

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. YANG CHI HAO, RESPONDENT.

G.R. No. 165332. October 02, 2009

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

As early as 1913, we held in *Herrera v. Barretto*[1] that:

The office of the writ of certiorari has been reduced to the correction of defects of jurisdiction solely and cannot legally be used for any other purpose. It is truly an extraordinary remedy and, in this jurisdiction, its use is restricted to truly extraordinary cases -- cases in which the action of the inferior court is wholly void; where any further steps in the case would result in a waste of time and money and would produce no result whatever; where the parties, or their privies, would be utterly deceived; where a final judgment or decree would be nought but a snare and a delusion, deciding nothing, protecting nobody, a judicial pretension, a recorded falsehood, a standing menace. It is only to avoid such results as these that a writ of certiorari is issuable; and even here an appeal will lie if the aggrieved party prefers to prosecute it.

We reiterate these well-established principles: that only errors of jurisdiction, not errors of judgment, may be entertained in a petition for certiorari; that certiorari will not lie where an appeal may be taken or is lost through petitioner's own doing; and that questions of fact are not decided by this Court.

Assailed in this Petition for Review on Certiorari is the Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 83787, dated 11 August 2004 dismissing outright petitioner's Petition for Certiorari for being the wrong legal remedy to impugn the final order of the Regional Trial Court of Manila, Branch 24. Also assailed is the CA Resolution[3] dated 20 September 2004 denying the motion for reconsideration.

On 6 August 2002, Yang Chi Hao, private respondent herein, filed a Petition for Naturalization[4] before the Regional Trial Court of Manila, Branch 24, which was docketed as Case No. 02104240. The Republic of the Philippines, through the Office of the Solicitor General (OSG), opposed the petition, cross-examined private respondent and his witnesses, but did not present any of its own evidence.

On 4 September 2003, the trial court issued a Decision[5] denying the Petition for Naturalization. Private respondent filed a Motion for Reconsideration which the trial court granted in its Order[6] dated 25 November 2003. The dispositive portion of the Order reads:

Accordingly, in view of all the foregoing, the motion for reconsideration is hereby granted.

The decision of the Court dated September 4, 2003 is hereby set aside.

Petitioner is hereby admitted as citizen of the Republic of the Philippines subject to the provisions of Republic Act No. 530. After the period of two (2) years and upon compliance with all the legal requirements the appropriate Certification of Naturalization shall be issued, to be registered in the Civil Registry.

SO ORDERED.[7]

Thereafter, the OSG filed a Motion for Reconsideration which was denied by the trial court in an Order^[8] dated 24 February 2004.

Instead of filing an ordinary appeal before the Court of Appeals, the OSG filed a Petition for Certiorari under Rule 65 of the Rules of Court, claiming that by reversing its original decision, the trial court acted with grave abuse of discretion amounting to lack of jurisdiction. In the herein assailed Resolution of 11 August 2004, the appellate court dismissed the petition, declaring that:

This petition for certiorari faces outright dismissal.

x x x x

The present recourse is an incorrect, improper, or a wrong legal remedy for the simple reason that the order in question is a final order which disposed of the case. Hence, the proper recourse therefrom is an ordinary appeal to be filed within fifteen (15)^[9] days from March 8, 2004, when the OSG received notice of the denial of its motion for reconsideration. In other words, the OSG had until March 23, 2004 to interpose an appeal therefrom. There is no showing why an appeal was not taken. Indeed, there is even an allegation that "there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law other than the instant petition," which is patently false and misleading. For, to repeat, the OSG had the obvious remedy of appeal open to it, but failed to take it for some unknown reason of its own.

