

ROSA H. FENEQUITO, CORAZON E. HERNANDEZ, AND LAURO H. RODRIGUEZ, PETITIONERS, VS. BERNARDO VERGARA, JR., RESPONDENT.

G.R. No. 172829. July 18, 2012

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-172829/>

PERALTA, J.:

Assailed in the present petition for review on certiorari under Rule 45 of the Rules of Court are the Resolutions[1] dated March 9, 2006 and May 22, 2006 of the Court of Appeals (CA) in CA-G.R. CR No. 29648. The CA Resolution of March 9, 2006 dismissed petitioners' petition for review, while the CA Resolution dated May 22, 2006 denied petitioners' Motion for Reconsideration.

The present petition arose from a criminal complaint for falsification of public documents filed by herein respondent against herein petitioners with the Office of the City Prosecutor of Manila.

On February 11, 2004, an Information for falsification of public documents was filed with the Metropolitan Trial Court (MeTC) of Manila by the Assistant City Prosecutor of Manila against herein petitioners.[2]

On April 23, 2004, herein petitioners filed a Motion to Dismiss the Case Based on Absence of Probable Cause.[3]

After respondent's Comment/Opposition[4] was filed, the MeTC issued an Order[5] dated July 9, 2004 dismissing the case on the ground of lack of probable cause.

Aggrieved, respondent, with the express conformity of the public prosecutor, appealed the case to the Regional Trial Court (RTC) of Manila.[6]

On July 21, 2005, the RTC rendered judgment setting aside the July 9, 2004 Order of the MeTC and directing the said court to proceed to trial.[7]

Petitioners then elevated the case to the CA via a petition for review.

On March 9, 2006, the CA rendered its presently assailed Resolution[8] dismissing the petition. The CA ruled that the Decision of the RTC is interlocutory in nature and, thus, is not appealable.

Petitioners filed a Motion for Reconsideration, but the CA denied it in its Resolution[9] dated May 22, 2006.

Hence, the instant petition based on the following grounds:

The Honorable Court of Appeals erred in outrightly dismissing the Petition for Review on the ground that the remedy availed of by petitioners is improper.

Strict enforcement of the Rules may be suspended whenever the purposes of justice so require.[10]

In their first assigned error, petitioners contend that the Decision of the RTC is final as it disposes with finality the issue of whether the MeTC erred in granting their Motion to Dismiss.

The Court does not agree.

The Court notes at the outset that one of the grounds relied upon by the CA in dismissing petitioners' petition for review is the latter's failure to submit copies of pleadings and documents relevant and pertinent to the petition filed, as required under Section 2,[11] Rule 42 of the Rules of Court. While petitioners filed a Motion for Reconsideration, they, however, failed to comply with these requirements. Worse, they did not even mention anything about it in the said Motion. Section 3, Rule 42 of the same Rules provides:

Sec. 3. Effect of failure to comply with requirements. – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

Moreover, it is a settled rule that the right to appeal is neither a natural right nor a part of due process; it is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law.[12] An appeal being a purely statutory right, an appealing party must strictly comply with the requisites laid down in the Rules of Court.[13] Deviations from the Rules cannot be tolerated.[14] The rationale for this strict attitude is not difficult to appreciate as the Rules are designed to facilitate the orderly disposition of appealed cases.[15] In an age where courts are bedeviled by clogged dockets, the Rules need to be followed by appellants with greater fidelity.[16] Their observance cannot be left to the whims and caprices of appellants.[17] In the instant case, petitioners had all the opportunity to comply with the Rules. Nonetheless, they remained obstinate in their nonobservance even when they sought reconsideration of the ruling of the CA dismissing their petition. Such obstinacy is incongruous with their late plea for liberality in construing the Rules.

On the above basis alone, the Court finds that the instant petition is dismissible.

Even if the Court bends its Rules to allow the present petition, the Court still finds no cogent reason to depart from the assailed ruling of the CA.

The factual and legal situations in the present case are essentially on all fours with those involved in *Basa v. People*.^[18] In the said case, the accused were charged with swindling and falsification of public documents. Subsequently, the accused filed a Joint Motion to Quash on the ground that the facts charged in each Information do not constitute an offense. Thereafter, the MeTC issued an order in favor of the accused and, accordingly, quashed the Informations. The private complainant, with the conformity of the public prosecutor, filed a motion for reconsideration but the MeTC denied it. On appeal, the RTC reversed the order of the MeTC and directed the continuation of the proceedings. The accused then filed a petition for review with the CA. In its assailed decision, the CA dismissed the petition on the ground that the remedy of appeal from the RTC decision is improper, because the said decision is actually interlocutory in nature.

