HEIRS OF JANE HONRALES, PETITIONERS, VS. JONATHAN HONRALES, RESPONDENT.

G.R. No. 182651. August 25, 2010

Ponente: VILLARAMA, JR., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-182651/

VILLARAMA, JR., J.:

Before this Court are petitions for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the October 1, 2007 Decision[1] and April 3, 2008 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 92755.

The antecedents are as follows:

On August 19, 2002, Jane Honrales was fatally shot by her husband, respondent Jonathan Honrales. Thus, in a Resolution[3] dated October 28, 2002, Bernardino R. Camba, Assistant City Prosecutor of Manila, recommended the filing of an information for parricide against respondent. On November 18, 2002, the following Information[4] was filed against respondent with the Regional Trial Court (RTC) of Manila:

> That on or about August 19, 2002, in the City of Manila, Philippines, the said accused, with intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault and use personal violence upon one JANE HONRALES y ILAGAN, his legal wife, by then and there shooting her with a 45 cal. pistol, thereby inflicting upon the latter a gunshot wound of the head and neck which was the direct and immediate cause of her death thereafter.
>
> Contrary to law.

On November 21, 2002, Judge Teresa P. Soriaso of the RTC of Manila, Branch 27, ordered respondent's arrest.[5]

On November 22, 2002, respondent moved to reconsider[6] the October 28, 2002 Resolution of Assistant City Prosecutor Camba which recommended the filing of parricide charges. Respondent later also filed a supplement to his motion.

In view of respondent's motion for reconsideration, 2[nd] Assistant City Prosecutor Alfredo E. Ednave moved that the RTC defer proceedings.[7] Respondent in turn filed an Urgent Ex-Parte Motion to Recall Warrant of Arrest,[8] which the public prosecutor opposed.[9]

On December 12, 2002, the RTC issued an Order[10] deferring proceedings in view of the pendency of respondent's motion for reconsideration. It, however, denied the motion to recall the arrest warrant since deferment of proceedings does not impair the validity of the information or otherwise render the same defective. Neither does it affect the jurisdiction of the court over the offense as would constitute a ground for quashing the information. The trial court further held that considering the evidence submitted, it finds probable cause for the issuance of the arrest warrant.

On May 21, 2003, 2[nd] Assistant City Prosecutor Laura D. Biglang-Awa filed a Motion for Leave to Conduct

Reinvestigation[11] with the RTC in light of the affidavit of one (1) Michelle C. Luna, which respondent, in his motion/supplemental motion for reconsideration, argues "will belie the statement of witness for the complainant, John James Honrales that the shooting of the victim . . . was intentional."

On May 30, 2003, the RTC issued an Order[12] granting leave to conduct the reinvestigation and authorizing 2[nd] Assistant City Prosecutor Biglang-Awa to reinvestigate the case.

On September 9, 2003, the heirs of the victim (petitioner heirs) moved before the Office of the City Prosecutor of Manila for the inhibition[13] of 2[nd] Assistant City Prosecutor Biglang-Awa from conducting the reinvestigation and praying that the case be remanded to the court for trial.[14]

On September 25, 2003, City Prosecutor Ramon R. Garcia issued Office Order No. 1640[15] reassigning the case to Assistant City Prosecutor Antonio R. Rebagay. Hearings were scheduled on October 15 and 22, 2003.

On October 15, 2003, both parties appeared but petitioner heirs manifested that they earlier moved to reconsider Office Order No. 1640. Respondent moved that he be given up to October 22, 2003 to file an opposition.

On October 22, 2003, respondent filed his opposition. Counsel for petitioner heirs then manifested that they be given until November 5, 2003 to submit a reply thereto.

On November 17, 2003, Assistant City Prosecutor Rebagay issued an Order[16] denying petitioners' motion to reconsider Office Order No. 1640 and set the continuation of the hearings on December 3 and 10, 2003.

On December 3, 2003, both parties appeared. Petitioner heirs moved that the hearing be suspended on the ground that they have filed a petition for review before the Department of Justice (DOJ) to assail the Order of November 17, 2003. Respondent's counsel objected in view of the presence of their witness Michelle Luna. Thus, the hearing proceeded. After the hearing, petitioner heirs moved for the cancellation of the December 10, 2003 hearing and filed a formal motion to that effect.

On December 15, 2003, respondent filed a Motion and Manifestation praying that the case be submitted for resolution or, in the alternative, that it be set for final clarificatory hearing on December 22, 2003.

The following day or on December 16, 2003, Assistant City Prosecutor Rebagay issued an Order denying the prayers for suspension and submission of the case for resolution and instead set the hearing on December 22, 2003.

