NELSON IMPERIAL, ET AL., PETITIONERS, VS. MARICEL M. JOSON, ET AL. RESPONDENTS.

G.R. No. 160067. November 17, 2010

Ponente: PEREZ, J.

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PEREZ, J.:

Filed pursuant to Rule 45 of the 1997 Rules of Civil Procedure, the consolidated petitions for review on certiorari at bench primarily assail the decisions rendered in the following cases, viz.: (a) Decision dated 4 September 2003 of the then Tenth Division of the Court of Appeals (CA) in CA-G.R. SP. No. 74030;[1] (b) Decision dated 26 October 2005 of said Court's then Special Eighth Division in CA-G.R. No. 81262;[2] and, (c) Decision dated 17 February 2006 of the same Court's then Special Sixth Division in CA-G.R. No. 87906.[3]

The Facts

At or about 2:00 o'clock in the morning of 11 May 2001, along the portion of the National Highway in Barangay Concepcion, Sariaya, Quezon, an Isuzu ten-wheeler truck collided with a Fuso six-wheeler truck. Owned by petitioner Nelson Imperial, the Isuzu ten-wheeler truck was then being driven by petitioner Santos Francisco, while the Fuso six-wheeler truck was driven by respondent Santiago Giganto, Jr. who was, at the time, accompanied by a helper or pahinante, respondent Samuel Cubeta. After colliding with the Fuso six-wheeler truck, the Isuzu ten-wheeler truck further rammed into a Kia Besta Van which was, in turn, being driven by respondent Arnel Lazo. The KIA Besta Van was owned by Noel Tagle who was then on board said vehicle, together with the following passengers, namely, Gloria, Jonathan, Jaypee, Jervin, Jerald and Lydia, all surnamed Felix; Marvin, Martin and Jan-Jon, all surnamed Sadiwa; Antonio Landoy; and, respondents Evelyn Felix, and Jasmin Galvez.[4]

There were multiple damages on the vehicles. Much more tragic than that, the accident resulted in the death of Noel Tagle, the owner of the KIA Besta Van, and seven of its passengers, namely, Gloria, Jonathan, Jaypee, Jervin, Jerald and Lydia, all surnamed Felix; and, Antonio Landoy. Although they survived the mishap, on the other hand, respondents Arnel Lazo, Evelyn Felix and Jasmin Galvez all suffered serious physical injuries and were immediately brought to the nearest hospital for treatment.

As a consequence of the collisions, a criminal complaint for Reckless Imprudence Resulting to Multiple Homicide, Multiple Serious Physical Injuries and Damage to Property was filed against petitioners Santos Francisco and Noel Imperial on 16 May 2001. The case was docketed as Criminal Case No. 01-99 before the Municipal Trial Court (MTC) of Sariaya, Quezon.[5]

On 3 July 2001, a complaint for damages was also filed by petitioners Francisco and Imperial against respondents Giganto and Cubeta, the driver and pahinante of the Fuso six-wheeler truck, respondent Leticia Pedraja, its alleged registered owner, and respondent Maricel Joson, its alleged present owner. Anchored on the supposed fact that the accident was caused by the recklessness and gross negligence of respondent Giganto, the complaint was docketed as Civil Case No. 2001-0296 before Branch 22 of the Regional Trial Court (RTC) of Naga City. In turn

alleging that the mishap was attributable to the negligence of the driver of the Isuzu ten-wheeler truck, respondent Giganto joined respondent Maricel Joson and her husband, respondent Gerard Ferdinand Joson, in filing against petitioners Francisco and Imperial the complaint for damages docketed as Civil Case No. 8314 before Branch 82 of the Metropolitan Trial Court (MeTC) of Valenzuela City.[6]

On 6 August 2001, respondents Giganto and Spouses Joson moved for the dismissal of Civil Case No. 2001-0296 before the Naga RTC, on the ground of litis pendentia. Invoking the "interest of justice rule", said respondents argued that Civil Case No. 8314 before the Valenzuela MeTC should be maintained despite petitioners' earlier filing of their complaint for damages before the Naga RTC. Likewise invoking litis pendentia and relying on the earlier filing of their complaint, on the other hand, petitioners filed a motion dated 28 September 2001, seeking the dismissal of the complaint for damages respondents Giganto and Spouses Joson filed against them before the Valenzuela MeTC. In a supplement to their motion to dismiss dated 4 February, 2002, however, respondents Giganto and the Spouses Joson argued that it was the case before the Naga RTC which should be dismissed since petitioners not only failed to implead their respective spouses and that of respondent Pedraja but had already received payment from their insurer, the Standard Insurance Company, Inc., for the damages sustained by the Isuzu ten-wheeler truck.[7]