In affirming the ruling of the CA, this Court held that:

Petitioners erroneously assumed that the RTC Decision is final and appealable, when in fact it is interlocutory. Thus, they filed a petition for review with the Court of Appeals under Section 3 (b), Rule 122 of the Revised Rules of Criminal Procedure, which provides:

x x x x

(b) The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review under Rule 42.

x x x x

Section 1, Rule 42 of the 1997 Rules of Civil Procedure, as amended, states:

Sec. 1. How appeal taken; time for filing. – A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction, may file a verified petition for review with the Court of Appeals, x x x.

The above provisions contemplate of an appeal from a final decision or order of the RTC in the exercise of its appellate jurisdiction.

Thus, the remedy of appeal under Rule 42 resorted to by petitioners is improper. To repeat, the RTC Decision is not final, but interlocutory in nature.

A final order is one that which disposes of the whole subject matter or terminates a particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined. Upon the other hand, an order is interlocutory if it does not dispose of a case completely, but leaves something more to be done upon its merits.

Tested against the above criterion, the RTC Decision is beyond cavil interlocutory in nature. It is essentially a denial of petitioners' motion to quash because it leaves something more to be done x x x, i.e., the continuation of the criminal proceedings until the guilt or innocence of the accused is determined. Specifically, the MeTC has yet to arraign the petitioners, then proceed to trial and finally render the proper judgment.

It is axiomatic that an order denying a motion to quash on the ground that the allegations in the Informations do not constitute an offense cannot be challenged by an appeal. This Court generally frowns upon this remedial measure as regards interlocutory orders. The evident reason for such rule is to avoid multiplicity of appeals in a single action. To tolerate the practice of allowing appeals from interlocutory orders would not only delay the administration of justice but also would unduly burden the courts.[19] (Emphases supplied)

In the present case, the assailed Decision of the RTC set aside the Order of the MeTC and directed the court a quo to proceed to trial by allowing the prosecution to present its evidence. Hence, it is clear that the RTC Decision is interlocutory as it did not dispose of the case completely, but left something more to be done on its merits.

In their second assigned error, petitioners claim that assuming for the sake of argument that the remedy they availed of is not proper, the facts of the case would readily show that there exist just and compelling reasons to warrant the relaxation of the rules in the interest of substantial justice.

Petitioners contend that the PNP Crime Laboratory Questioned Document Report, submitted as evidence by respondent to the prosecutor's office, showed that the findings therein are not conclusive and, thus, insufficient to support a finding of probable cause.

The Court is not persuaded.

It is clear from a perusal of the cited PNP Crime Laboratory Questioned Document Report No. 048-03 that the document examiner found that the signatures appearing in the questioned Deed of Sale as compared to the standard signatures “reveal divergences in the manner of execution and stroke structure [which is] an indication that they WERE NOT WRITTEN BY ONE AND THE SAME PERSON.”[20] The Court agrees with the prosecutor's pronouncement in its Resolution[21] dated September 22, 2003, that although the findings of the PNP Crime Laboratory were qualified by the statement contained in the Report that “no definite conclusion can be rendered due to the fact that questioned signatures are photocopies wherein minute details are not clearly manifested,” the fact that an expert witness already found that the questioned signatures were not written by one and the same person already creates probable cause to indict petitioners for the crime of falsification of public document.

In *Reyes v. Pearlbank Securities, Inc.*,^[22] this Court held:

Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean "actual and positive cause" nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged.

A finding of probable cause needs only to rest on evidence showing that, more likely than not, a crime has been committed by the suspects. It need not be based on clear and convincing evidence of guilt, not on evidence establishing guilt beyond reasonable doubt, and definitely not on evidence establishing absolute certainty of guilt. In determining probable cause, the average man weighs facts and circumstances without resorting to the calibrations of the rules of evidence of which he has no technical knowledge. He relies on common sense. What is determined is whether there is sufficient ground to engender a well-founded belief that a crime has been committed, and that the accused is probably guilty thereof and should be held for trial. It does not require an inquiry as to whether there is sufficient evidence to secure a conviction.^[23]

In the instant case, the Court finds no justification to depart from the ruling of the RTC that the offense charged was committed and that herein petitioners are probably guilty thereof.

