

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. ADOLFO A. GOYALA, JR., RESPONDENT.*G.R. No. 224650. July 15, 2020*

Ponente: GESMUNDO, J.

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This appeal by certiorari challenges the Decision[1] and Resolution[2] promulgated by the Court of Appeals (CA) on September 16, 2015 and May 5, 2016, respectively, in CA-G.R. SP No. 134674 whereby the appellate court reversed and set aside the Orders dated February 13, 2014[3] and March 26, 2014[4] of the Regional Trial Court, Pasig City, Branch 159 (RTC) in Criminal Case No. 152682. In doing so, the CA ordered the RTC to (a) hold in abeyance further proceedings in said case and remand the same to the prosecution for purposes of completing the preliminary investigation; (b) revoke the implementation of the Warrant of Arrest; and (c) continue the proceedings only after the finality of the preliminary investigation and after proper endorsement.

The Antecedents

AAA,[5] a minor, executed with the assistance of her mother a sworn statement dated June 17, 2013 before Police Inspector Ernesto A. Mones of the Pasig City Police accusing Adolfo A. Goyala, Jr., (respondent) of statutory rape.

After due endorsement to the Office of the City Prosecutor of Pasig City (OCP-Pasig City), the complaint was docketed as IS No. XV-14-INV-13F-02337 and assigned to Assistant City Prosecutor Pedro M. Oribe (ACP Oribe) as Investigating Prosecutor for preliminary investigation.[6]

Eventually, respondent executed his Counter-Affidavit on July 30, 2013. On August 16, 2013, respondent instituted a civil complaint for damages against AAA and her mother.[7]

On the strength of this civil case, respondent filed a Petition for Suspension on the Ground of Prejudicial Question before ACP Oribe. Later on, he filed a supplemental Motion to Reiterate Petition for Suspension on the Ground of Prejudicial Question.[8] This motion was denied in a Resolution dated September 30, 2013.

On November 12, 2013, ACP Oribe issued a Resolution finding probable cause against respondent and recommending the filing of an Information for Statutory Rape under Art. 266-A(d) of the Revised Penal Code, as amended by Republic Act (R.A.) No. 8353, also known as the "The Anti-Rape Law of 1997," in relation to Section 5(a) of R.A. No. 8369, inter alia.[9]

On November 27, 2013, the Regional Trial Court, Criminal Case Unit received the Information for IS No. XV-14-INV-13F-02337 and docketed the same as Criminal Case No. 152682-PSG. On even date, respondent filed an Initial Urgent Ex-Parte Motion for Reconsideration and a Main Motion for Reconsideration with Motion to Disqualify ACP Oribe before the OCP-Pasig City.[10]

On November 29, 2013, respondent filed a Motion to Suspend Proceedings and to Hold in Abeyance Issuance of

Warrant of Arrest before the RTC.[11]

Meanwhile, Pasig City Prosecutor Jacinto G. Ang issued a 1st Indorsement dated 18 December 2013 forwarding the entire record of IS No. XV-14-INV-13F-02337 to the Department of Justice (DOJ) for further proceedings and inhibited himself from resolving the Motion for Reconsideration.[12]

On January 24, 2014, Justice Secretary Leila de Lima issued Department Order No. 173 designating Senior Assistant City Prosecutor Josefa D. Laurente (SACP Laurente) as Acting Prosecutor of Pasig City to resolve with finality IS No. XV-14-INV-13F-02337.[13]

