RUFINA L. CALIWAN, PETITIONER, VS. MARIO OCAMPO, OFELIA OCAMPO AND RHODORA PASILONA, RESPONDENTS.

G.R. No. 183270. February 13, 2009

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This petition for review on certiorari seeks to annul and set aside the March 17, 2008 Decision[1] of the Court of Appeals in CA-G.R. SP No. 99845 reversing the April 30, 2007 Decision[2] of the Regional Trial Court of Pasay City, Branch 119 in Special Civil Case No. 06-0020-CFM and reinstating the June 6, 2006 Order of the Metropolitan Trial Court of Pasay City, Branch 47 which denied the Motion for Withdrawal of Information filed by the Office of the City Prosecutor of Pasay City, as well as its June 5, 2008 Resolution[3] denying the motion for reconsideration.

In 2004, petitioner Rufina L. Caliwan filed a complaint[4] for attempted murder, multiple serious physical injuries, slander by deed, grave threats, and grave oral defamation against respondents SPO4 Mario Ocampo, Ofelia Ocampo, and Rhodora Pasilona before the Pasay City Prosecutor's Office. As counter-charges, respondents filed complaints for grave threats, oral defamation, alarms and scandals,[5] and physical injuries and oral defamation[6] against petitioner.

The antecedents of the case, as summarized by the Office of the Secretary of Justice are as follows:

> Rufina Caliwan presents her evidence as follows: On September 4, 2004, at about 3:00 o'clock in the afternoon, while she was singing inside her house and hosting a party on the occasion of her birthday, stones were thrown on the roof of her house coming from the direction of SPO4 Mario Ocampo's house, her neighbor. She reported the incident to the barangay officials, which called the parties for conciliation. However, the Ocampos refused to appear at the barangay hall. In the evening of that date, Rhodora Pasilona and Ofelia Ocampo, presumably irked by her complaint in the barangay, shouted at her defamatory words like "pokpok, puta, bobo, sira ulo, tarantada" in the presence of her guests, who were still attending the party. Days later, and after the dismissal of the Ocampo's complaint filed before the DECS against her, SPO4 Mario Ocampo would make it a point to intercept her whenever she passes by in front of their house. With threatening looks, he usually places his hand in the position of drawing his service firearm.
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> The Ocampo's, on the other hand, gave their version of the incident as follows: At about 10:30 in the morning of the (sic) September 4, 2004, they noticed the loud voices, laughing and singing of Rufina Caliwan and her guests, which they later came to know was due to her on going birthday celebration. SPO4 Mario Ocampo was on duty at the police precinct at that time. Despite the fact that they were being disturbed by the noise, they did not anymore reacted (sic) to it just to avoid any misunderstanding with Rufina Caliwan. Around 10:30 in the evening of the same day, Rufina Caliwan went out of her house with her visitors. Apparently drunk, she suddenly shouted the following: "Hoy bumaba kayong lahat dyan. Anong gusto nyo, barilan o bugbugan? Tama ang sabi ni Dahlia na mga inggetera kayo. Mga pangit kayo. Mga putang ina nyo. Masama ang mga ugali nyo. Bukas paglabas nyo pagpapatayin ko kayo." To prevent any untoward incident, they just waited when Rufina Caliwan went inside her house and just reported the matter to the barangay. A conciliation

> proceeding was set by the barangay regarding the matter on October 14, 2004 at the barangay hall of Barangay 201 Kalayaan Village. After the conciliation proceedings, Ofelia Ocampo and Rhodora Pasilona were about to go home at about 12 noon, when Rufina Caliwan suddenly assaulted Rhodora Pasilona, while uttering "Tarantada, Putang ina mo. Hayop kang bata ka!" The barangay officials who were present witnessed the whole incident. Rhodora Pasilona, thereafter, went to the Pasay City General Hospital to seek medical attendance for the injuries she sustained.[7]

The charges and counter-charges being interwoven were consolidated and investigated jointly. In its February 24, 2005 Resolution,[8] the Office of the City Prosecutor of Pasay City, through Assistant City Prosecutor Eva C. Portugal-Atienza, recommended the dismissal of the complaint filed by petitioner for lack of evidence, and recommended that petitioner be charged with light threats and slight physical injuries. Two separate Informations for light threats and slight physical injuries were filed against petitioner before the Metropolitan Trial Court of Pasay City.

