issued the following resolution:

"L-38247 (Jose V. Perez, et al. vs. Court of Appeals, et al.)' - Considering the allegations contained, the issues raised and the arguments adduced in the petition for review on certiorari of the resolution of the Court of Appeals, the Court Resolved to DENY the petition for lack of merit." (p. 111, Rollo)

As a consequence, herein private respondents, on April 25, 1974, filed another petition for certiorari and prohibition with application for a writ of preliminary injunction with the Court of Appeals, alleging, among others

-

"22. That when respondent Judge purely relied on the mere allegations by the respondent People of the Philippines as to the presence of the five conditions set forth under Sec. 9 of Rule 119 of the Revised Rules of Court in the absence of substantial or reasonable proof that they exist, the basis for the formation of a sound judicial discretion on the matter of discharging the two defendants is obviously impaired if not nil. It is axiomatic that the prosecution's allegation as to the existence of said five conditions for the discharge of defendants are naturally mere prosecution's view. For the Honorable Court to accept at face value the prosecution's mere allegation on this score will, in effect and in the actuality of the situation, give or transfer to the prosecution the determination as to the existence of said conditions and consequently, the effective exercise of the judicial discretion for the discharge of defendants which had been reposed solely upon our Courts by law and juris-prudence;

"23. That the respondent Judge acted with grave abuse of discretion in issuing the orders dated September 11, 1973 and October 10, 1973, Annexes 'S' and 'U', respectively, and that there is no appeal, nor any plain, speedy or adequate remedy in the ordinary course of law from the aforesaid orders available to herein petitioners except the present petition for certiorari and prohibition;" (pp. 124, Rollo)

and praying that after due hearing "the orders of the respondent Judge dated September 11, 1973 and October 10, 1973, Annexes "S" and "U", respectively, be set aside." (p. 125, Rollo)

On October 1, 1975, respondent Court of Appeals rendered a decision -

"(1) Setting aside the orders dated September 11, 1973 and October 10, 1973 (Annexes 'S' and 'U' of Petition, respectively) and enjoining the respondent Judge from discharging the accused Miguel Roncesvalles from the informations in Criminal Cases Nos. 62, 63, 64, 65, 79, 92, 102, 118, 119, 120, 122, 123, 150, 151, 153, 154, 155, 156 and 421, Court of First Instance of Quezon; and

"(2) Lifting the restraining order issued by this Court as far as it enjoins the respondent judge from proceeding with the hearing of the aforementioned criminal cases." (pp. 143-144, Rollo)

In arriving at this decision, respondent court said:

"This Court finds no necessity for the discharge of the accused Miguel Roncesvalles, to testify for the State. It appears that the pro-secution (respondent People) has evidence, testimonial and documentary, for the proper prosecution of the said criminal cases, as shown by: a) the allegations in the informations; (b) the documents listed in the information which the prosecution evidently has in its possession; c) the fact that there are at least five (5) or six (6) witnesses listed in each information, the mortgagors-complainants among them, and it is safe to assume that said witnesses had executed written declarations under oath against the accused (herein petitioners), which written sworn statements, obviously, are in the possession of the prosecution.

"The fact that said two defendants Vicente Jarvinia (now deceased) and Miguel Roncesvalles, both prepared and signed loan papers and documents which, allegedly, had been falsified by them, and as such Miguel Roncesvalles could not afford to remain silent even if he is not discharged from the information, as, obviously, even as undischarged defendant being prosecuted under the same informations as the other accused and fighting for his individual acquittal, he cannot afford to be silent on how and why he affixed his name on the said documents, which had been the basis for the approval by the Board of Directors of the Rural Bank of Lucena, Inc. of the loans in question, and as such, his own testimony in his own defense will be as effective as against his co-accused as when given in the capacity of government witness.

"At any rate, there is nothing in the record to show that the accused sought to be discharged to act as state

witness is not the most guilty. On the contrary, he is included as an accused in all the cases, while the petitioners are individually charged in some cases only.

"The defense of res judicata by the respondents is untenable. By virtue of the Order of October 25, 1973, the original Petition for Certiorari and Prohibition, docketed as CA-G.R. No. SP-02482 was summarily dismissed for being insufficient in form and substance. On October 27, 1973 the petitioners filed a 'Motion for the reconsideration of the Resolution dated October 25, 1973, to file an Amended Petition and to admit the Amended Petition for Certiorari and Prohibition' the amendment consisting mainly of adding the phrase 'that the respondent judge acted with grave abuse of discretion, which was denied by the Resolution dated January 31, 1974, on the ground that the allegations being the same, the Petition remains as being insufficient in substance and, therefore, this Court did not give due course to such petition, by maintaining its former resolution of October 25, 1973.

"The original Petition (CA-G.R. No. SP-02482), having been summarily dismissed and not having been given due course, could not have been heard on the merits. When the Motion for Reconsideration was set for hearing, the only issue was whether or not the allegations in the petition are sufficient in substance, which this Honorable Court found to be insufficient in substance. The merit of the petition could not have been ventilated for the reason that the Petition was summarily dismissed without the respondent having the opportunity to answer, and hence, the issues were not joined. The orders of October 25, 1973 and January 31, 1974 are not final orders.

"The aforementioned orders did not decide the merit of the petition and they are not final orders, so that they cannot operate as res judicata to the present petition." (pp. 139--142, Rollo)

Hence, the filing with Us of this petition for certiorari by the People alleging among others that the issue regarding the discharge of the two (2) accused, namely: Vicente Jarvinia and Miguel Roncesvalles is now res judicata.

The People's appeal is meritorious.

The second petition for certiorari filed with the respondent appellate court questioning the discharge of accused Vicente Jarvinia and Miguel Roncesvalles to be utilized as state witnesses in the prosecution of the estafa cases should have been dismissed on the ground of res judicata. The illegality of the discharge was the very same subject matter of a previous petition, likewise for a writ of certiorari, filed by the same accused against the same respondents which prior petition was denied by the then Court of Appeals on the ground of "lack of form and substance." That denial was affirmed in the Resolution of this Court, dated February 27, 1974, which became final on March 24, 1974.

The decision of the defunct Court of Appeals was a decision on the merits of the accused's proposition that the discharge of Vicente Jardinia and Miguel Roncesvalles did not conform with the requirements of the Rules of Court. In the appellate court's plain language, the accused's petition was lacking not only in form but in substance as well. Moreover, if the accused believed, as they now appear to be so convinced, that the prior denial of their petition was premised on no ground other than the omission of formalities, they should have then and there accordingly amended and then refiled their petition with the appellate court. They did not. They sought a review by this Court of the denial. That threw open before Us the entire question of the legality of the discharge of their co-accused. When this Court eventually dismissed the petition for the review of the denial of the petition, the question was decided by Us on the merits, the minute nature of the Resolution notwithstanding. The respondent court should have taken its bearing from our Resolution of February 27, 1974 when it was confronted with the second petition of the accused.

ACCORDINGLY, the petition is GRANTED and the decision of respondent Court of Appeals in CA-G.R. No.

SP-03042, dated October 1, 1975, and its resolution denying the People's motion for reconsideration, dated March 30, 1976, are hereby SET ASIDE. The trial court is hereby directed to implement its order, dated September 11, 1973. This decision is immediately executory.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, and De La Fuente, JJ., concur.

Gutierrez, Jr., J., no part.

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.