On December 19, 2003, however, Assistant City Prosecutor Rebagay issued a Resolution[17] setting aside the October 28, 2002 Resolution and recommending the withdrawal of the information for parricide and the filing of an information for reckless imprudence resulting in parricide in its stead. City Prosecutor Garcia approved the Resolution.

On January 16, 2004, Assistant City Prosecutor Rebagay filed with the RTC a motion to withdraw the information for parricide.[18]

On January 28, 2004, while the Motion to Withdraw Information was still pending, an Information[19] for Reckless Imprudence resulting in Parricide was filed against respondent before the Metropolitan Trial Court (MeTC) of Manila. The Information reads,

> That on or about August 19, 2002, in the City of Manila, Philippines, the said accused, being then in possession of a 45 cal. pistol, did then and there unlawfully and feloniously, after removing the bullets of the gun in a careless, reckless, negligent and imprudent manner playfully poked the gun to his maid, son and to his wife, by then and there accidentally shooting upon one JANE HONRALES, his legal wife, inflicting upon the

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

latter a gun shot wound of the head and the neck which was the direct and immediate cause of her death thereafter.

CONTRARY TO LAW.

Determined to have respondent prosecuted for parricide, petitioner heirs filed a petition for review[20] with the DOJ questioning the downgrading of the offense. They likewise filed an Opposition to Motion to Withdraw Information[21] with the RTC arguing that there was no final resolution yet downgrading the charge against respondent that would justify withdrawal of the Information for parricide.

On February 17, 2004, petitioner heirs filed an Urgent Ex-Parte Motion to Defer Proceedings[22] with the RTC to give time to the DOJ Secretary to resolve their petition for review.

On March 17, 2004, the DOJ, through Chief State Prosecutor Jovencito R. Zuño, dismissed the petitions for review assailing (1) the Order dated November 17, 2003 of Assistant City Prosecutor Rebagay denying the urgent motion to reconsider Office Order No. 1640 and (2) the Resolution dated December 19, 2003 finding probable cause against respondent for reckless imprudence resulting in parricide, instead of intentional parricide as charged.[23]

Petitioner heirs moved to reconsider[24] the Resolution, and the RTC of Manila issued an Order[25] on April 14, 2004, holding in abeyance the resolution of the pending incidents in the parricide case in view of the said motion for reconsideration.

On May 14, 2004, the DOJ, through Chief State Prosecutor Zuño, denied petitioners' motion for reconsideration.[26] Thus, Judge Soriaso of the RTC of Manila issued an Order[27] on May 28, 2004 considering the motion to withdraw the Information submitted for resolution.

Undaunted by the denial of their motion for reconsideration, however, petitioners again filed a petition for review[28] with the DOJ on June 14, 2004, assailing said denial. Said petition, however, was dismissed with finality by the DOJ in a Resolution[29] dated July 14, 2004.

Contending that the petition for review before the DOJ questioning the downgrading of the offense was no longer an impediment to the resolution of the pending Motion to Withdraw Information, respondent promptly filed with the RTC a Manifestation with Reiteration to Resolve the Motion to Withdraw Information.[30]

On August 5, 2004, petitioner heirs appealed[31] the dismissal of their petitions to the Office of the President (OP). Thus, on August 6, 2004, Judge Soriaso reiterated her previous ruling to hold in abeyance the resolution of the motion to withdraw in deference to the appeal taking its course before the OP.[32]

In the meantime, on October 11, 2004, respondent was arraigned before the MeTC and pleaded guilty to the charge of reckless imprudence resulting in parricide. He was accordingly sentenced to suffer the penalty of one (1) year, seven (7) months and eleven (11) days to two (2) years, ten (10) months and twenty (20) days of prision correccional.[33]

On October 27, 2004, respondent filed with the RTC a motion[34] seeking to dismiss the parricide charges against him. He cited his arraignment and conviction by the MeTC as grounds for the dismissal of the case against him.

On October 28, 2004, petitioner heirs filed with the MeTC a motion[35] to nullify the proceedings held on October 11, 2004. They claimed that they were denied procedural due process since October 11, 2004 was not the agreed date for respondent's arraignment but October 18, 2004. They also argued that the Information before the MeTC was invalid.

On December 6, 2004, the OP dismissed petitioner heirs' appeal of the DOJ Resolution.[36] Petitioner heirs promptly moved to reconsider the OP's dismissal of their appeal, but their motion was denied by Resolution[37] dated April 20, 2005.

On May 5, 2005, respondent moved for Judge Soriaso's inhibition[38] alleging bias in favor of the prosecution as shown by her continued inaction on his motion to withdraw Information.

On June 6, 2005, petitioner heirs filed before the CA an appeal by certiorari[39] under Rule 43 of the 1997 Rules of Civil Procedure, as amended, assailing the denial by the OP of their motion for reconsideration.

