



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 3, 2021** which reads as follows:*

“G.R. No. 223166 – (PEOPLE OF THE PHILIPPINES, petitioner v. CHARINA PANTE, respondent). – Before this Court is a Petition for Review on *Certiorari*¹ filed by the People of the Philippines (petitioner) seeking to annul and set aside the Decision² dated May 27, 2015 of the Court of Appeals (CA) in CA-G.R. SP No. 123294 and its Resolution³ dated February 19, 2016 denying the motion for reconsideration thereof. The assailed Decision dismissed the petition for *certiorari* and affirmed the Orders⁴ dated November 21, 2011 and January 9, 2012 of the Regional Trial Court (RTC), Branch 31 of Pili, Camarines Sur, which allowed the presentation by Charina Pante (respondent) of an additional witness.

This case stemmed from a complaint filed by Shirley Amesola (private complainant), charging the respondent of the crime of estafa for failure to pay the amount she obtained as a loan and interests thereon, amounting to ₱1,025,449.23. The corresponding Information was filed in court, the case was then docketed as Criminal Case No. P-3629 and raffled to RTC Pili, Camarines Sur, Branch 31.⁵

In the pre-trial conference held on March 9, 2005, the petitioner named as witnesses – the private complainant and one Janet Otero. The defense, for its part, listed the following as its witnesses: the respondent, Lani Delfino (Delfino), Soledad San Juan (San Juan), and

- over – six (6) pages ...

171-A

¹ *Rollo*, pp. 9-31.

² *Id.* at 36-40; penned by Associate Justice Sesinando E. Villon, with Associate Justices Rodil V. Zalameda (now a Member of this Court) and Pedro B. Corales, concurring.

³ *Id.* at 41-42.

⁴ *Id.* at 59-61, 72-90.

⁵ *Id.* at 36.

a representative from Land Bank of the Philippines Pili, Camarines Sur Branch.⁶ After pre-trial, the RTC approved the parties' admissions and stipulations in its Order⁷ dated April 29, 2005.

On January 31, 2007, the RTC approved the substitution of the parties' witnesses; for the prosecution, Efren Amesola in lieu of Janet Otero, and the respondent's husband instead of Delfino, for the defense.⁸

Trial proceeded with the presentation of the parties' witnesses. After the presentation of its witnesses, the prosecution formally offered its documentary exhibits on November 16, 2009, which were admitted by the RTC on even date.⁹ The defense then presented the testimonies of the respondent and thereafter, that of San Juan, whose testimony terminated on March 28, 2011.¹⁰ During the continuation of trial on October 4, 2011, the defense sought to present the testimony of one Michelle Paulite. The prosecution however, objected, arguing that the witness was not included among those listed and agreed upon during pre-trial.¹¹

Thus, on October 24, 2011, the respondent filed a Motion to Allow Accused to Present Additional Witness.¹² In support thereof, the respondent argued that technicality should yield in favor of her constitutional and statutory right to produce evidence and the greater interest of substantive justice.¹³

In response, the prosecution filed a Comment/Opposition to the Motion to Allow Accused to Present Additional Witness,¹⁴ arguing in the main that there exists no reason to relax the procedural rules and allow the defense to present an additional witness.

On November 21, 2011, the RTC issued an Order¹⁵ granting the respondent's Motion, *viz.*:

- over -

171-A

⁶ Id. at 37.
⁷ Id. at 49.
⁸ Id.
⁹ Id.
¹⁰ Id.
¹¹ Id. at 50-51.
¹² Id.
¹³ Id. at 50.
¹⁴ Id. at 52-58.
¹⁵ Id. at 59-61.

WHEREFORE, premises considered, the court resolves to GRANT the said motion. The setting on December 12, 2011 at 8:30 in the morning as previously scheduled stands.

SO ORDERED.¹⁶

The RTC found it “best to give both the parties a chance to litigate their causes fairly and openly without resort to technicality.”¹⁷ Citing the case of *Rivera v. Hon. Pallatao*,¹⁸ the RTC ruled that the court, in the exercise of its discretion, may allow the presentation of additional proof which a party may have omitted through inadvertence, mistake, or oversight.¹⁹

The petitioner filed a Motion for Reconsideration,²⁰ but the same was denied by the RTC in its Order dated January 9, 2012.²¹

This prompted the petitioner to file a petition for *certiorari* before the CA, which rendered the herein assailed Decision,²² viz.:

WHEREFORE, in light of the foregoing, the instant Petition for Certiorari is DENIED for lack of merit. The assailed Orders dated November 21, 2011 and January 9, 2012 of the Regional Trial Court, Branch 31, of Pili, Camarines Sur in in Criminal Case No. P-3629 are hereby AFFIRMED.

SO ORDERED.²³

The motion for reconsideration of the decision having been similarly denied by the CA in its Resolution²⁴ dated February 19, 2016, the petitioner filed this appeal.