With the Valenzuela MeTC's 28 February 2002 dismissal of the complaint filed against them by respondents Giganto and Spouses Joson, petitioners amended their complaint before the Naga RTC for the purpose of impleading the following additional defendants: (a) the respective spouses of respondents Giganto, Cubeta, Maricel Joson and Leticia Pedraja; (b) the driver of the KIA Besta Van, respondent Lazo; and (c) the surviving spouse of the registered owner thereof, respondent Agnes Tagle. In said amended complaint, petitioners averred, among other matters, that the vehicular accident was caused by negligence of respondents Giganto and Lazo, the drivers of the Fuso six-wheeler truck and the KIA Besta Van, respectively. In a motion dated 16 March 2002, however, respondents Giganto and Spouses Joson sought the reconsideration of the dismissal of their complaint by the Valenzuela MeTC on the ground that petitioners' claim of priority was effectively discounted by the fact that their amended complaint in Civil Case No. 2001-0296 did not retroact to the date of filing of their original complaint before the Naga RTC.[8]

In the meantime, respondents Lazo, Tagle, Felix and Galvez joined respondents Gregorio Felix and Antonio Landoy, the heirs/relatives of the deceased passengers of the KIA Besta Van, in filing a complaint for damages against petitioners on 13 September 2001. Docketed as Civil Case No. 01-0325 before Branch 74 of the RTC of Parañaque City, said complaint asseverated that petitioner Francisco's negligence was the direct and proximate cause of the mishap. In a motion filed on 19 November 2001 before the Parañaque RTC, however, petitioners sought the dismissal of said complaint in view of the complaints for damages then still pending before the Naga RTC and the Valenzuela MeTC. In turn utilizing the pendency of Civil Case No. 01-0325 before the Parañaque RTC alongside their complaint before the Valenzuela MeTC, respondents Giganto and Spouses Joson filed a motion dated 18 March 2002 praying for the dismissal of petitioners' amended complaint before the Naga RTC on the ground of litis pendentia.[9]

On 2 August 2002, the Naga City RTC issued an order dismissing petitioners' amended complaint on the ground that the same was barred by the complaint for damages filed against them before the Parañaque RTC. Differentiating said pleading from a supplemental pleading which only serves to bolster or add something to a primary pleading, the Naga RTC ruled that petitioners' amended complaint supplanted and did not retroact to the time of their original complaint.[10] Subsequent to the Naga RTC's 16 September 2002 denial of petitioners' motion for reconsideration of the foregoing order,[11] the Valenzuela MeTC went on to issue an order dated 30 September 2002 reconsidering its earlier dismissal of Civil Case No. 8314 and requiring petitioners to file their

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answer to the complaint filed by respondents Giganto and the Spouses Joson. [12] In view of the Parañaque RTC's further issuance of the 7 October 2002 order denying their motion to dismiss Civil Case No. 01-0325,[13] petitioners assailed all of the foregoing orders in the petition for certiorari and prohibition docketed before the CA as CA-G.R. SP No. 74030.[14]

On 4 September 2003, the CA's then Tenth Division issued a decision in CA-G.R. SP No. 74030 to the following effect: (a) nullifying the Valenzuela MeTC's 30 September 2002 order which reinstated Civil Case No. 8314; (b) affirming the 2 August 2002 and 16 September 2002 orders issued by the Naga RTC which dismissed petitioners' amended complaint in Civil Case No. 2001-0296 on the ground of litis pendentia; and, (c) affirming the Parañaque RTC's 7 October 2002 order denying petitioners' motion to dismiss Civil Case No. 01-0325. Finding that the damages in the aggregate sum of P576,876.03 asserted by respondents Giganto and Spouses Joson in Civil Case No. 8314 were beyond the jurisdictional amount then cognizable by the Valenzuela MeTC, the CA Tenth Division ruled that no grave abuse of discretion can be imputed against the Naga RTC and the Parañaque RTC whose combined orders gave premium to Civil Case No. 01-0325 over Civil Case No. 2001-0296. In the absence of proof that the greater number of cases pending thereat would actually result in the violation of petitioners' right to a speedy trial, the jurisdiction of the Parañaque RTC was upheld with the added ground that it was the venue most accessible to majority of the parties.[15]

