

ROSITA L. FLAMINIANO a.k.a. ROSE FLAMINIANO, Petitioner, vs. HON. ARSENIO P. ADRIANO, Pairing Judge (RTC, Branch 64, Tarlac City), S.Q. FILMS LABORATORIES, INC., ALBERTO Q. SANT...

G.R. No. 165258. February 04, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This petition for certiorari alleges grave abuse of discretion by Judge Arsenio P. Adriano of the Regional Trial Court (RTC), Branch 64, Tarlac City, in rendering the Decision[1] dated March 22, 2004 in Civil Case No. 8830.

The antecedent facts are as follows:

Petitioner Rosita L. Flaminiano is a movie producer. Private respondent S.Q. Films Laboratories, Inc. (SQ Lab) processes film prints for theater and television. Private respondents Alberto Q. Santos, Susan Mansueto, and Angelita Limson are the general manager, production manager, and sales representative, respectively, of SQ Lab.

The present controversy started when SQ Lab charged petitioner with two counts of violation of Batas Pambansa Bilang 22 (B.P. Blg. 22)[2] in the Metropolitan Trial Court (MeTC),[3] Branch 59, Mandaluyong City. The charges were docketed as Criminal Case Nos. 75243-44.

As petitioner remained at large long after the issuance of a warrant for her arrest, Limson called petitioner to set up a meeting for the settlement of the case. The two met at the agreed time and place. After arriving at a compromise agreement, Limson left. Subsequently, Mansueto arrived with agents of the National Bureau of Investigation (NBI). There and then, the NBI agents finally arrested petitioner.

Petitioner asked to be taken to the court that issued the warrant of arrest or before the nearest court in Quezon City. The NBI agents refused. Petitioner requested that she be allowed to pass by her residence to make a call to her lawyer. The NBI agents acquiesced. Then they brought her to the NBI office for photographing and fingerprinting. After an order for her release was issued, petitioner was immediately released from custody.

Petitioner filed against the NBI agents who effected her arrest a complaint[4] for violation of Republic Act No. 3019, the Anti-Graft and Corrupt Practices Act, alleging grave coercion, violation of domicile and arbitrary detention. However, the Ombudsman dismissed the said complaint for lack of merit.[5]

Petitioner also filed in the RTC of Tarlac City a complaint[6] for damages against herein private respondents. The case was docketed as Civil Case No. 8830 and was raffled to the sala of Judge Martonino Marcos. Petitioner alleged in her complaint that her arrest was carried out in bad faith and was intended to harass her. She asked to be indemnified in the total amount of P20 million in damages.

After hearing the case, however, Judge Marcos was suspended for four months. Thus, public respondent Judge Arsenio P. Adriano, the pairing judge, took over the case. Judge Adriano penned the assailed Decision, the decretal part of which reads:

WHEREFORE, judgment is hereby rendered dismissing the complaint. On the counterclaim, the plaintiffs are ordered to pay the defendants the sum of Ph50,000.00 a reasonable amount for moral damages and Ph10,000.00 for attorney's fees.

Costs against the plaintiffs.

SO ORDERED.[7]

Petitioner filed a motion for reconsideration of the abovequoted decision, but Judge Adriano denied it for lack of merit. By the time the said decision attained finality, Judge Marcos had resumed his duties; thus, he issued the writ of execution thereon.

The present petition for certiorari raises the following issues:

I.

WHETHER THE HONORABLE ARSENIO P. ADRIANO (PAIRING JUDGE OF RTC-BRANCH 64, TARLAC CITY) COMMITTED A GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN HE DECIDED THE INSTANT CASE WITHOUT CAREFULLY STUDYING, EVALUATING AND ASCERTAINING THE FACTS OF THE CASE AND THE EVIDENCE PRESENTED ON THE RECORD WHICH NATURALLY LED HIM TO MAKE GRIEVOUS MISTAKES OR ERRORS IN HIS CONCLUSIONS OF FACTS OF LAW AND JURISPRUDENCE APPLICABLE TO THE CASE.

II.

WHETHER IN DOING SO THE HONORABLE ARSENIO P. ADRIANO (PUBLIC RESPONDENT) WHO DECIDED THE INSTANT CIVIL CASE FOR DAMAGES UNDER CIVIL CASE NO. 8830 ASSIGNED TO RTC-BRANCH 64 (TARLAC CITY) PRESIDED BY THE HONORABLE MARTONINO MARCOS OF RTC-BRANCH 64 (TARLAC CITY) ONLY THIRTEEN (13) DAYS AFTER THE SUSPENSION OF THE LATTER DECIDED THE CASE WITH IMPARTIALITY AND FAIRNESS AND WITH THE COLD NEUTRALITY OF AN IMPARTIAL JUDGE THAT HIS ACTUATION IN DECIDING THE CASE IS ABOVE-BOARD AND BEYOND SUSPICION.[8]

Plainly stated, the sole issue is whether respondent Judge Adriano gravely abused his discretion amounting to lack of jurisdiction, or in excess thereof, in deciding the instant case.

