

**LOLITA M. SANTIAGO, PETITIONER, VS. SILVESTRE H. BELLO IV,
RESPONDENT.***G.R. No. 193271. October 05, 2015*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-193271/>**BRION, J.:***

The petition for review on certiorari before us seeks to reverse the January 26, 2010 and August 9, 2010 resolutions[1] of the Court of Appeals (CA) in CA-G.R. SP No. 111852. The CA dismissed petitioner Lolita M. Santiago's (Santiago) petition for certiorari against the Department of Justice (DOJ) Chief State Prosecutor's resolution finding probable cause to prosecute her for estafa and violation of Batas Pambansa Blg. 22 (B.P. 22).

The Antecedents

On January 30, 2002, Santiago issued two Metrobank checks[2] in favor of respondent Silvestre H. Bello IV (Bello): (1) Check No. 0120289 dated January 30, 2002, for P100,000.00; and (2) Check No. 0120290 postdated March 30, 2002, for P280,000.00.

On March 20, 2002, Bello presented the first check to Allied Bank in Fairview, Quezon City. The check was dishonored because the account was already closed. Bello also presented the second check upon its maturity; Allied Bank dishonored the check for the same reason.

On January 19, 2004, after giving a notice of dishonor and a demand for payment, Bello filed a complaint-affidavit against Santiago for estafa and for violation of B.P. 22.

On February 19, 2004, Santiago filed her counter-affidavit and claimed that the checks were issued as evidence of her preexisting loan from Bello. She claimed that the checks were not issued for value or as payment of the loan and that they had agreed beforehand that the checks would not be funded but would be retrieved or replaced with cash.

On May 18, 2004, Assistant City Prosecutor (ACP) Eduardo Ramon R. Reyes found probable cause to charge Santiago with two counts of B.P. 22 violations after concluding the preliminary investigation. ACP Reyes reasoned that the gravamen of the offense is the mere act of issuing a worthless check or a check that is dishonored upon presentment for payment.

However, ACP Reyes dismissed the complaint for estafa because the checks were issued as payment for a preexisting obligation. He explained that Bello failed to present evidence that the issuance of the bounced checks had induced him to part with his money.

On July 12, 2004, Santiago moved for reconsideration of ACP Reyes' resolution that there was probable cause to indict her for violating B.P. 22.

On September 27, 2004, 2nd Assistant City Prosecutor Alfredo P. Agcaoili denied her motion for reconsideration because: (1) ACP Reyes had adequately and intelligently passed upon the issues; and (2) DOJ had already lost jurisdiction over the issue because an information had already been filed in court.

On October 25, 2004, Santiago elevated the issue to the Office of the Chief State Prosecutor via a petition for review.

On March 17, 2008, Undersecretary Ernesto L. Pineda dismissed outright the petition for review for failure to show any reversible errors in the assailed resolutions.

On April 8, 2008, Santiago moved for the reconsideration of the Undersecretary's ruling. She insisted Bello was the "actual and potential wrongdoer" who manipulated the checks to deliberately defraud her.

On October 13, 2009, Chief State Prosecutor (CSP) Jovencito R. Zuño issued the assailed resolution which reads:

This resolves the motion for reconsideration of our resolution promulgated on March 14, 2008, dismissing the petition for review of the resolution of the City Prosecutor of Quezon City in the above-captioned case finding probable cause against respondent-appellant Lolita Santiago for estafa and violation of B.P. Biz 22.

After a re-evaluation of the issues and the arguments raised in the motion for reconsideration we find no cogent reason to reconsider our resolution.

WHEREFORE, the motion for reconsideration is hereby DENIED with finality.

SO ORDERED, (emphasis supplied)

On December 14, 2009, Santiago filed a -petition for certiorari and prohibition before the CA against CSP Zuño's resolution. Santiago argued that CSP Zuño committed grave abuse of discretion in resolving that there was probable cause to indict her for estafa because: (1) he did not conduct a preliminary investigation; and (2) she only appealed the finding of probable cause to prosecute her for violating B.P. 22, not the dismissal of the estafa complaint. The petition was docketed as CA-G.R. SP No. 111852.

On January 26, 2010, the CA dismissed the petition because: (1) the attached orders/resolutions were not certified true copies; (2) the petitioner failed to indicate the material dates showing the timeliness of the petition; and (3) there was no explanation why the petition was not personally served on the respondents.

On February 2, 2010, Santiago moved for reconsideration. Her then counsel, Atty. Onofre Manalad, admitted that he received the CSP resolution on November 24, 2009. He explained that he forgot to include the material dates and the explanation in good faith because he had recently suffered a "mild stroke," causing him a temporary bout of forgetfulness. He also explained that he had attached his duplicate original copy of the resolution. He further appealed to the CA to take a more liberal approach in the interest of justice.