Judgment of the RTC

In its February 13, 2014 Order, the RTC denied respondent's Motion to Suspend Proceedings and to Hold in Abeyance Issuance of Warrant of Arrest.[14] It reasoned that once a complaint or Information is filed in court, any disposition of the case rests in the sound discretion of the court. The determination of the case is within the trial court's exclusive jurisdiction and competence. It noted that there is a distinction between the preliminary inquiry to determine the probable cause for the issuance of a Warrant of Arrest and the preliminary investigation proper to ascertain whether the offender should be held for trial or be released. The determination of probable cause for purposes of issuing the Warrant of Arrest is made by the judge.[15] The trial court is not bound to adopt the resolution of the Secretary of Justice, since it is mandated to independently evaluate or assess the merits of the case and it may agree or disagree with the recommendation of the Secretary of Justice.[16] Thus, any pending Petition for Review questioning the preliminary investigation conducted by ACP Oribe is negligible.[17]

The RTC found that there is probable cause to hold respondent for trial for the offense charged in the Information. It scrutinized the prosecutor's resolution, as well as the supporting affidavits and documentary evidence of the parties.[18]

On February 21, 2014, a Warrant of Arrest was issued.[19]

On March 3, 2014, respondent filed an Omnibus Motion[20] (1) to recall the Order for the issuance of a Warrant of Arrest until final determination of the instant Omnibus Motion; (2) to strike off the Information or to dismiss the instant case; (3) in the alternative, to reconsider and set aside the February 13, 2014 Order and to grant the Motion to Suspend Proceedings and To Hold in Abeyance Issuance of Warrant of Arrest; (4) in further alternative, to set the case for hearing for determination of probable cause for the issuance of Warrant of Arrest; and (5) in any event, to suspend issuance and/or service of any Warrant of Arrest pending final determination of the Omnibus Motion.

The same was denied in the RTC Order dated March 26, 2014.[21] Aggrieved, respondent went to the CA on certiorari to impugn the above-stated orders of the RTC.

Judgment of the CA

As stated, the CA declared void and set aside the February 13, 2014 and March 26, 2014 Orders of the RTC. It also ordered the RTC to hold in abeyance further proceedings and remand the case to the OCP-Pasig City for the purpose of resolving with finality the preliminary investigation. Likewise, it revoked the implementation of the Warrant of Arrest issued by the RTC. Lastly, it ordered the RTC to resume the proceedings in the criminal case only upon finality of the preliminary investigation and after due indorsement thereof.[22]

The CA held that respondent was deprived of his right to a full preliminary investigation preparatory to the filing of the Information against him. Thus, the proceedings before the RTC should be held in abeyance until completion of the preliminary investigation. It applied this Court's pronouncement in *Office of the Ombudsman v.*

Castro (Castro),[23] where this Court allegedly held that the filing of a Motion for Reconsideration is an integral part of the preliminary investigation proper. The denial of the right to file a Motion for Reconsideration renders the preliminary investigation conducted incomplete. It also cited *Torralba v. Sandiganbayan* (Torralba),[24] where this Court purportedly declared that the incomplete preliminary investigation warrants that the proceedings be held in abeyance until completion of such.[25]

The People of the Philippines (petitioner), represented by the Office of the Solicitor General (OSG), filed a Motion for Reconsideration, which the CA denied in its May 5, 2016 Resolution.[26] Petitioner argued in its Motion for Reconsideration that the issues in the instant controversy are already moot and academic because SACP Laurente had already denied respondent's Motion for Reconsideration in an Undated Order. The CA did not give any merit to the same considering that respondent manifested that he filed, on October 5, 2015,[27] a Petition for Review before the DOJ against said Undated Order.[28]

Hence, this recourse.

The Petition

Petitioner contends that the RTC acted within its authority in denying respondent's Motion to Suspend Proceedings and to Hold in Abeyance the Issuance of the Warrant of Arrest.