Aggrieved, petitioners assailed the foregoing order in the 9 November 2003 petition for review on certiorari docketed before this Court as G.R. No. 160067.[16] In the meantime, the Sariaya MTC proceeded to conduct the mandatory pre-trial conference in Criminal Case No. 01-99 after petitioner Francisco entered a plea of not guilty at the arraignment scheduled in the case.[17] Thru his counsel, Atty. Aristotle Dominguez, petitioner Francisco proposed the following facts for stipulation with the prosecution, to wit:

> "(a) that the assistant public prosecutor had told the undersigned counsel inside the courtroom during a court break[sic] (upon undersigned's inquiry) that he had already interviewed Arnel Lazo (the driver of the Besta Van carrying the people who were injured and several others who eventually died);
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> (b) That Arnel Lazo declared during said interview to Prosecutor Zabella that, as opposed to the affidavits of the driver and 'pahinante' of the FUSO 6-wheeler truck, Arnel Lazo clearly saw the driver of the FUSO 6-wheeler truck attempt an overtake, which attempt was rendered unsuccessful because it was hit by the on-coming 10-wheeler truck driven by the accused herein; and
>
> (c) that for some reason, (the) prosecutor did not and still does not believe the version of events as declared to him by Arnel Lazo in that interview."[18]

In view of Prosecutor Rodolfo Zabella, Jr.'s refusal to stipulate on the foregoing matters, the Sariaya MTC went on to issue a pre-trial order dated 14 August 2001 stating, in part, that "1.Atty. Dominguez made a proposal for stipulation and admission to the effect that sometime after the arraignment of the accused, he (Atty. Dominguez) was able to talk and interview Arnel Lazo, the driver of the Besta Van who admitted to him that it was his 6-wheeler truck which attempted to overtake another vehicle thereby causing the vehicular (accident) subject of the instant case. The Public Prosecutor did not agree."[19] As a consequence, petitioner Francisco filed on 30 August 2001 a motion styled as one "to compel and disqualify Prosecutor Zabella and to correct the pre-trial order" on the ground that the latter cannot refuse to stipulate on matters of which he has personal knowledge and that the Judge's recollection of the proposed stipulation was different from that actually proposed.[20] With the Sariaya MTC's denial of said motion in an order dated 18 October 2001,[21] petitioner Francisco filed a motion for reconsideration on 19 November 2001.[22]

On 9 January 2002, the Sariaya MTC issued an order which, while denying petitioner Francisco's motion for reconsideration, directed that the pre-trial conference be set anew in view of the reassignment of the case to

Prosecutor Francis Sia and the appearance of a new private prosecutor in the case.[23] Dissatisfied, petitioner Francisco filed on 1 April 2002 the petition for certiorari, prohibition and mandamus docketed as Civil Case No. 2002-37 before Branch 58 of the Lucena City RTC. Likewise contending that the nine postponements of the pre-trial conference in Criminal Case No. 01-99 were capricious, vexatious and oppressive, petitioner Francisco further moved for the dismissal of the case on 14 March 2004, on the ground that his constitutional right to a speedy trial had been violated. Upon the Sariaya MTC's 17 April 2002 denial of said motion as well as the motion for reconsideration he subsequently interposed, petitioner Francisco filed yet another petition for certiorari and prohibition which was docketed as Civil Case No. 2002-90 before Branch 58 of the Lucena RTC and, later, consolidated with Civil Case No. 2002-37.[24]

On 23 June 2003, the Lucena RTC rendered a consolidated decision in Civil Case Nos. 2002-37 and 2002-90, dismissing petitioner Francisco's petitions for certiorari, prohibition and mandamus for lack of merit.[25] Elevated by petitioner Francisco to the CA via the petition for certiorari thereat docketed as CA-G.R. SP No. 81262, said decision was upheld in the 26 October 2005 decision rendered in the case by said court's then Special Eighth Division.[26] Brushing aside the grave abuse of discretion petitioner Francisco imputed against the Lucena RTC, the CA ruled that: (a) the pre-trial order cannot be corrected in the absence of evidence of the error supposedly reflected therein; (b) the Public Prosecutor cannot be compelled to enter into any stipulation that would substantially affect the theory of the prosecution; and, (c) the postponements of the hearings a quo were brought about by the assignment of at least three Public Prosecutors to the case and cannot, therefore, be considered capricious and violative of petitioner Francisco's right to a speedy trial.[27] Undaunted, the latter filed the petition for review on certiorari docketed before this Court as G.R. No. 170410.[28]