On August 9, 2010, the CA denied reconsideration. Citing *Limpot v. Court of Appeals*,^[3] it emphasized: (1) that claims for substantial justice will not automatically result in an exemption from technical rules; and (2) that rules of procedure are intended to ensure the orderly administration of justice and the protection of substantial rights.

On August 27, 2010, Santiago filed the present petition for review on certiorari.

The Petition

The petitioner argues: (1) that the dismissal of the complaint for estafa had already attained finality because it was not appealed to the Secretary of Justice; (2) that CSP Zuño had acted without authority and with grave abuse of discretion when he reopened the dismissed complaint for estafa and reversed the unappealed resolution of the City Prosecutor; and (3) that the CA had violated her right to the equal protection of law when it dismissed her petition for certiorari.

In his Comment dated February 10, 2012, the respondent maintains that: (1) the CA has the power to deny and

dismiss a petition for non-compliance with the rules; and (2) Atty. Manalad's excuse of "mild stroke" is unsubstantiated. However, he believes that CSP Zuño inadvertently committed a glaring error in the August 9, 2010 resolution because the only subject of the petition for review was the finding of probable cause for violating B.P. 22.

Our Ruling

This Court is confronted with the following issues: (1) whether or not the CA erred when it dismissed the petition for certiorari for noncompliance with procedural requirements; and (2) whether or not CSP Zuño committed grave abuse of discretion in his October 13, 2009 resolution.

We have ruled time and again that litigants should have the amplest opportunity for a proper and just disposition of their cause; they should be free, as much as possible, from the constraints of procedural technicalities.[4] However, it is an equally settled rule that, save for the most persuasive of reasons, strict compliance with procedural rules is required to facilitate the orderly administration of justice.[5]

Procedural rules are not to be belittled simply because their strict application would prejudice a party's substantive rights. Like all rules, they must be observed. They can only be relaxed for the most persuasive of reasons where a litigant's degree of noncompliance with the rules is severely disproportionate to the injustice he is bound to suffer as a consequence.[6]

In the present case, the CA dismissed Santiago's petition for certiorari because: (1) the attached orders/resolutions were not certified true copies; (2) she failed to indicate the material dates showing the timeliness of her petition; and (3) there was no explanation on why the petition was not personally served.

On the first ground, Atty. Manalad explained that he did not secure a certified true copy of the order because he had attached his duplicate original copy of the resolution. Sections 1, 2, and 3 of Rule 65 require the petitioner to attach a certified true copy of the assailed judgment, order, or resolution subject of the petition for certiorari, prohibition, or mandamus; however, this must be read together with Rule 46. Under Rule 46, Section 3, the petitioner may attach either a clearly legible duplicate original or a certified true copy of the subject judgment, order, or resolution subject of the action.[7] Hence, the CA erred in including this as a ground to dismiss the petition.

Santiago's failure to indicate the material dates and to include an explanation of service are fatal errors. Under Rule 13, Section 11, failure to include a written explanation is cause to consider the pleading or paper as not filed;[8] the absence of material dates is a ground for the outright dismissal of the petition.[9] The CA, therefore, did not commit any reversible errors in dismissing the petition.

Nevertheless, this Court may relax procedural rules for the most persuasive of reasons. Atty. Onofre Manalad explained that he suffered a "mild stroke" in late 2009, which caused his temporary bout of forgetfulness during the period when he filed the petition before the CA. Shortly after filing the present petition for review on certiorari, Atty. Manalad died from cardiac arrest on December 17, 2009, at the age of 70.

Considering Atty. Manalad's advanced age and persisting health problems at the time he filed the petition for certiorari with the CA, this Court is inclined to set aside technicalities for equitable and humanitarian reasons. We will, therefore, dispense substantial justice and resolve this case on its merits.

The DOJ is not a quasi-judicial agency and it does not exercise a quasi-judicial function when it reviews the public prosecutor's findings regarding the presence of probable cause.[10] However, we believe that the general principles of judicial construction are applicable and that proper construction of CSP Zuño's resolution will easily resolve the present matter.

The body of CSP Zuño's resolution erroneously mentioned that the City Prosecutor of Quezon City found probable cause against Lolita Santiago for estafa and violation of B.P. 22. This is evidently wrong because ACP Reyes dismissed the complaint for estafa and only found probable cause for violations of B.P. 22. This finding was affirmed by ACP Agcaoili on September 27, 2004, and by Undersecretary Pineda on March 17, 2008.

Nevertheless, the dispositive portion of CSP Zuño's assailed resolution only says:

WHEREFORE, the motion for reconsideration is hereby DENIED with finality.

It is a simple denial of the motion for reconsideration - nothing more. It does not reinstate the dismissed complaint nor find probable cause to prosecute Santiago for estafa.