First, it argues that the CA mistakenly relied on *Torralba* and *Castro* because the facts in said cases are incongruous to the facts of the instant proceedings. In *Torralba*, the accused therein were not served copies of the final resolution of the preliminary investigation against them. They were also not apprised of a modified memorandum and special audit report which served as basis for their indictment. They only learned of the resolution against them through daily newspaper accounts which chronicled the filing of the charges. In contrast, respondent was duly provided with full information of the basis of the accusation against him for statutory rape. He was not deprived of legal processes and avenues to contest the initial findings of the OCP-Pasig City. He was able to file a Motion for Reconsideration to the November 12, 2013 Resolution of ACP Oribe. In fact, he availed himself of multiple legal avenues to evade his prosecution for statutory rape.[29] Meanwhile, in *Castro*, this Court, rather than ousting the trial court of its jurisdiction over the criminal case due to a contrary finding of the prosecutor in its reinvestigation of the case, effectively recognized and respected the assumed authority of the lower court. Accordingly, *Castro* cannot advance respondent's case.[30] Rather, petitioner posits that this Court's ruling in *People v. Odilao, Jr. (Odilao)*[31] is appropriate and decisive on the issue of the court's deferment of the criminal proceedings in view of a review of the findings of the preliminary investigation. This Court therein allegedly directed the trial court to proceed with the arraignment of respondent and trial on the merits on the basis of Section 11,[32] Rule 116 of the 2000 Revised Rules of Criminal Procedure (Rules).[33]

Second, petitioner contends that there is no reason to enjoin the criminal prosecution of respondent because he was afforded the fundamental right to due process. It listed the numerous ways in which respondent had availed himself of the legal remedies afforded by law.[34]

Third, petitioner claims that, contrary to the CA's finding, the RTC did not commit any grave abuse of discretion when it denied respondent's Motion for Suspension of Criminal Proceedings. It points out that respondent's Petition for Certiorari failed to state any factual averment constituting grave abuse of discretion. It is not grave abuse of discretion for the trial court judge to deny respondent's Motion to Suspend Proceedings as a finding of probable cause against him was evident from the magistrate's own determination of such facts.[35]

In his Comment,[36] respondent argues that the preliminary investigation remains incomplete because his Petition for Review assailing the Undated Order of SACP Laurente denying his Motion for Reconsideration is pending

with the DOJ.[37] He rejects petitioner's discussion concerning the Castro and Torralba cases. He asserts that "[t]here was no issue of an incomplete preliminary investigation on this aspect of the [Castro] case and petitioner's reliance on the portion cited on page 12 of the Petition is grossly misplaced." [38] He also insists that reliance on the Torralba ruling is proper because it directly discusses the issue of an incomplete preliminary investigation.[39] He disparages petitioner's reliance on Odilao on the ground that it was decided prior to Castro and does not involve the issue of an incomplete preliminary investigation. For this same reason, he rejects the reliance on *Perez v. Hagonoy Rural Bank, Inc.*[40] and *Solar Team Entertainment, Inc. v. Judge How*[41] which Odilao cited.[42]

Respondent also rejects petitioner's invocation of Sec. 11, Rule 116 of the 2000 Revised Rules of Criminal Procedure because petitioner allegedly previously argued that the subject of the instant case is not a Petition for Review.[43] Even if the 60-day period stated in Sec. 11, Rule 116 is applicable, the lapse of such period is allegedly due to petitioner. Further, said period is applied in relation to an Information already filed in court as against a Petition for Review with the DOJ after preliminary investigation. Petitioner also argues that the proceedings before the CA is an interlocutory appeal excluded from the delay contemplated by Sec. 11, Rule 116. In support of his contention, he cites of Sections 10(a)(3 and 6)[44] and 11[45] of R.A. No. 8493, or the "Speedy Trial Act of 1998" as exclusions to the period stated in Sec. 11, Rule 116. He also cites Section 2[46] of Supreme Court Circular No. 38-98,[47] dated August 11, 1998 (IRR), which states that the period of pendency of a Motion to Quash shall be excluded. Respondent asserts that, as between R.A. No. 8493 and Sec. 11, Rule 116, the former shall prevail.[48]

