



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

DANILO R. QUERIJERO, G.R. No. 166467
JOHNNY P. LILANG and
IVENE D. REYES,

Petitioners,

Present:

VELASCO, JR., J., *Chairperson*
LEONARDO-DE CASTRO,*
PERALTA,
ABAD, and
PEREZ,** JJ.

- versus -

LINA PALMES-LIMITAR,
ISAGANI G. PALMES and THE
COURT OF APPEALS,

Respondents.

Promulgated:

17 September 2012

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DECISION

PERALTA, J.:

Before this Court is a Petition for *Certiorari* under Rule 65 of the Rules of Court seeking to set aside the Decision¹ dated August 12, 2004 and the Resolution² dated December 20, 2004 of the Court of Appeals in CA-G.R. SP No. 80798.

The factual antecedents are as follows:

* Designated Additional Member in lieu of Associate Justice Jose Catral Mendoza, per Raffle dated September 12, 2012.

** Designated Acting Member, per Special Order No. 1299 dated August 28, 2012.

¹ Penned by Associate Justice Jose Catral Mendoza (now a member of this Court), with Associate Justices Godardo A. Jacinto and Edgardo P. Cruz, concurring. *rollo*, pp. 94-108.

² *Id.* at 110-115.

On January 5, 2001, petitioners were charged with violation of Section 3 (e) of Republic Act No. 3019 before the Regional Trial Court, Branch 51, Puerto Princesa City (*trial court*). Said Information³ reads:

That on or about the 3rd day of June 1998, in Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, accused Edgardo Libiran, Vicente Señorin, Ivane D. Reyes, Johnny Lilang and Danilo Querijero, being then employees of the Community Environment and Natural Resources Office, Puerto Princesa City and Province of Palawan, and Fe Ylaya, being then the Barangay Chairwoman of Bgy. Sta. Lourdes, Puerto Princesa City, conspiring and confederating together and mutually helping one another, taking advantage of their official position and (sic) committing the offense in relation to their office, and thru (sic) manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and feloniously give Evelyn Bratchi, Leovelyn Bratchi and Marco Belmonte unwarranted benefits, advantage or preference in the discharge of their official function by issuing Original Certificate of Titles Nos. 4120, 4121 and 4123 in favor of Leovelyn Bratchi, Marco Belmonte and Evelyn Bratchi, respectively, the accused knowing fully well that the said titleholders, did not till, occupy nor possess the parcel of land described as P1s 110 Lot No. 675, identical to Lot No. 5355, situated at Bgy. Sta. Lourdes, Puerto Princesa City, thus, causing undue injury to the heirs and family of Isidro R. Palmes.

CONTRARY TO LAW.

Thereafter, petitioners filed a Motion to Quash the above Information on the ground that the facts charged do not constitute an offense and that the case filed against them had been previously dismissed.

On September 10, 2003, the trial court issued an Order⁴ denying petitioners' Motion to Quash. Pertinent portions of the assailed Order states:

This Court finds no compelling reason to quash the Information on the basis of the grounds pleaded in the Motion to Quash and the Manifestation and Suppletory Motion to Quash. A plain and cursory reading of the Information filed in this case shows that it has sufficiently stated the crime charged is (sic) a violation of Section 3 (e) of R.A. 3019 and the allegations therein alleged with particularity the overt acts committed by the accused as would constitute a violation of the particular provision of the law of which accused are being charged. The pendency and outcome of another case alleged now to be pending with the Supreme Court thru a Petition for Review on *Certiorari* does not and will not affect the instant case as said case is entirely different from the facts charged in

³ Records, Vol. I, pp. 1-2.

⁴ *Rollo*, pp. 54-58.

the Information of which accused are now being charged, the dismissal of said case does not and will not affect the Information filed herein. Similarly, the allegations in the Manifestation and Suppletory Motion to Quash “that there is no conspiracy by and among the accused; that accused did not take advantage of their official position; that they did not commit an offense in relation to their office; that they did not perpetrate manifest partiality, evident bad faith or gross inexcusable negligence; nor did they give unwarranted benefits, advantage or preference upon the persons of x x x; and that they merely perform (sic) their official functions regularly” are all allegations which are essentially and purely evidentiary in nature which could not be resolved until, and after a full trial proceeding is conducted by the Court in this particular case.