On June 30, 2005, Judge Soriaso inhibited herself from the case.[40] The case was eventually re-raffled off to Branch 54 presided over by Judge Manuel M. Barrios.

Shortly thereafter, Judge Barrios issued an Order[41] on September 26, 2005 granting the withdrawal of the Information for parricide and recalling the warrant of arrest issued against respondent. Judge Barrios ruled that the Information for parricide found itself without a supporting resolution and thus its withdrawal was appropriate.

On October 14, 2005, petitioner heirs filed a motion for reconsideration[42] of the September 26, 2005 Order but their motion was noted without action on November 3, 2005, as it was made without the approval or intervention of the Public Prosecutor.[43]

On January 9, 2006, petitioner heirs filed a petition for certiorari[44] with the CA assailing the September 26, 2005 and November 3, 2005 Orders issued by the RTC through Judge Barrios. Petitioner heirs argued that Judge Barrios granted the motion to withdraw the Information for parricide on grounds other than his personal and independent findings. They likewise contended that Judge Barrios should not have granted the withdrawal of the Information and recall of the arrest warrant since he knew that their appeal with the CA disputing the downgrading of the offense was still pending. Petitioner heirs further argued that the adoption of a contrary stand by the prosecutor after the filing of the Information for parricide should not bar them from prosecuting the case actively sans supervision and intervention of the prosecutor.

On August 16, 2006, petitioner heirs filed a Motion to Implead the People of the Philippines as party respondent.[45] On August 31, 2006, the Office of the Solicitor General (OSG) filed a similar motion[46] and further prayed that it be furnished a copy of the petition and be given time to file its comment. On October 10, 2006, the CA granted the motions.[47]

On October 1, 2007, the CA dismissed the petition for certiorari. Though it found that Judge Barrios failed to make an independent assessment of the merits of the case and thus abdicated his judicial power and acted as a mere surrogate of the Secretary of Justice, it ruled that the remand of the case to the RTC would serve no useful purpose since it may result in the reopening of the parricide case which would violate respondent's constitutional right against double jeopardy.

Petitioner heirs and the OSG moved to reconsider the CA decision, but their motions were denied on April 3, 2008. Hence, they filed the present consolidated petitions raising the sole issue of whether the remand of the parricide case to the trial court will violate respondent's constitutional right against double jeopardy.

Petitioner heirs argue that the MeTC did not validly acquire jurisdiction over the case for parricide through reckless imprudence and that jurisdiction remained with the RTC where the Information for parricide was filed. They also assail the filing with the MeTC of the Information for the downgraded offense after a supposedly dubious reinvestigation and question the hasty arraignment of accused which was done allegedly without notice to petitioner heirs and without them being furnished with the result of the reinvestigation. They even claim that they

were not furnished with a copy of the motion for leave to conduct reinvestigation as it was sent to the wrong address. Petitioner heirs further argue that when respondent immediately pleaded guilty to the charge for reckless imprudence without notice to them, such a plea cannot be legally invoked in respondent's defense of double jeopardy. Also, the Information for parricide was still pending with the RTC when accused was hastily arraigned for the downgraded offense. Thus, not all requisites of double jeopardy are present.

The OSG, for its part, argues that the MeTC could not have validly acquired jurisdiction over the case for the same offense of parricide or any offense necessarily included therein because the prosecution's motion to withdraw the Information for parricide before the RTC remained unacted upon by the said court.

Respondent, on the other hand, maintains that if the petition is granted, it would violate his right against double jeopardy. The first jeopardy has already attached because there was a valid indictment, arraignment and plea and the proceedings were already terminated as he is already serving sentence and has applied for probation. He also contends that proceeding with reinvestigation was justified since the principal action can continue if there is no order from the appellate court to stop the proceedings. He further argues that petitioner heirs have no right to file this appeal especially since the appeal was filed by petitioner heirs without the public prosecutor's conformity. Respondent likewise contends that it is already too late for petitioner heirs to question the validity of the MeTC proceedings since its decision has become final and executory, no appeal having been taken from the decision. Also, petitioner heirs failed to present evidence to prove that there was fraud in the reinvestigation and subsequent plea to a lesser offense.

We grant the petitions.

It is beyond cavil that the RTC acted with grave abuse of discretion in granting the withdrawal of the Information for parricide and recalling the warrant of arrest without making an independent assessment of the merits of the case and the evidence on record.[48] By relying solely on the manifestation of the public prosecutor that it is abiding by the Resolution of the Secretary of Justice, the trial court abdicated its judicial power and refused to perform a positive duty enjoined by law. What remains for our resolution is whether the case may be remanded to the RTC without violating respondent's right against double jeopardy. On this question, we find the answer to be in the affirmative.