Respondent contends that petitioner's assertion that he was afforded his fundamental right to due process is off-tangent because it failed to address the main issue – that he was denied his right to due process of law in the form of a complete preliminary investigation.[49] He also takes exception to petitioner's claim that the RTC did not commit grave abuse of discretion in denying his motion. He insists that the grave abuse of discretion consists in the denial of his right to due process because he was deprived of a complete preliminary investigation.[50]

Finally, respondent claims that since petitioner failed to directly contravene the third directive of the CA Decision (that the proceedings in the criminal case shall only resume upon finality of the preliminary investigation and after due indorsement thereof) in either its Motion for Reconsideration before the CA and in this petition before this Court, petitioner may no longer assail said directive in the instant appeal. Said directive has become final and irreversible. With the filing and pendency of the Petition for Review before the DOJ, there is no final resolution. As such, there is no finality of the preliminary investigation and no due indorsement thereof.[51]

Inevitably, the sole issue raised in this petition is:

WHETHER THE PROCEEDINGS IN CRIMINAL CASE NO. 152682 SHOULD CONTINUE TO BE HELD IN ABEYANCE DESPITE THE LAPSE OF THE SIXTY (60)-DAY PERIOD PROVIDED FOR UNDER SECTION 11(C), RULE 116 OF THE 2000 REVISED RULES ON CRIMINAL PROCEDURE.

Ruling of the Court

The petition is impressed with merit.

Preliminarily, it must be emphasized that, as stated in *Dichaves v. Office of the Ombudsman*: [52]

A person's rights in a preliminary investigation are subject to the limitations of procedural law. These rights are statutory, not constitutional. The purpose of a preliminary investigation is merely to present such evidence "as may engender a well-grounded belief that an offense has been committed and that [the respondent in a criminal complaint] is probably guilty thereof." It does not call for a 'full and exhaustive display of the parties' evidence[.]' x x x It is the filing of a complaint or information in court that initiates a criminal action[.]" and carries with it all the accompanying rights of an accused.[53] (citations omitted, emphasis supplied).

In the instant case, it is undisputed that the 60-day period provided under Sec. 11(c), Rule 116 of the 2000 Revised Rules on Criminal Procedure had already lapsed. Thus, there is no longer any reason to hold in abeyance the criminal proceedings in the case for statutory rape against respondent.

In *Aguinaldo v. Ventus (Aguinaldo)*,^[54] the Court ruled that the 60-day limitation in Sec. 11(c), Rule 116 is not merely directory, thus:

On the second issue, the Court disagrees with petitioners' contention that the provision of Section 11 (c), Rule 116 of the Rules of Court limiting the suspension for arraignment to only sixty (60) days is merely directory; thus, the estafa case against them cannot proceed until the DOJ resolves their petition for review with finality.

In *Samson v. Judge Daway*, the Court explained that while the pendency of a petition for review is a ground for suspension of the arraignment, the aforecited provision limits the deferment of the arraignment to a period of 60 days reckoned from the filing of the petition with the reviewing office. It follows, therefore, that after the expiration of said period, the trial court is bound to arraign the accused or to deny the motion to defer arraignment.

In *Diño v. Olivarez*, the Court held that it did not sanction an indefinite suspension of the proceedings in the trial court. Its reliance on the reviewing authority, the Justice Secretary, to decide the appeal at the soonest possible time was anchored on the rule provided under Department Memorandum Order No. 12, dated 3 July 2000, which mandates that the period for the disposition of appeals or petitions for review shall be seventy-five (75) days.

In *Heirs of Feraren v. Court of Appeals*, the Court ruled that in a long line of decisions, it has repeatedly held that while rules of procedure are liberally construed, the provisions on reglementary periods are strictly applied, indispensable as they are to the prevention of needless delays, and are necessary to the orderly and speedy discharge of judicial business. After all, rules of procedure do not exist for the convenience of the litigants, and they are not to be trifled with lightly or overlooked by the mere expedience of invoking "substantial justice." Relaxation or suspension of procedural rules, or the exemption of a case from their operation, is warranted only by compelling reasons or when the purpose of justice requires it.^[55] (citations omitted, emphasis supplied)

Here, it must be noted that during the pendency of the certiorari proceedings before the CA, the pending Motion for Reconsideration questioning the finding of probable cause was resolved against respondent in an Undated Order. This prompted respondent to appeal the prosecutor's finding of probable cause to the Department of Justice Secretary. The petition was filed on October 5, 2015.^[56] Obviously, the 60-day period had long expired and trial must proceed in due course.