In view of such failure, the instant petition for certiorari cannot be given due course, as it is settled law, that certiorari is not a substitute for a lost appeal.^[10]

The OSG filed a Motion for Reconsideration but it was denied by the Court of Appeals in its Resolution dated 20 September 2004.^[11]

Hence, this Petition for Review on Certiorari. The OSG claims that there was no need to file a regular appeal before the Court of Appeals because: (1) the Rules of Court apply only in a suppletory manner in naturalization cases; (2) there was no final decision to appeal, since a judgment in a naturalization case only becomes final two years after the promulgation of the decision, when the Certificate of Naturalization is issued; (3) the trial court never acquired jurisdiction over the petition because the National Bureau of Investigation (NBI) reported that respondent did not reside at the address he provided in the petition; and (4) the Order of the trial court granting the petition for naturalization was issued with grave abuse of discretion amounting to lack of jurisdiction, there being no compliance by private respondent with the legal requirements for naturalization, namely, good moral conduct, possession of lucrative income, and absence of mental alienation or incurable contagious disease.^[12]

In his Comment,^[13] private respondent claims that the Court of Appeals correctly dismissed the petition for being the wrong mode of remedy. He also argues that as held by the trial court, he satisfactorily complied with the requirements of good moral conduct based on the testimonies of witnesses and clearances issued by the NBI and police, prosecutor, and courts of Parañaque City. He insists that the trial court correctly found him free of any medical impediment based on the medical certificate issued by the Ann Francis Maternity and Medical Clinic. As regards the income requirement, respondent explains that his income from 2000 to 2002 was only P60,000.00 per year because during that period, he was still a student. Upon graduation, however, he worked full-time as Marketing Manager of Food Mart, Inc. with a monthly income of P60,000.00, evidence of which had been presented before and assessed by the trial court. Private respondent disputes the findings of the NBI that he was not known to his neighbors at No. 743 Gandara Street, Room 402 Evershine Bldg., Binondo, Manila. He claims that the NBI conducted the background investigation on 26 January 2004 or long after his petition for naturalization was granted by the trial court on 25 November 2003. He alleges that after the trial court rendered its decision, he transferred to his parents' residence in Parañaque City. A new tenant moved in to his former

residence who obviously was not acquainted to him. Finally, private respondent insists that it is not proper for the OSG to present evidence long after the RTC decision had become final.

The OSG filed its Reply on 5 May 2005, insisting that its recourse to the remedy of certiorari was proper considering that the trial court, in reconsidering and reversing its own decision sans the submission of any new evidence, acted with grave abuse of discretion amounting to lack of jurisdiction. The OSG also argues that the NBI report, even if belatedly submitted, clearly showed that respondent did not live in his stated address, thus ousting the trial court of its jurisdiction.[14]

The petition lacks merit.

The trial court did not abuse its discretion when it reconsidered its earlier decision and granted private respondent's petition for naturalization.

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment which is equivalent to an 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, as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[15] It also bears stressing that the true function of the writ of certiorari is to keep an inferior court within the bounds of its jurisdiction, or to relieve parties from the arbitrary acts of courts.[16]

Viewed against these standards, we find the trial court's reversal of its decision after the filing of a Motion for Reconsideration not tainted with grave abuse of discretion. The reasons for granting the Petition for Naturalization were enunciated in the Order dated 25 November 2003, as well as in the Order[17] dated 24 February 2004, where the trial court held thus:

In opposing the motion, petitioner alleged that his documentary and testimonial evidence undisputably and overwhelmingly satisfied the requirement for good conduct; that his annual income from year 2000 to year 2002 was P60,000.00 because during that period he was still studying and worked as a part-time employee only, but after graduation in October, 2002, and working full time as marketing manager of Food Mart, his income rose to P60,000.00 a month, including his commission; and that the medical certificate he presented proved that after a thorough medical check up he was found to be "essentially normal".

Considering the allegations in the opposition, the court gave the Office of the Solicitor General an opportunity to file its reply. However, as of this writing, no reply was forthcoming. Hence, this Order.

The Court is not convinced.

