

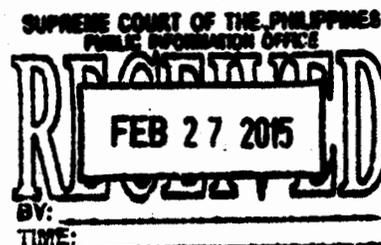


Republic of the Philippines

Supreme Court

Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 28, 2015**, which reads as follows:*

**G.R. No. 205236 (Willie J. Uy vs. People of the Philippines).** – The transmittal letter dated August 7, 2014 of the Court of Appeals (CA), Manila, elevating to this Court the CA *rollo* and original records of this case is **NOTED**.

Petitioner Willie J. Uy questions the August 6, 2012 Decision<sup>1</sup> and January 8, 2013 Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 115970. The assailed decision and resolution dismissed the petition for certiorari filed by petitioner questioning the propriety of the July 15, 2010 order of the Regional Trial Court (RTC), Branch 61, Makati City in Criminal Case No. 07-629.

Maria Rosa A.S. Madrigal filed a complaint for estafa under Article 315, par. 2(d) against petitioner Uy, Louis G. Co and Hedeliza dela Cruz in the Makati City Prosecutor's Office. She essentially stated that petitioner helped Co obtain a ₱15-million loan from her which Co failed to pay. After a protracted preliminary investigation, the Department of Justice (DOJ) on petition for review ordered the dismissal of Madrigal's complaint against petitioner on March 14, 2007.<sup>2</sup> Nonetheless, the City Prosecutor filed an information against the three accused with the RTC on March 15, 2007.<sup>3</sup>

Petitioner requested the City Prosecutor to drop him as an accused in Criminal Case No. 07-629. Pursuant to the March 14, 2007 order of the DOJ, the City Prosecutor filed a motion with the RTC requesting that petitioner be dropped as an accused in the foregoing case.<sup>4</sup> The RTC denied the City Prosecutor's motion on March 31, 2008.<sup>5</sup>

<sup>1</sup> Penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Hakim Abdulwahid and Marlene Gonzales-Sison.

<sup>2</sup> *Rollo*, p. 39.

<sup>3</sup> *Id.* at 39-41.

<sup>4</sup> *Id.* at 41.

<sup>5</sup> *Id.* at 42. The City Prosecutor's motion for reconsideration was also denied.

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In view of the foregoing, petitioner moved for the quashal of the information against him but his motion was denied.<sup>6</sup> Undaunted, petitioner filed a petition for certiorari under Rule 65 of the Rules of Court with the CA wherein he essentially questioned the propriety of denial of his motion to quash.

The CA dismissed the petition due to petitioner's failure to prove that the assailed July 15, 2010 order was rendered with grave abuse of discretion amounting to lack or excess of jurisdiction.<sup>7</sup> It thus ordered the RTC to proceed with the trial. Petitioner moved for reconsideration but it was denied.<sup>8</sup>

Petitioner thereafter availed of this remedy under Rule 45 of the Rules of Court. On February 13, 2013, we denied the petition "for failure to show reversible error in the challenged decision and resolution."<sup>9</sup> However, on motion for reconsideration, we reinstated the petition and ordered the Office of the Solicitor General (OSG) to file a comment.<sup>10</sup>

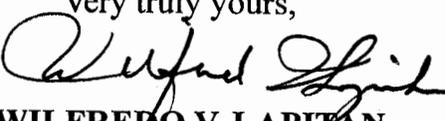
In its comment, the OSG argues for the propriety of the August 6, 2012 Decision and January 8, 2013 Resolution of the CA. Citing *Crespo v. Mogul*,<sup>11</sup> it argues that the July 15, 2010 order of the RTC was consistent with the rule that "once a complaint or information is filed in Court any disposition of the case as to its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the Court."<sup>12</sup>

We agree with the OSG, and consequently deny this petition for lack of reversible error and for raising factual issues.<sup>13</sup>

**ACCORDINGLY**, the petition is hereby **DENIED**. Costs against petitioner. (Jardeleza, *J.*, no part; Perlas-Bernabe, *J.*, designated Additional Member per Raffle dated December 22, 2014)

**SO ORDERED."**

Very truly yours,

  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court *2/19/15*

<sup>6</sup> Id.

<sup>7</sup> Id. at 44.

<sup>8</sup> Id. at 52.

<sup>9</sup> Id. at 88.

<sup>10</sup> Id. at 115.

<sup>11</sup> No. L-53373, 30 June 1987.

<sup>12</sup> Id.

<sup>13</sup> Petitioner has repeatedly argued in the CA and this Court that Madrigal failed to establish the elements of estafa under Article 315, par. 2(d) of the Revised Penal Code.

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Branch 61, 1200 Makati City  
(Crim. Case No. 07-629)

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