In an attempt to further extend the 60-day period, respondent argues that the period that had already lapsed should not be excluded because the delay that consumed the 60-day period is attributable to petitioner, following the Speedy Trial Act. This argument fails to persuade. The Speedy Trial Act finds no application in this case, as the law was passed to impose time limits from arraignment to promulgation of judgment to ensure the constitutional rights of the accused against vexatious prosecution. The exclusion of periods included therein is for the purpose of establishing whether or not there has been acceptable and excusable delay in the compliance with such time limits, and nothing more. These provisions cannot be used to further extend a period fixed by law. While the 60-day limitation is indeed a procedural rule that can be relaxed, as recognized in *Aguinaldo*, respondent has utterly failed to provide justifiable reasons to further suspend the criminal proceedings. On the contrary, the suspension has been so long that it becomes unconscionable to continue it any further.

Also, respondent's argument that the completeness of the preliminary investigation is only achieved upon the final disposition of the DOJ of the Petition for Review does not persuade. The rules are clear and unequivocal. Upon

the lapse of the 60-day period, the court is bound to arraign the accused or deny the Motion to Defer Arraignment whether or not the petition before the DOJ has been resolved. The reason behind this course of action is easy to discern.

As explained in *Crespo v. Judge Mogul* (*Crespo*),^[57] when an Information has been filed in court, the prosecutor would be stripped of the power to dismiss the case, *motu proprio*. Instead, the court acquires the exclusive jurisdiction to decide what to do with the case even if it is against the position of the public prosecutor or even the Secretary of Justice. The 60-day period was enacted in recognition of the power of the Secretary of Justice to review resolutions of his subordinates in criminal cases and such power was never revoked by *Crespo*.^[58] As due deference to a co-equal branch of government, the Rules allow a suspension of a criminal case to give an opportunity to the Secretary of Justice to rectify, modify, or correct any mistake or error committed by his subordinates. Be that as it may, the Rules nevertheless see it fit to limit the suspension to only 60 days. Hence, given the fact that the period has expired and regardless of the status of the appeal before the DOJ, the court has no discretion but to proceed with the arraignment. The appellate court's disquisition, therefore, must be reversed considering the intervening events that have transpired.

Accordingly, the other arguments raised by the parties, especially by respondent, have been mooted by these events.

WHEREFORE, the Court GRANTS the petition; REVERSES and SETS ASIDE the Decision and Resolution promulgated on September 16, 2015 and May 5, 2016, respectively, by the Court of Appeals in CA-G.R. SP No. 134674; REINSTATES the February 13, 2014 and March 26, 2014 Orders of the Regional Trial Court, Pasig City, Branch 159 and ORDERS the RTC to continue with the proceedings in Criminal Case No. 152682 with dispatch.

SO ORDERED.

Leonen, (Chairperson), Carandang, Zalameda, and Gaerlan, JJ., concur.

[1] Rollo, pp. 44-54; penned by Associate Justice Carmelita Salandanan Manahan with Associate Justices Japar B. Dimaampao and Ma. Luisa C. Quijano-Padilla (retired), concurring.

[2] *Id.* at 56-58.

[3] *Id.* at 140-141; penned by Judge Rodolfo R. Bonifacio. Note that only the first two (2) pages of the February 13, 2014 Order was attached to the Petition.

[4] *Id.* at 154.