When a conflict exists between the dispositive portion or the fallo and the opinion of the court in the body of the decision, the former must prevail.[11] In *Nery-Edwards v. Arce*, we explained the reason for this:

[T]he only portion of the decision that [becomes] the subject of execution is what is ordained or decreed in such dispositive part. Whatever may be found in the body of the decision can only be considered as part of the reasons or conclusions of the court and while they may serve as guide or enlightenment to determine the ratio decidendi, what is controlling is what appears in the dispositive part of the decision.[12]

The dispositive portion is the definitive order of the court (or in this case, the resolving prosecutor) while the opinion is merely an explanatory statement without the effect of a directive.[13] Therefore, between the erroneous statement in the body of CSP Zuño's resolution and the dispositive portion that simply denied the motion for reconsideration, the latter prevails.

Therefore, we find no merit in the petitioner's contention that CSP Zuño *motu proprio* reopened the dismissed complaint for estafa and reversed the unappealed resolution of the City Prosecutor. It is clear from the fallo that CSP Zuño simply denied the petitioner's motion for reconsideration. We share the respondent's view that the inclusion of the word "estafa" in the body of the resolution was merely an oversight: an inadvertent error that did not have any legal effect on the actual order.

Viewed from this perspective, we find no reason to hold that Santiago's petition for certiorari before the CA was meritorious. Certiorari is a limited form of review confined to errors of jurisdiction. An error of jurisdiction is one where the officer or tribunal acted without or in excess of its jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction.[14] As the reviewing officer, CSP Zuño's plain denial of the motion for reconsideration was within the confines of his jurisdiction.

On the other hand, grave abuse of discretion is the capricious and whimsical exercise of judgment equivalent to an evasion of positive duty, or a virtual refusal to act at all in contemplation of the law.[15] It is present when power is exercised in a despotic manner by reason, for instance, of passion and hostility. Santiago failed to show that CSP Zuño acted in such a capricious and despotic manner that would have warranted the CA's grant of her petition for certiorari.

As a final word, we would like to remind all public servants who participate in the legal system to exercise caution and diligence at all times. A little prudence will go a long way in avoiding suits that unnecessarily clog our dockets, and ultimately delay the administration of justice.

WHEREFORE, premises considered, the petition is DENIED for lack of merit. No costs.

SO ORDERED.

Peralta,[**] Del Castillo, Leonen, and Jardeleza,[***] JJ., concur.

[*] Designated as Acting Chairperson, per Special Order No. 2222 dated September 29, 2015.

[**] Designated as Acting Member in lieu of Associate Justice Antonio T. Carpio, per Special Order No. 2223 dated September 29, 2015.

[***] Designated as Acting Member in lieu of Associate Justice Jose C. Mendoza, per Special Order No. 2246 dated October 5, 2015.

[1] Rollo, pp. 25-26, 34-35; both penned by Associate Justice Juan Q. Enriquez, Jr., and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Michael P. Elbinias.

[2] Id. at 42.

[3] 252 Phil. 377, 387 (1989).

[4] *Tambong v. R. Jorge Development Corporation*, 532 Phil. 101, 107 (2006).

[5] *Ortiz v. Court of Appeals*, G.R. No. 127393, December 4, 1998, 299 SCRA 708, 713.

[6] *Julian v. Development Bank of the Philippines*, 678 Phil. 133, 147 (2011); *Limpot v. Court of Appeals*, *supra* note 2.

[7] SEC. 3. Contents and filing of petition; effect of noncompliance with requirements.—The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

In actions filed under Rule 65, the petition shall further indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed, and when notice of the denial thereof was received.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

xxxx

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition, (emphasis supplied)

[8] SEC. 11. Priorities in modes of service and filing. — Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

[9] Rule 46, Section 3 of the Rules of Court; *Ramirez v. Court of Appeals*, G.R. No. 182626, December 4, 2009,

607 SCRA 752, 767.

[10] Sps. Balangauan v. Court of Appeals, 584 Phil. 183, 200 (2008); Bautista v. Court of Appeals, 413 Phil. 159, 168-169(2001).

[11] Gonzales v. Solid Cement Corporation, G.R. No. 198423, October 23, 2012, 684 SCRA 344, 352.

[12] Nery-Edwards v. Arce, 98 Phil. 688, 692 (1965).

[13] Gonzales v. Solid Cement Corporation, supra note 10.

[14] Villareal v. Aliga, G.R. No. 166995, January 13, 2014, 713 SCRA 52.

[15] Commission on Internal Revenue v. Court of Appeals, G.R. No. 119322, June 4, 1996, 257 SCRA 200; Salma v. Hon. Miro, 541 Phil. 685, 686 (2007); Ligeralde v. Patalinghug, G.R. No. 168796, April 15 2010, 618 SCRA 315.

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.