Section 7, Rule 117 of the Revised Rules of Criminal Procedure, as amended provides:

> SEC. 7. Former conviction or acquittal; double jeopardy. - When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.
>
> x x x x

Thus, double jeopardy exists when the following requisites are present: (1) a first jeopardy attached prior to the second; (2) the first jeopardy has been validly terminated; and (3) a second jeopardy is for the same offense as in the first. A first jeopardy attaches only (a) after a valid indictment; (b) before a competent court; (c) after arraignment; (d) when a valid plea has been entered; and (e) when the accused has been acquitted or convicted, or the case dismissed or otherwise terminated without his express consent.[49]

In this case, the MeTC took cognizance of the Information for reckless imprudence resulting in parricide while the criminal case for parricide was still pending before the RTC. In Dioquino v. Cruz, Jr.,[50] we held that once

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

jurisdiction is acquired by the court in which the Information is filed, it is there retained. Therefore, as the offense of reckless imprudence resulting in parricide was included in the charge for intentional parricide[51] pending before the RTC, the MeTC clearly had no jurisdiction over the criminal case filed before it, the RTC having retained jurisdiction over the offense to the exclusion of all other courts. The requisite that the judgment be rendered by a court of competent jurisdiction is therefore absent.

A decision rendered without jurisdiction is not a decision in contemplation of law and can never become executory.[52]

WHEREFORE, the present petitions are GRANTED. The Decision dated October 1, 2007 and Resolution dated April 3, 2008 of the Court of Appeals in CA-G.R. SP No. 92755 are hereby REVERSED and SET ASIDE. Consequently, the September 26, 2005 and November 3, 2005 Orders of the Regional Trial Court of Manila, Branch 54 are hereby NULLIFIED and said trial court is hereby DIRECTED to REINSTATE Criminal Case No. 02-207976 for parricide for appropriate criminal proceedings.

No costs.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Perez,[*] and Sereno, JJ., concur.

---

[*] Designated additional member per Raffle of March 8, 2010 in view of the recusal of Associate Justice Lucas P. Bersamin from the case due to prior action in the Court of Appeals.

[1] Rollo (G.R. No. 182651), pp. 27-34. Penned by Associate Justice Estela Perlas-Bernabe with Associate Justices Portia Aliño-Hormachuelos and Lucas P. Bersamin (now a member of this Court) concurring.

[2] Id. at 35.

[3] Records, Vol. 1, pp. 3-5.

[4] Id. at 1-2. Docketed as Criminal Case No. 02-207976.

[5] Id. at 58.

[6] Id. at 68-74.

[7] Id. at 65.

[8] Id. at 66-67.

[9] Id. at 83.

[10] Id. at 84-85.

[11] Id. at 102-103.

[12] Id. at 112.

[13] Id. at 116-122.

[14] Id. at 121.

[15] Id. at 147.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[16] Id. at 190.

[17] Id. at 224-228.

[18] Id. at 229.

[19] Id. at 302.

[20] Id. at 306-320.

[21] Id. at 235-241.

[22] Id. at 344-345.

[23] Id. at 369-370.

[24] Id. at 371-378.

[25] Id. at 426-427.

[26] Id. at 435.

[27] Id. at 443.

[28] Id. at 446-452.

[29] Id. at 495-496.

[30] Id. at 493-494.

[31] Id. at 504-511.

[32] Id. at 548.

[33] Id. at 576.

[34] Id. at 573-575.

[35] Id. at 620-629.

[36] Records, Vol. 2, pp. 4-5.

[37] Id. at 36-37.

[38] Id. at 17-20.

[39] CA rollo, pp. 63-79.

[40] Records, Vol. 2, p. 63.

[41] Id. at 93-98.

[42] Id. at 104-107.

[43] Id. at 108.

[44] CA rollo, pp. 2-15.

[45] Id. at 206-208.

[46] Id. at 210-213.

[47] Id. at 216-217.

[48] See Santos v. Orda, Jr., G.R. No. 158236, September 1, 2004, 437 SCRA 504, 515; Ledesma v. Court of Appeals, G.R. No. 113216, September 5, 1997, 278 SCRA 656, 682.

[49] People v. Nazareno, G.R. No. 168982, August 5, 2009, 595 SCRA 438, 449; People v. Tampal, G.R. No. 102485, May 22, 1995, 244 SCRA 202, 208.

[50] Nos. L-38579 & L-39951, September 9, 1982, 116 SCRA 451, 456.

[51] See Magno v. People, G.R. No. 149725,October 23, 2003, 414 SCRA 246, 258, citing People v. De Fernando, 49 Phil. 75 (1926); People v. Carmen, G.R. No. 137268, March 26, 2001, 355 SCRA 267; Samson v. Court of Appeals, et al., 103 Phil. 277 (1958).

[52] Municipality of Antipolo v. Zapanta, No. L-65334, December 26, 1984, 133 SCRA 820, 825.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.