[5] The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act); R.A. No. 8505 (Rape Victim Assistance and Protection Act of 1998); R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003); R.A. No. 9262 (Anti-Violence Against Women and Their Children Act of 2004); and R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006).

[6] Rollo, p. 45.

[7] *Id.*

[8] Id. at 46.

[9] Id.

[10] Id. at 46-47.

[11] Id. at 47.

[12] Id.

[13] Id.

[14] Id.

[15] Id. at 140-141.

[16] Id. at 51.

[17] Id. at 141.

[18] Id.

[19] Id.

[20] Id. at 143-153.

[21] Id. at 154.

[22] Id. at 54.

[23] 510 Phil. 380 (2005).

[24] 300 Phil. 25, 35 (1994).

[25] Rollo, pp. 48-53.

[26] Id. at 56-58.

[27] Id. at 264.

[28] Id. at 57-58.

[29] Id. at 22-24.

[30] Id. at 25-26.

[31] 471 Phil. 623 (2004).

[32] Section 11. Suspension of arraignment. — Upon motion by the proper party, the arraignment shall be suspended in the following cases:

(a) The accused appears to be suffering from an unsound mental condition which effective[ly] renders him unable to fully understand the charge against him and to plead intelligently thereto. In such case, the court shall order his mental examination and, if necessary, his confinement for such purpose;

(b) There exists a prejudicial question; and

(c) A petition for review of the resolution of the prosecutor is pending at either the Department of Justice, or the Office of the President; provided, that the period of suspension shall not exceed sixty (60) days counted from the filing of the petition with the reviewing office.

[33] Rollo, pp. 26-30.

[34] Id. at 30-33.

[35] Id. at 33-36.

[36] Id. at 256-284.

[37] Id. at 271-272.

[38] Id. at 273.

[39] Id. at 273-275.

[40] 384 Phil. 322 (2000).

[41] 393 Phil. 172 (2000).

[42] Rollo, p. 275.

[43] Id.

[44] Section 10. Exclusions. — The following periods of delay shall be excluded in computing the time within which trial must commence:

(a) Any period of delay resulting from other proceedings concerning the accused, including but not limited to the following:

x x x x

(3) delay resulting from interlocutory appeals;

x x x x

(6) delay resulting from a finding of the existence of a valid prejudicial question; x x x.

[45] Section 11. Factors for Granting Continuance. — The factors, among others, which a justice or judge shall consider in determining whether to grant a continuance under subparagraph (f) of Section 10 of this Act are as follows:

(a) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(b) Whether the case taken as a whole is so novel, so unusual and so complex, due to the number of accused or the nature of the prosecution or otherwise, that it is unreasonable to expect adequate preparation within the periods of time established by this Act.

No continuance under subparagraph (f) of Section 10 shall be granted because of general congestion of the court's calendar, or lack of diligent preparation or failure to obtain available witnesses on the part of the public prosecutor.

[46] Sec. 2. Time Limit for Arraignment and Pre-trial.— The arraignment, and the pre-trial if the accused pleads not guilty to the crime charged, shall be held within thirty (30) days from the date the court acquires jurisdiction over the person of the accused. The period of the pendency of a motion to quash, or for a bill of particulars, or other causes justifying suspension of arraignment shall be excluded.

[47] Entitled "Implementing the Provisions of Republic Act No. 8493, Entitled 'An Act to Ensure a Speedy Trial

of All Criminal Cases before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Courts, Appropriating Funds Therefor, and for Other Purposes."

[48] Rollo, pp. 277-278.

[49] Id. at 280.

[50] Id. at 280-281.

[51] Id. at 281-283.

[52] 802 Phil. 564 (2016).

[53] Id. at 592-593.

[54] 755 Phil. 536 (2015).

[55] Rollo, pp. 546-578.

[56] Id. at 264.

[57] 235 Phil. 465 (1987).

[58] See *Roberts, Jr. v. Court of Appeals*, 324 Phil. 568 (1996).

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