Petitioner alleges grave abuse of discretion on the part of Judge Adriano when he decided the instant case allegedly without carefully studying the facts of the case, leading him to commit grave errors in his conclusions of facts, of law and jurisprudence in this case. Petitioner alleges that Judge Adriano decided the case in only thirteen (13) days while it took the suspended Judge Marcos five (5) years to finish and complete hearing the case. Petitioner also contends that the awards of moral damages and attorney's fees in favor of private respondents were without legal basis. Also, petitioner contends that a counterclaim in the pending case for violation of B.P. Blg. 22, as ruled by public respondent, was not the proper course of action.

Private respondents maintain that no grave abuse of discretion was committed by Judge Adriano in deciding the case within only 13 days. Private respondents also claim that petitioner is guilty of forum shopping as the issues raised in the instant petition are the same issues put forth in her opposition to the motion for execution.

Private respondents, moreover, counter that petitioner could not substitute a petition for certiorari for her lost remedy of appeal. They insist that the present petition was filed out of time and, thus, should be dismissed outright.

At the outset, pursuant to the doctrine of hierarchy of courts, the instant petition for certiorari should have been filed with the Court of Appeals and not with this Court. Disregard of this doctrine warrants the outright dismissal of the petition. While the Court's original jurisdiction to issue a writ of certiorari is concurrent with the RTCs and the Court of Appeals in certain cases, we emphasized in *Liga ng mga Barangay National v. Atienza, Jr.*[9] that such concurrence does not allow an unrestricted freedom of choice of court forum, thus –

This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefore will be directed. There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals, and also serves as a general determinant of the appropriate forum for petitions for the extraordinary writs. A becoming regard of that judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first level (“inferior”) courts should be filed with the Regional Trial Court, and those against the latter, with the Court of Appeals. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition.... It is a policy necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket.

In the present case, petitioner adduced no special and important reason why direct recourse to this Court should be allowed. Thus, we reaffirm the judicial policy that this Court will not entertain a direct invocation of its jurisdiction unless the redress desired cannot be obtained in the appropriate courts, and exceptional and compelling circumstances justify the resort to the extraordinary remedy of writ of certiorari.

More importantly, it is an established doctrine that a petition for certiorari is a remedy for the correction of errors of jurisdiction. Errors of judgment involving the wisdom or legal soundness of a decision are beyond the province of a petition for certiorari.[10] Since petitioner in this case imputes to public respondent judge errors of judgment, particularly mistakes concerning facts, law and jurisprudence, the proper remedy is an appeal, not a petition for certiorari.

A petition for certiorari cannot be used as a substitute for the lost or lapsed remedy of appeal, especially if such was occasioned by one's own neglect or error in the choice of remedies.[11] Though there are instances where the extraordinary remedy of certiorari may be resorted to despite the availability of an appeal, we find no compelling reasons for relaxing the rule in this case, as the issues set forth clearly pertain to the wisdom and soundness of the assailed decision.

Considering the circumstances of this case and the contentions of the parties, we are in agreement that no grave abuse of discretion was committed by public respondent. Grave abuse of discretion means such capricious and whimsical exercise of judgment amounting to excess or lack of jurisdiction. The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, or where the power is exercised in an arbitrary and despotic manner by reason of personal hostility.[12]

Public respondent's act of deciding the subject case for damages within a short span of thirteen (13) days cannot be considered grave abuse of discretion. Justice delayed is justice denied as litigants have the right to a speedy disposition of their cases. Judges are thus expected to exercise utmost diligence in dispensing justice.

WHEREFORE, the petition is DISMISSED for lack of merit. The Decision dated March 22, 2004 of Judge Arsenio P. Adriano, Regional Trial Court of Tarlac City, Branch 64, in Civil Case No. 8830 is AFFIRMED. Costs against petitioner.

SO ORDERED.

Carpio, Carpio-Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 23-26.

[2] AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES.

[3] Erroneously stated as Regional Trial Court (RTC) in other parts of the records.

[4] Records, pp. 331-333.

[5] Id. at 309-312.

[6] Rollo, pp. 38-46.

[7] Id. at 26.

[8] Id. at 140.

[9] G.R. No. 154599, 21 January 2004, 420 SCRA 562, 572.

[10] Land Bank of the Philippines v. Court of Appeals, G.R. No. 129368, August 25, 2003, 409 SCRA 455, 482.

[11] Sevilla Trading Company v. Semana, G.R. No. 152456, April 28, 2004, 428 SCRA 239, 244.

[12] Zarate v. Maybank Philippines, Inc., G.R. No. 160976, June 8, 2005, 459 SCRA 785, 794.

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