In Civil Case No. 01-0325, on the other hand, petitioners Francisco and Imperial filed with the Parañaque RTC their 14 December 2002 answer, with motion to admit the third-party complaint therein incorporated against respondents Pedraja, Joson, Giganto, Cubeta and their respective spouses.[29] Upon receipt of the Parañaque RTC's 2 June 2003 order requiring them to pay the necessary filing and other docket fees relative to their third-party complaint,[30] petitioners filed a motion for reconsideration dated 17 June 2003, pleading as ground for non-payment of said fees the pendency of their petition for certiorari assailing, among other matters, the Naga RTC's dismissal of Civil Case No. 2001-0296.[31] Having issued the 14 November 2003 order holding petitioners' payment of the same fees in abeyance pending the final outcome of said petition for certiorari,[32] the Parañaque RTC, upon the motion dated 20 May 2004 filed respondents Felix, Galvez, Tagle, Lazo and Landoy,[33] issued the 8 June 2004 notice setting the case for pre-trial conference on 16 August 2004 and requiring the parties to file their pre-trial briefs.[34]

However, for failure of petitioners and their counsel to attend the pre-trial conference and to file their pre-trial brief, the Parañaque RTC issued the order dated 16 August 2004 authorizing respondents Hilarion and Gregorio Felix as well as respondents Tagle and Landoy to present their evidence ex parte. In said order, respondent Evelyn Felix was likewise declared non-suited alongside respondents Galvez and Lazo whose complaints were, as a consequence, dismissed without prejudice in view of their failure to attend the same pre-trial conference.[35] Aggrieved by the Parañaque RTC's 6 October 2004 denial of their motion for reconsideration of said order,[36] petitioners filed the petition for certiorari and prohibition which, under docket of CA-G.R. SP No. 87906, was subsequently denied for lack of merit in the 17 February 2006 Decision eventually rendered by CA's then Special Sixth Division.[37] Petitioners' petition for review on certiorari questioning said decision rendered by the CA was docketed before this Court as G.R. No. 171622[38] and, pursuant to the 16 May 2006 report submitted by the Clerk of Court of this Court's Second Division,[39] was consolidated with G.R. Nos. 160067 and 170410.

The Issues

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In G.R. No. 160067, petitioners Francisco and Imperial essentially fault the CA for upholding the jurisdiction of the Parañaque RTC over the Naga RTC with respect to the parties' causes of action for damages against each other. Calling attention to the lesser case load of the Naga RTC, petitioners argue that the cause for the just, speedy and inexpensive disposition of the case will not be served by the Parañaque RTC. Despite said court's relative proximity to majority of the parties, petitioners likewise maintain that majority of the witnesses material to the complete disposition of the case live closer to the Naga RTC.[40]

In G.R. No. 170410, on the other hand, petitioner Francisco argues that the CA erred in failing to appreciate the fact that the nine postponements of the pre-trial conference in the case attributable to the prosecution amounted to a violation of his constitutional right to a speedy trial.[41]

In G.R No. 171622, petitioners Francisco and Imperial maintain that the CA incorrectly discounted grave abuse of discretion on the part of the Lucena RTC when it authorized Hilarion and Gregorio Felix as well as respondents Tagle and Landoy to present their evidence ex parte in Civil Case No. 01-0325.[42]

The Court's Ruling

It bears emphasizing at the outset that the petitions for certiorari and prohibition petitioners filed before the CA were all anchored on the grave abuse of discretion supposedly imputable against the RTCs of Naga, Lucena and Parañaque for issuing the rulings therein assailed. Like prohibition,[43] however, the rule is settled that certiorari may be issued only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction. Because their function is limited to keeping inferior courts within the bounds of their jurisdiction,[44] the writs therefor may be issued only in cases of lack of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction. In the context of said special civil actions, it has been consistently held that grave abuse of discretion implies such capricious and whimsical exercise of judgment as to amount to an evasion of positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or personal hostility.[45]

In G.R. No. 160067, petitioners Francisco and Imperial argue that grave abuse of discretion is imputable against both the Naga and Parañaque RTCs for, respectively, dismissing Civil Case No. 2001-0296 and denying the motion to dismiss they have filed in Civil Case No. 01-0325. Contending that the speedy disposition of the parties' causes of action for damages against each other will be better achieved by the Naga RTC, petitioners contrast said court's 121 pending cases as of 31 October 2002[46] to the Parañaque RTC's 1,019 pending cases as of September 2002.[47] While conceding that the Parañaque RTC is nearer to the respective residences of all the parties,[48] petitioners also maintain that the cause for inexpensive resolution of the parties' cases would be best served by the Naga RTC which is purportedly more accessible to the material witnesses whose testimonies are indispensable to the just resolution of the case, namely, Santiago Carale and Manuel Nacion, respondent Francisco's two pahinantes,; and, Martin, Marvin and Jan-Jon Sadiwa, the passengers of the KIA Besta Van.[49]