With respect to respondent's legal personality to appeal the July 9, 2004 Order of the MeTC, suffice it to say that the appeal filed with the RTC was made with the express conformity of the public prosecutor who handles the case.

It is wrong for petitioners to argue that it is the OSG which has authority to file an appeal with the RTC. Section 35 (I), Chapter 12, Title III of Book IV of Executive Order No. 292, otherwise known as the Administrative Code of 1987, mandates the OSG to represent "the Government in the Supreme Court and the Court of Appeals in all criminal proceedings." On the other hand, Section 11 of Presidential Decree No. 1275, entitled "Reorganizing the Prosecution Staff of the Department of Justice and the Offices of the Provincial and City Fiscals, Regionalizing the Prosecution Service, and Creating the National Prosecution Service," which was the law in force at the time the appeal was filed, provides that the provincial or the city fiscal (now referred to as prosecutor) "shall have charge of the prosecution of all crimes, misdemeanors and violations of city or municipal ordinances in the courts of such province or city and shall therein discharge all the duties incident to the institution of criminal prosecutions."^[24] In consonance with the above-quoted provision, it has been held by this Court that the fiscal represents the People of the Philippines in the prosecution of offenses before the trial courts at the metropolitan trial courts, municipal trial courts, municipal circuit trial courts and the regional trial courts.^[25] Since the appeal, in the instant case was made with the RTC of Manila, it is clear that the City Prosecutor or his assistant (in this case, the Assistant City Prosecutor) had authority to file the same.

Moreover, petitioners' reliance on Presidential Decree No. 911 is misplaced, as the cited provision refers only to cases where the assistant fiscal or state prosecutor's power to file an information or dismiss a case is predicated or conditioned upon the prior authority or approval of the provincial or city fiscal or the Chief State Prosecutor. There is nothing in the said law which provides that in cases of appeal an Assistant City Prosecutor or a State Prosecutor may file the same only upon prior authority or approval of the City Prosecutor or the Chief State Prosecutor. Stated differently, unless otherwise ordered, an Assistant City Prosecutor or a State Prosecutor may file an appeal with the RTC, questioning the dismissal by the MeTC of a case for lack of probable cause, even without prior authority or approval of the City Prosecutor or the Chief State Prosecutor.

WHEREFORE, the instant petition is DENIED. The Resolutions of the Court of Appeals, dated March 9, 2006

and May 22, 2006 in CA-G.R. CR No. 29648, are AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Abad, Mendoza, and Perlas-Bernabe, JJ., concur.

[1] Penned by Associate Justice Magdangal M. De Leon, with Associate Justices Conrado M. Vasquez, Jr. and Mariano C. del Castillo (now a member of this Court), concurring; Annexes "A" and "B" to Petition, rollo, pp. 16-22.

[2] Records, pp. 2-3.

[3] Id. at 151-161.

[4] Id. at 166-170.

[5] Id. at 174-178.

[6] See Notice of Appeal, records, pp. 182-183.

[7] Records, pp. 258-262.

[8] Rollo, pp. 16-20.

[9] Id. at 21-22.

[10] Id. at 8.

[11] Section 2. Form and contents. – The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall x x x (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.

x x x

[12] Mendoza v. United Coconut Planters Bank, Inc., G.R. No. 165575, February 2, 2011, 641 SCRA 333, 345.

[13] Id.

[14] Baniqued v. Ramos, G.R. No. 158615, March 4, 2005, 452 SCRA 813, 820.

[15] MCA-MBF Countdown Cards Philippines, Inc., et al. v. MBF Card International Limited and MBF Discount Card Limited, G.R. No. 173586, March 14, 2012.

[16] Id.

[17] Id.

[18] G.R. No. 152444, February 16, 2005, 451 SCRA 510.

[19] Id. at 516-517.

[20] Records, pp. 30-31.

[21] Id. at 4-5.

[22] G.R. No. 171435, July 30, 2008, 560 SCRA 518.

[23] Id. at 533-535.

[24] Emphasis supplied.

[25] *People of the Philippines v. Duca*, GR. No. 171175, October 9, 2009, 603 SCRA 159, 167, citing *City Fiscal of Tacloban v. Espina*, GR. No. L-83996, October 21, 1988, 166 SCRA 614. (Emphasis supplied.)

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.