Petitioner appealed to the Department of Justice (DOJ) which issued a Resolution[9] dated March 2, 2006 finding a prima facie case and/or probable cause for the offense of light threats against SPO4 Mario Ocampo, and for the offenses of grave oral defamation and slight physical injuries against Ofelia Ocampo and Rhodora Pasilona, and consequently ordered the filing of corresponding informations against the respondents.[10] The DOJ also ordered the dismissal of the rest of the charges, as well as the withdrawal of the Informations for light threats and slight physical injuries against petitioner.[11]

Consequently, a Motion for Withdrawal of Information[12] was filed seeking the withdrawal of the Informations charging petitioner with light threats and slight physical injuries.

However, the motion was denied by the Metropolitan Trial Court of Pasay City, Branch 47,[13] in its Order dated June 6, 2006,[14] thus:

> A perusal of the records and a careful evaluation of the factual allegations in the information including the supporting documents attached thereto will show that there exists probable cause to continue with the proceedings of the case. The matters raised by the accused are evidentiary in nature which should be properly threshed out in a full blown trial. The findings of the Department of Justice is not a rubber stamp for the court to follow.
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> x x x x
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> As correctly pointed to by the private prosecutor, the instant motions failed to comply with the three-day notice rule provided for under Sections 4 and 5 (Rule 15) of the Rules of Court. These motions are considered litigated motions as the rights of the private complainant may be clearly impaired, hence they cannot be heard ex-parte. As the requirement for notice was not followed, the same is fatal and the motion is just a mere scrap of paper with no legal effect.

Petitioner filed a petition for certiorari before the Regional Trial Court of Pasay City which granted the petition, thus:

> WHEREFORE, the petition for certiorari of petitioner Rufina Caliwan is hereby granted. The assailed Order dated June 6, 2006 of MTC, Branch 47, Pasay City is reversed and set aside and the Motion to Withdraw Information dated March 15, 2006 of the Office of the City Prosecutor of Pasay City is granted and Criminal Case No. 05-517 CFM for slight physical injuries and Criminal Case No. 05-518 CFM of light threats against Accused Rufina Caliwan are hereby dismissed.
>
> SO ORDERED.[15]

Respondents thus appealed to the Court of Appeals. The appellate court reversed the Decision of the Regional

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Trial Court and reinstated the June 6, 2006 Order of the Metropolitan Trial Court denying the motion to withdraw Information. At the same time, the court a quo was ordered to proceed with the trial of the case with dispatch.

Petitioner moved for reconsideration, however it was denied.

Hence, the instant petition for review on certiorari raising the following issues:[16]

> WHETHER OR NOT THE METROPOLITAN TRIAL COURT ERRED IN DENYING THE MOTION OF THE PUBLIC PROSECUTOR TO THE WITHDRAWAL OF THE INFORMATION ON THE GROUND THAT THE MOTION FILED WAS DEFECTIVE, AND WITHOUT CONSIDERATION TO THE RIGHTS OF THEREIN NAMED ACCUSED.
>
> WHETHER OR NOT THE COURT OF APPEALS ERRED IN REVERSING THE DECISION OF THE REGIONAL TRIAL COURT AND UPHOLDING THE DECISION OF THE METROPOLITAN TRIAL COURT.

The petition lacks merit.

The charges against petitioner are light threats[17] and slight physical injuries,[18] to which the applicable rule is the 1991 Revised Rules on Summary Procedure. Section 19 thereof provides:

> SEC. 19. Prohibited pleadings and motions. – The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:
>
> x x x x
>
> (g) Petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the court;

An interlocutory order is one that does not finally dispose of the case and does not end the Court's task of adjudicating the parties' contentions and determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the Court.[19] The word "interlocutory" refers to something intervening between the commencement and the end of a suit which decides some point or matter but is not a final decision of the whole controversy.[20] Interlocutory orders merely rule on an incidental issue and do not terminate or finally dispose of the case as they leave something to be done before it is finally decided on the merits.[21]

The June 6, 2006 Order of the Metropolitan Trial Court is an interlocutory order. Similar to an order denying a motion to dismiss, an order denying a motion for withdrawal of information is interlocutory as it does not finally dispose of the case nor does it determine the rights and liabilities of the parties as regards each other.

The June 6, 2006 Order of the Metropolitan Trial Court being interlocutory and the case falling under the 1991 Revised Rules on Summary Procedure, the Regional Trial Court erred in taking cognizance of the petition for certiorari despite the clear prohibition in Section 19.