Although the Constitution concededly guarantees that "(a)ll persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies",[50] it is evident that petitioners' arguments in G.R. No. 160067 have more to do with the wisdom of the assailed rulings of the RTCs of Naga and Parañaque than said courts' jurisdiction to issue the same. Consistent with its function as a remedy for the correction of errors of jurisdiction,[51] however, the rule is settled that errors of judgment involving the wisdom or legal soundness of a decision are beyond the province of a petition for certiorari.[52] Not being intended to correct every controversial interlocutory ruling,[53] a writ of certiorari cannot be exercised in order to review the judgment of the lower court as to its intrinsic correctness, either upon the law or the facts of the case.[54] As long as the trial

court acts within its jurisdiction, any alleged error committed in the exercise of its discretion will, therefore, amount to nothing more than mere errors of judgments, correctible by an appeal and not by a petition for certiorari.[55]

Even prescinding from the foregoing considerations, our perusal of the record also shows that, by filing their answer and third-party complaint against respondents Pedraja, Joson, Giganto and Cubeta in Civil Case No. 01-0325, petitioners have already submitted themselves to the jurisdiction of the Parañaque RTC. In addition, petitioners have filed before said court the following motions and incidents, viz.: (a) 17 June 2003 motion for reconsideration of the 2 June 2003 order directing the payment of the filing and other docket fees for said third-party complaint; (b) 11 June 2003 opposition to set the case for hearing;[56] and, (c) 2 September 2004 urgent motion for reconsideration and to set aside order of default.[57] Having filed their third-party complaint as aforesaid and repeatedly sought positive relief from the Parañaque RTC, it stands to reason that petitioners' should no longer be allowed to question said court's jurisdiction over Civil Case No. 01-0325 which, unlike the suit for damages pending before the Naga RTC, additionally involves all the parties indispensable to the complete resolution of the case.

Under the "interest of justice rule", moreover, the determination of which court would be "in a better position to serve the interests of justice" also entails the consideration of the following factors: (a) the nature of the controversy; (b) the comparative accessibility of the court to the parties; and, (c) other similar factors.[58] Considering that majority of the parties live closer to the Parañaque RTC,[59] we cannot hospitably entertain petitioners' insistence that the abatement of the case before said court in favor of the one they filed before the Naga RTC would promote the expeditious and inexpensive disposition of the parties' complaints for damages against each other which are indisputably personal in nature. Even assuming that they would all be called to testify regarding the circumstances surrounding the subject vehicular accident, it also appears that, as residents of Brgy. Inocencio Salud, General Emilio Aguinaldo (GMA), Cavite City, the witnesses Martin, Marvin and Jan-Jon Sadiwa[60] live closer to the Parañaque RTC rather than the Naga RTC.

In G.R. No. 170410, on the other hand, we find that petitioner Francisco is similarly out on a limb in insisting that the Lucena RTC gravely abused its discretion in upholding the Sariaya MTC's denial of his motion to dismiss Criminal Case No. 01-99 on the ground that his constitutional right to a speedy trial has been violated. Designed to prevent the oppression of the citizen by holding criminal prosecution suspended over him for an indefinite time and to prevent delays in the administration of justice, said right is considered violated only when the proceeding is attended by vexatious, capricious and oppressive delays.[61] In the case of Corpuz vs. Sandiganbayan,[62] this Court significantly ruled as follows:

> "While justice is administered with dispatch, the essential ingredient is orderly, expeditious and not mere speed. It cannot be definitely said how long is too long in a system where justice is supposed to be swift, but deliberate. It is consistent with delays and depends upon circumstances. It secures rights to the accused, but it does not preclude the rights of public justice. Also, it must be borne in mind that the rights given to the accused by the Constitution and the Rules of Court are shields, not weapons; hence, courts are to give meaning to that intent.
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> A balancing test of applying societal interests and the rights of the accused necessarily compels the court to approach speedy trial cases on an ad hoc basis.
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> In determining whether the accused has been deprived of his right to a speedy disposition of the case and to a speedy trial, four factors must be considered: (a) length of delay; (b) the reason for the delay; (c) the defendant's assertion of his right; and (d) prejudice to the defendant."xxxx