In this petition for review on *certiorari*, the petitioner argues that the CA erred in not finding that the RTC committed grave abuse of discretion when it allowed the defense to present an additional witness. In addition, the petitioner submits that the CA erred in ruling that a petition for *certiorari* is not the proper remedy to question the Orders of the RTC.²⁵

- over -

171-A

¹⁶ Id. at 61.

¹⁷ Id. at 59.

¹⁸ 489 Phil. 590 (2005).

¹⁹ Id. at 602-603.

²⁰ *Rollo*, pp. 62-68.

²¹ Id. at 37.

²² Id. at 36-40.

²³ Id. at 39-40.

²⁴ Id. at 41-42.

²⁵ Id. at 18, 27.

The petition lacks merit.

The subject Orders of the RTC are interlocutory in nature as they do not finally dispose of a case. Their issuance does not end the court's task of adjudicating the controversy and of determining the parties' rights and liabilities with respect to each other. Succinctly, an order is interlocutory when other things remain to be done by the Court.²⁶

No appeal may be taken from an interlocutory order.²⁷ Ordinarily, neither can the same be the subject of a petition for *certiorari* which is available only in the absence of an appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.²⁸ In the case of an interlocutory order, there is a plain and speedy remedy, that is, to proceed to trial and raise the issue in relation to such issuance as an error in the appeal of the final judgment of the main case.²⁹

In order to avail of a petition for *certiorari* from an interlocutory order, the recourse must be firmly grounded on compelling reasons such as –

the interest of a “more enlightened and substantial justice; the promotion of public welfare and public policy; cases that have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof; or judgments on order attended by grave abuse of discretion, as compelling reasons to justify a petition for *certiorari*.³⁰ (Citations omitted)

In availing of the remedy of the special civil action for *certiorari* on the ground of grave abuse of discretion, the petitioner bears the burden to establish that the lower court issued the order without or in excess of jurisdiction or with grave abuse of discretion, and the remedy of appeal would not afford adequate and expeditious relief.³¹ In this case, the Court finds that the petitioner failed to discharge this burden; there is no compelling reason to justify immediate resort to a petition for *certiorari* against the Orders of the RTC.

- over -

171-A

²⁶ *Heirs of Timbang Daromimbang Dimaampao v. Alug, et al.*, 754 Phil. 236, 244 (2015), citing *Denso Phils., Inc. v. IAC*, 232 Phil. 256, 263-264 (1987).

²⁷ RULES OF COURT, Rule 41, Section 1(c).

²⁸ *Id.*, Rule 65, Section 1.

²⁹ *Galzote v. Briones, et al.*, 673 Phil. 165, 172 (2011).

³⁰ *Id.*

³¹ *Id.* at 173.

The petitioner failed to show that the facts attendant in this case fall under any of the aforementioned exceptions. In particular, the CA is correct in finding that the RTC did not commit grave abuse of discretion in granting the respondent's motion to present additional witness, as the same is based on cogent legal grounds.

The Court recognizes the importance of pre-trial in the simplification and the speedy disposition of disputes. Nonetheless, as in all procedural rules, it is a mere tool in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice.³² Thus, when a rigid application of the rules of procedure will tend to obstruct rather than serve the broader interests of substantial justice, the court may relax its application in the exercise of its equity jurisdiction.³³

Under the circumstances of this case, as the defense witnesses identified during pre-trial is not numerous and the inclusion refers only to the testimony of a single witness, the decision on the part of the RTC is a justified exercise of its discretion. It must be noted that the case below is criminal in nature, what is at stake therefore is the respondent's life, liberty, honor, and property. In this regard, it is a more prudent course of action for the RTC to relax the rules and allow the presentation of an additional witness that the respondent may be afforded the fullest opportunity to establish the merits of her defense. Herein, strict compliance of procedural rules must yield in order to afford the respondent, an accused in a criminal case, the amplest opportunity for the proper and just ventilation of her defense.

In closing, it must be stated that this case has been pending for almost a decade. The full ventilation of the position of the parties would, thus, serve the interests of justice in that the final resolution would ideally involve a complete adjudication of the rights of the parties involved.

WHEREFORE, in view of the foregoing, the petition for review on *certiorari* is hereby **DENIED**. The Decision dated May 27, 2015 and the Resolution dated February 19, 2016 of the Court of Appeals in CA-G.R. SP No. 123294, which, in turn, affirmed the Orders dated November 21, 2011 and January 9, 2012 of the Regional Trial Court, Branch 31 of Pili, Camarines Sur, are hereby **AFFIRMED**. Accordingly, the RTC, Branch 31 of Pili, Camarines Sur, is hereby **DIRECTED** to proceed with the hearing of Criminal Case No. P-3629 with utmost dispatch.

- over -

171-A

³² *Santos v. Court of Appeals*, 275 Phil. 894, 898 (1991).

³³ *Cf. Curammeng v. People*, 799 Phil. 575, 581 (2016).

SO ORDERED.” *Lazaro-Javier, J., designated Additional Member per Raffle dated December 14, 2020; Zalameda, J., participated in the assailed CA Decision and Resolution.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
171-A

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