Petitioner was able to successfully overcome all the grounds raised in the Motion for Reconsideration. Indeed, it is doubtful if the University of Sto. Tomas, a reputable catholic school, would allow petitioner to be enrolled in its high school and graduate from its college if his conduct is questionable or if he has any mental alienation and incurable contagious disease. Besides, what better proof of good conduct can petitioner show other than the clearances issued by our courts, the National Bureau of Investigation and the police, the government agencies tasked to issue clearances. And unless proof is shown that the medical examiner of Ann Francis Maternity & Medical Clinic falsified the results of petitioner's medical check up, its issuance is considered regular.

Petitioner was likewise able to explain that for the years 2000 to 2002, his income was only P60,000.00 annually because at that time he was still studying and worked only as a part-time employee but after

graduating in October, 2002, when he worked already as full-time marketing manager of Food Mart, his income rose to P60,000.00 a month, including his commissions.[18]

We found no whimsicality or patent abuse of discretion as would amount to "an evasion of positive duty or virtual refusal to perform a duty enjoined by law or to act at all in contemplation of law."

Shorn of embellishment, the OSG simply argues that the trial court erred in granting the petition for naturalization because it failed to consider material evidence that would warrant the denial of said petition. If, indeed, there was error, this is simply an error of judgment in appreciation of facts and the law. Besides, the trial court has the discretion to reverse itself upon the filing of a motion for reconsideration. Indeed, Section 3, Rule 37 of the Rules of Court is explicit in that a trial court may amend its judgment or order "if it finds that the judgment or final order is contrary to the evidence or law." If a mistake was committed by the trial court, it was in the exercise of its jurisdiction. Thus, the error is one of judgment, not of jurisdiction; consequently, petitioner's remedy is appeal, not certiorari.

Petitioner had readily available remedies.

A basic requisite of the special civil action of certiorari, which is governed by Rule 65 of the Rules of Court, is that there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law. Where appeal is available, certiorari generally does not lie. Certiorari cannot be used as a substitute for a lost or lapsed remedy of appeal.[19]

In this case, an appeal was not only available, but also mandated by Sections 11[20] and 12[21] of Commonwealth Act No. 473 (1939), or the Revised Naturalization Law, as amended. Notably, in *Keswani v. Republic*, [22] we declared that the remedy from a decision by the trial court admitting an individual as a Filipino citizen is through an appeal to the Court of Appeals.[23]

Moreover, a decision granting a petition for naturalization becomes executory only two years after its promulgation. On this matter, Section 1 of Republic Act No. 530 (1950)[24] provides:

Section 1. The provisions of existing laws notwithstanding, no petition for Philippine citizenship shall be heard by the courts until after six months from the publication of the application required by law, nor shall any decision granting the application become executory until after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds, that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.

As such, petitioner is not without a remedy to assail the grant of citizenship. In addition, it may also move to have the naturalization certificate cancelled in the proper proceedings, if it can be shown that the certificate was obtained fraudulently.[25]

The Supreme Court will not try questions of fact.

Questions of fact are not proper in a Petition brought under Rule 45 of the Rules of Court. Time and time again, we have stated that the Supreme Court is not a trier of facts,[26] and this Court will decline to sift through the evidence submitted by the parties, particularly here, where such evidence was not presented before the trial court. It would be ludicrous indeed if we were to determine, in the first instance, where respondent actually resides, his

true income, or his current mental state. Such issues are best threshed out before the trial court; we have neither the inclination or interest to resolve these factual matters here.

We end with an admonition. It appears that the OSG requested the NBI to conduct a confidential investigation in connection with private respondent's petition for naturalization as early as 30 January 2003. However, the NBI only prepared the report on 26 January 2004, and referred it to the OSG only on 10 March 2004. Questions regarding the responsible party and cause of such protracted delay - be it inadvertence or negligence - need not be belaboured here. Suffice it to state that it was highly irregular for the OSG to present new evidence before the courts only during certiorari proceedings, thereby denying the private respondent his right to contest the NBI's prejudicial findings. The OSG is thus cautioned to avoid such actuations in the future, particularly where the Rules of Court expressly provide for the appropriate venue for the presentation of allegedly

newly discovered evidence.