Petitioner Francisco claims that his right to a speedy trial was violated when the Public Prosecutors assigned to

the case failed to attend the nine hearings scheduled by the Sariaya MTC on 10 and 17 October 2001, 7 November 2001, 23 January 2002, 13 March 2002, 4 September 2002, 6 November 2002, 15 January 2003 and 5 March 2003. Far from being vexatious, capricious and oppressive, however, the delays entailed by the postponements of the aforesaid hearings were, to a great extent, attributable to petitioner Francisco's own pursuit of extraordinary remedies against the interlocutory orders issued by the Sariaya MTC and the assignment of at least three public prosecutors to the case, namely, Prosecutors Rodolfo Zabella, Jr., Francis Sia and Joel Baligod. Indeed, the record shows that, on 30 August 2001, petitioner filed a motion styled as one to compel Prosecutor Zabella to agree to his proposed stipulations and/or to disqualify him from the case as well as to correct the pre-trial order issued on 14 August 2001.[63] Considering that said motion was denied by the Sariaya MTC only on 18 October 2001,[64] we find that Prosecutor Zabella's absence at the 10 and 17 October 2001 pre-trial conference in the case can hardly be considered capricious, vexatious and oppressive.

The record further shows that, upon the Sariaya MTC's issuance of the 9 January 2002 order denying his motion for reconsideration of said 18 October 2001 order and setting anew the pre-trial conference in the case,[65] petitioner Francisco proceeded to file on 1 April 2002 the petition for certiorari, prohibition and mandamus docketed as Civil Case No. 2002-37 before Branch 58 of the Lucena City RTC.[66] Although Prosecutor Sia, as replacement of Prosecutor Zabella, failed to attend the 7 November 2001, 23 January, 2002 and 13 March 2002 hearings scheduled in the case, petitioner Francisco cannot, consequently, complain of violation of his right to speedy trial in view of his pending petition for certiorari, prohibition and mandamus which raised, among other matters, issues pertinent to the conduct of the pre-trial conference by the Sariaya MTC. Without even taking into consideration the additional time Prosecutor Sia understandably needed to study the case, we find that the foregoing developments justified the Sariaya MTC's 17 April 2002 denial of the motion to dismiss filed by petitioner Francisco on the ground that the cancellation of the hearings on the aforesaid dates violated his right to the speedy disposition of the case.[67]

With the Sariaya MTC's 18 July 2002 denial of his motion for reconsideration of said 17 April 2002 order, petitioner Francisco once again elevated the matter to Branch 58 Lucena RTC via the petition for certiorari and prohibition which, under docket of Civil Case No. 2002-90, incorporated a prayer for a temporary restraining order and/or writ of preliminary injunction to stop further proceedings in Criminal Case No. 01-99.[68] The same prayer for provisional relief petitioner was reiterated in his 2 January 2003 and 14 March 2003 supplement to the petition which, respectively, took issue against the absence of a prosecutor and/or the complaining witnesses at (a) the 4 September 2002 and 6 November 2001 pre-trial conferences before the Sariaya MTC;[69] and, (b) the similar settings scheduled for 15 January 2003 and 5 March 2003.[70] To our mind, petitioner Francisco's harping on his right to a speedy trial before the Sariaya MTC is materially attenuated by his motion for the disqualification of Prosecutor Zabella from the case and, later, his repeated prayer for the stoppage of the proceedings a quo in his petition for certiorari and prohibition before the Lucena RTC.

Although the Revised Rules of Criminal Procedure concededly mandates commencement of the trial within 30 days from receipt of the pre-trial order[71] and the continuous conduct thereof for a period not exceeding 180 days,[72] Section 3 a (1), Rule 119 provides that delays resulting from extraordinary remedies against interlocutory orders shall be excluded in computing the time within which trial must commence. In determining the right of an accused to speedy trial, moreover, courts are "required to do more than a mathematical computation of the number of postponements of the scheduled hearings of the case" and to give particular regard to the facts and circumstances peculiar to each case.[73] Viewed in the context of the above discussed procedural antecedents as well as the further reassignment of the case to Prosecutor Baligod as a consequence of Prosecutor Sia's subsequent transfer to another government office, we find that the CA correctly brushed aside petitioner Francisco's claim that the postponements of the pre-trial conferences in the case before the Sariaya MTC were

violative of his right to a speedy trial.