Indeed, as held in Villanueva, Jr. v. Estoque,[22] there can be no mistaking the clear command of Section 19 (e) of the 1991 Revised Rules on Summary Procedure and judges have no option but to obey. When the law is clear, there is no room for interpretation.

Instead of filing a petition for certiorari, petitioner could ventilate her defenses before the Metropolitan Trial Court during the trial of the case. In the event that the Metropolitan Trial Court's decision is adverse to her cause, she could avail of the remedy of appeal as provided in Section 21 of the 1991 Revised Rules on Summary Procedure.[23]

The 1991 Revised Rules on Summary Procedure was promulgated to achieve an expeditious and inexpensive

determination of cases.[24] It was conceptualized to facilitate the immediate resolution of cases. Respect for the Rule on Summary Procedure as a practicable norm for the expeditious resolution of cases like the one at bar could have avoided lengthy litigation that has unduly imposed on the time of the Court.[25]

We need not discuss whether the Metropolitan Trial Court erred in denying the Motion for Withdrawal of Information because to entertain said issue would, in effect, give due course to the prohibited petition for certiorari. Suffice it to say that although the institution of criminal actions depends on the sound discretion of the fiscal, once a case is filed in court, it can no longer be withdrawn or dismissed without the court's approval. Moreover, while the Secretary of Justice has the power to alter or modify the resolution of his subordinate and thereafter direct the withdrawal of the case, he cannot, however, impose his will on the court.[26]

Indeed, once a complaint or information is filed in Court, any disposition of the case, i.e., its dismissal or the conviction or acquittal of the accused, rests on the sound discretion of the Court. Although the fiscal retains the direction and control of the prosecution of the criminal cases even while the case is already in Court, he cannot impose his opinion on the trial court. The determination of the case is within the court's exclusive jurisdiction and competence. A motion to dismiss the case filed by the fiscal should be addressed to the sound discretion of the Court which has the option to grant or deny the same.

WHEREFORE, the petition is DENIED. The assailed Decision of the Court of Appeals dated March 17, 2008 reinstating the June 6, 2006 Order of the Metropolitan Trial Court which denied the Motion for Withdrawal of Information filed by the Office of the City Prosecutor of Pasay City, as well as the Resolution dated June 5, 2008 denying the motion for reconsideration are AFFIRMED.

SO ORDERED.

Austria-Martinez, Chico-Nazario, Nachura, and Peralta, JJ., concur.

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[1] Rollo, pp. 44-53; penned by Associate Justice Jose C. Reyes, Jr. and concurred in by Associate Justices Jose L. Sabio, Jr. and Myrna Dimaranan Vidal.

[2] Id. at 57-66; penned by Judge Pedro de Leon Gutierrez.

[3] Id. at 200.

[4] I.S. No. 04-J-5238.

[5] I.S. No. 04-K-5343.

[6] I.S. No. 04-K-5344.

[7] Resolution of the Department of Justice dated March 2, 2006; rollo, pp. 35-36.

[8] Rollo, pp. 29-32.

[9] Id. at 34- 43.

[10] Id. at 41.

[11] Id. at 41-42.

[12] Id. at 133-134.

[13] Penned by Judge Gina M. Bibat-Palamos.

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[14] Rollo, pp. 112-113.

[15] Id. at 66.

[16] Id. at 19.

[17] Punishable by arresto mayor

[18] Punishable by arresto menor

[19] Rudecon Management Corporation v. Singson, G.R. No. 150798, March 31, 2005, 454 SCRA 612, 628.

[20] Id. at 627-628.

[21] Repol v. COMELEC, G.R. No. 161418, April 28, 2004, 428 SCRA 321, 327-328.

[22] A.M. No. RTJ-99-1494, November 29, 2000, 346 SCRA 230, 234.

[23] SEC. 21. Appeal. – The judgment or final order shall be appealable to the appropriate Regional Trial Court which shall decide the same in accordance with Section 22 of Batas Pambansa Blg. 129. The decision of the Regional Trial Court in civil cases governed by this Rule, including forcible entry and unlawful detainer, shall be immediately executory, without prejudice to a further appeal that may be taken therefrom. Section 10 of Rule 70 shall be deemed repealed.

[24] 1991 Revised Rules on Summary Procedure, foreword.

[25] Santiago v. Guadiz, Jr., G.R. No. 85923, February 26, 1992, 206 SCRA 590, 599.

[26] Dumlao, Jr. v. Hon. Rodolfo Ponferrada, G.R. No. 146707, November 29, 2006, 508 SCRA 426, 433.

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