WHEREFORE, the Petition for Review on Certiorari is DENIED. The Resolution of the Court of Appeals dated 11 August 2004 in CA-G.R. SP No. 83787 dismissing outright the Petition for Certiorari, and its Resolution dated 20 September 2004 denying the Motion for Reconsideration, are AFFIRMED.

SO ORDERED.

Ynares-Santiago, Carpio Morales, Brion, and Abad, JJ., concur.

[*] Additional member per Special Order No. 691 dated September 4, 2009, in lieu of Justice Leonardo A. Quisumbing, who is on official leave.

[1] 25 Phil. 245, 271 (1913).

[2] Rollo, pp. 10-11; penned by Associate Justice Renato C. Dacudao and concurred in by Associate Justices Lucas P. Bersamin (now a Member of this Court) and Celia C. Librea-Leagogo.

[3] Id. at 18.

[4] Annex "D," id at. 50-58.

[5] Id. at 60-65; penned by Judge Antonio M. Eugenio, Jr.

[6] Annex "F," id. at 66-68.

[7] Id. at 67.

[8] Id. at 70-72.

[9] Should be 30 days pursuant to Sec. 12 of Commonwealth Act No. 43 (1939) or the Revised Naturalization Law, as amended vis a vis Section 39 of B.P. Blg. 129 which reads:

Sec. 39. Appeals. - The period for appeal from final orders, resolutions, awards, judgments, or decisions of any court in all cases shall be fifteen (15) days counted from the notice of the final order, resolution, award, judgment, or decision appealed from: Provided, however, That in habeas corpus cases, the period for appeal shall be forty-eight (48) hours from the notice of the judgment appealed from.

No record on appeal shall be required to take an appeal. In lieu thereof, the entire original record shall be transmitted with all the pages prominently numbered consecutively, together with an index of the contents thereof.

This section shall not apply in appeals in special proceedings and in other cases wherein multiple appeals are allowed under applicable provisions of the Rules of Court.

[10] Id. at 10.

[11] Id. at 44.

[12] Id. 21-38.

[13] Id. at 123-126.

[14] Id. at 132-135.

[15] Estrada v. Desierto, G.R. No. 156160, December 9, 2004, 445 SCRA 655, 668; First Women's Credit Corporation and Katayama v. Perez, G.R. No. 169026, June 15, 2006, 490 SCRA 774, 777-778.

[16] Espinoza v. Provincial Adjudicator of the Provincial Agrarian Reform Adjudication Office of Pampanga, G.R. No. 147525, February 26, 2007, 516 SCRA 635, 639-640.

[17] CA rollo, pp. 25-27.

[18] Ibid.

[19] Tolentino v. People, G.R. No. 170396, August 31, 2006, 500 SCRA 721, 724.

[20] Section 11 provides that "[T]he final sentence may, at the instance of either of the parties, be appealed to the Supreme Court."

[21] Section 12 reads in part: If, after the lapse of thirty days from and after the date on which the parties were notified x x x, no appeal has been filed, or if, upon appeal, the decision has been confirmed by the Supreme Court x x x.

[22] G.R. No. 153986, June 8, 2007, 524 SCRA 145.

[23] Sec Section 9 of Batas Pambansa Blg. 129 or the Judiciary Reorganization Act of 1980 which provides for the exclusive appellate jurisdiction of the Court of Appeals over all final judgments, resolutions, orders or awards of the Regional Trial Courts.

[24] An Act Making Additional Provisions for Naturalization.

[25] Commonwealth Act No. 473 (1939), Sec. 18.

[26] Andrada v. National Labor Relations Commission, G.R. No. 173231, December 28, 2007, 541 SCRA 538.

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