Finally in G.R. No. 171622, petitioners Francisco and Imperial take issue against the Parañaque RTC's issuance of the 8 June 2004 order setting the pre-trial conference in Civil Case No. 01-0325 and requiring the parties to file their respective pre-trial briefs. Calling attention to the fact that respondents Pedraja, Joson, Giganto, Cubeta had yet to file an answer to the third-party complaint incorporated in their 14 December 2002 answer, petitioners argue that the Parañaque RTC's issuance of said 8 June 2004 order was both premature and attended with grave abuse of discretion. Further claiming that they did not receive a copy of said 8 June 2004 order, petitioners asseverate that CA should have nullified the Parañaque RTC's 16 August 2004 order which: (a) authorized respondents Hilarion and Gregorio Felix, Tagle and Landoy to present their evidence ex parte; and, (b) dismissed the complaint without prejudice insofar as it concerned respondents Evelyn Felix, Galvez and Lazo who were declared non-suited.

Despite the Parañaque RTC's issuance of the 14 November 2003 order holding in abeyance the payment of the filing and other docket fees for petitioners' third-party complaint, the record is, indeed, bereft of any showing that summons were issued requiring respondents Pedraja, Joson, Giganto and Cubeta to file their answer to the aforesaid pleading. If only in the interest of the orderly, expeditious and complete disposition of the parties' complaints for damages against each other, we find that the Parañaque RTC should have first awaited the full joinder of the issues before its 8 June 2004 grant of the motion to set the case for hearing filed by respondents Felix, Galvez, Tagle, Lazo and Landoy. More so, when it is borne in mind that the necessity for respondents Pedraja, Joson, Giganto and Cubeta to be accorded a chance to participate in the case was rendered imperative by the Naga RTC's 2 August 2002 dismissal of Civil Case No. 2001-0296 and the dismissal of Civil Case No. 8314 before the Valenzuela MeTC pursuant to the 4 September 2003 decision rendered by the CA's Tenth Division in CA-G.R. SP No. 74030.

Although what constitutes a valid ground to excuse litigants and their counsel is also subject to the sound discretion of the judge,[74] the fact that petitioners have filed their answer and third-party complaint in Civil Case No. 01-0325 also militates against the Parañaque RTC's 16 August 2004 order which, at bottom, amounted to their being declared in default. Inasmuch as procedural rules are tools designed to facilitate the adjudication of cases, courts have likewise been exhorted to afford party-litigants the amplest opportunity to have their cases justly determined, free from the constraints of technicalities.[75] Time and again, this Court has espoused a policy of liberality in setting aside orders of default which are frowned upon, as a case is best decided when all contending parties are able to ventilate their respective claims, present their arguments and adduce evidence in support thereof.[76] Thus, the issuance of the orders of default should be the exception rather than the rule, to be allowed only in clear cases of obstinate refusal by the defendant to comply with the orders of the trial court.[77]

WHEREFORE, premises considered, the petitions in G.R. Nos. 160067 and 170410 are both DENIED for lack of merit. In G.R. No. 171622, the petition is GRANTED and the 17 February 2006 decision in CA-G.R. No. 87906 is, accordingly, REVERSED and SET ASIDE. In lieu thereof, another is entered NULLIFYING the Parañaque RTC's 16 August 2004 order and directing said court to: (a) order petitioners Francisco and Imperial to pay the filing and other docket fees for their third-party complaint; (b) order the issuance of summons to respondents Pedraja, Joson, Giganto and Cubeta with respect to said third-party complaint; and, thereafter, (c) to conduct the mandatory pre-trial conference without further delay.

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SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Peralta [*] JJ., concur.

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[*] Additional member in lieu of Associate Justice Mariano C. Del Castillo per Special Order No. 913 dated 2 November 2010.

[1] Rollo, G.R. No. 160067, pp. 53-64.

[2] Rollo, G.R. No. 170410, pp. 69-83.

[3] Rollo, G.R. No. 171622, pp. 424-428.

[4] Rollo, G.R. No. 160067, p. 80.

[5] Id. at 80-81.

[6] Id. at 54.

[7] Id. at 54-55.

[8] Id. at 55-56.

[9] Id. at 56.

[10] Id. at 71-73.

[11] Id. at 74-76.

[12] Id. at 77-78.

[13] Id. at 79.

[14] Id. at 27-30.

[15] Id. at 60-64.

[16] Id. at 7-52.

[17] Rollo, G.R. No. 170410, p. 70.

[18] Id. pp. 17-18.

[19] Id. at 71.

[20] Rollo, G.R. No. 171622, pp. 185-193.

[21] Id. at 194-195.

[22] Id. at 196-204.

[23] Id. at 205.

[24] Rollo, G.R. No. 170410, pp. 71-72.

[25] Id. at 72.

[26] Id. at 69-83.

[27] Id. at 78-82.

[28] Id. at 7-67.

[29] Rollo, G.R. No. 171622, pp. 157-175.

[30] Id. at 208.

[31] Id. at 209-211.

[32] Id. at 214.

[33] Id. at 215-217.

[34] Id. at 152-154.

[35] Id. at 148-149.

[36] Id. at 150-151.

[37] Id. at 139-144.

[38] Id. at 9-138.

[39] Id. at 281-284.

[40] Rollo, G.R. No. 160067, pp. 31-32.

[41] Rollo, G.R. No. 170410, pp. 41-65.

[42] Rollo, G.R. No. 171622, pp. 71-79.

[43] Sec. 2, Rule 65, 1997 Rules of Civil Procedure.

[44] Madrigal Transport, Inc. v. Lapanday Holdings Corporation, 479 Phil. 768, 778 (2004).

[45] Sonic Steel Industries v. Court of Appeals, G.R. No. 165976, 29 July 2010.

[46] Rollo, G.R. No. 160067, p. 87.

[47] Id. at 89.

[48] Petitioners Francisco and Imperial (Naga City); respondents Cubeta and Spouses Joson (Valenzuela City); respondent Giganto (Mandaluyong City); respondent Pedraja (Antipolo City); respondents Hilarion and Gregorio Felix (Paranaque City); respondent Evelyn Felix (Laguna), respondent Galvez (Negros Occidental); respondent Tagle (La Union); and, respoindents Lazo and Landoy (Taguig).

[49] Respondent Francisco's two pahinantes, namely Santiago Carale and Manuel Nacion (Naga City); Marvin, Martin and Jan-Jon Sadiwa (GMA, Cavite).

[50] Constitution, Art. III, Sec. 16.

[51] Flaminiano v. Adriano, G.R. No. 165258, 04 February 2008, 543 SCRA 605, 611.

[52] Beluso v. COMELEC, G.R. No. 180711, 22 June 2010.

[53] Angara v. Fedman Development Corporation, 483 Phil. 495, 508 (2004).

[54] A.F. Sanchez Brokerage, Inc. v. Court of Appeals, 488 Phil. 430, 440 (2004).

[55] Deutsche Bank Manila v. Chua Yok See, G.R. No. 165606, 6 February 2006, 481 SCRA 672, 693.

[56] Rollo, G.R. No. 171622, pp. 218-222.

[57] Id. at 233-254.

[58] Victronics Computers, Inc. v. Regional Trial Court, Branch 63, Makati, G.R. No. 104019, 25 January 1993, 217 SCRA 517, 534, citing Roa-Magsaysay v. Magsaysay, G.R. No. L-49847, 17 July 1980, 98 SCRA 592, 605-606.

[59] Supra, note 48.

[60] Rollo, G.R. No. 160067, p. 81.

[61] Caballes v. Court of Appeals, 492 Phil. 410, 428-429 (2005) citing Corpuz v. Sandiganbayan, G.R. No. 162214, 11 November 2004, 442 SCRA 294, 312-313.

[62] 484 Phil. 899, 917-918 (2004).

[63] Rollo, G.R. No. 170410, p. 18.

[64] Id. at 22.

[65] Rollo, G.R. No. 171622, p. 205.

[66] Rollo, G.R. No. 170410, pp. 71-72.

[67] Id. at 125.

[68] Id. at 87-124.

[69] Id. at 129-134.

[70] Id. at 135-140.

[71] Sec. 1. Time to prepare for trial. - After a plea of not guilty is entered, the accused shall have at least fifteen (15) days to prepare for trial. The trial shall commence within thirty (30) days from receipt of the pre-trial order.

[72] Section 2. Continuous trial until terminated; postponements. - Trial once commenced shall continue from day to day as far as practicable until terminated. It may be postponed for a reasonable period of time for good cause.

The court shall, after consultation with the prosecutor and defense counsel, set the case for continuous trial on a weekly or other shot-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire trial period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Supreme Court.

The time limitations provided under this section shall not apply where special laws or circulars of the Supreme Court provide for a shorter period of trial.

[73] Tan v. People, G.R. No. 173637, 21 April 2009, 586 SCRA 139, 154-155.

[74] Khonghun vs. United Coconut Planters Bank, G.R. No. 154334, 31 July 2006, 497 SCRA 320, 324.

[75] Go vs. Tan, 458 Phil. 727, 735 (2003).

[76] Sablas v. Sablas, G.R. No. 144568, 3 July 2007, 526 SCRA 292, 299.

[77] Acance vs. Court of Appeals, 493 Phil. 676, 689 (2005).

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