Essentially, therefore, there is no sufficient basis for this court to quash the Information in the above captioned case premised on the specific grounds relied upon by the movants.

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WHEREFORE, the above premises considered, the Motion to Quash, Supplemental Motion to Quash, Manifestation and Suppletory Motion to Quash, along with the Motion to Suspend Proceedings are hereby **DENIED** for lack of merit. Finding the Motion to Suspend Accused to be impressed with merit, the same is hereby **GRANTED** and thus, all the accused, except accused Fe Ylaya are ordered preventively suspended within a period of ninety (90) days reckoned from the period wherein they are actually preventively suspended in office. Let a copy hereof be furnished the Secretary of the DENR for implementation and for said office to show compliance within thirty (30) days from receipt hereof.

The arraignment of all the accused are now intransferrably set on October 9, 2003 at 8:30 in the morning to proceed unless properly restrained by a court of higher jurisdiction. Let all the accused and counsels be furnished copies of this Order by the Sheriff of this court or by registered mail if necessary.

SO ORDERED.⁵

Petitioners filed a motion for reconsideration against said Order. However, the same was denied by the trial court in an Order⁶ dated October 20, 2003.

Dissatisfied, petitioners sought relief from the Court of Appeals (*appellate court*) via a Petition for *Certiorari* and Prohibition under Rule 65 of the Rules of Court.

⁵ *Id.* at 55-58.

⁶ *Id.* at 59-60.

On August 12, 2004, the appellate court rendered a Decision affirming the trial court's Order and, consequently, dismissing the petition filed by petitioners for lack of merit.

Petitioners filed their motion for reconsideration against said Decision, but the same was denied by the appellate court in a Resolution dated December 20, 2004, *viz.*:

It is indubitable that grave abuse of discretion amounting to lack or excess of jurisdiction is correctible by a petition for *certiorari* under Rule 65 of the Rules. Petitioners, however, failed to discharge the burden of proving the existence of grave abuse of discretion amounting to lack or excess of jurisdiction on the part of public respondent. Hence, the denial of the petition for *certiorari*.

WHEREFORE, the instant Motion for Reconsideration is **DENIED**.

SO ORDERED.⁷

Ultimately, petitioners filed a Petition for *Certiorari* before this Court praying that the appellate court's Decision dated August 12, 2004 and Resolution dated December 20, 2004 be set aside on the following ground:

THE COURT OF APPEALS GROSSLY ERRED IN DENYING THE QUASHAL AND THE EVENTUAL PROHIBITION OF THE CRIMINAL CASE AGAINST THE PETITIONERS IN ORDER TO ABATE THEIR FURTHER [PROSECUTION] AND OPPRESSION UPON THE GROUNDS: THAT THE CASE AGAINST THE PETITIONERS, AMONG OTHERS, HAD BEEN PREVIOUSLY DISMISSED; and THAT THE FACTS CHARGED DO NOT CONSTITUTE AN OFFENSE.⁸

Simply, the issue for our resolution is: Did the appellate court err in denying petitioners' Motion to Quash?

We rule in the negative.

⁷ *Id.* at 114-115..

⁸ *Id.* at 17.

At the outset, we must reiterate the fundamental principle that an order denying a motion to quash is interlocutory and, therefore, not appealable, nor can it be the subject of a petition for *certiorari*.⁹

In *Zamoranos v. People*,¹⁰ this Court emphasized that “a special civil action for *certiorari* is not the proper remedy to assail the denial of a motion to quash an information. The established rule is that, when such an adverse interlocutory order is rendered, the remedy is not to resort forthwith to *certiorari*, but to continue with the case in due course and, when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law.”

However, on a number of occasions, this Court had sanctioned a writ of *certiorari* as an appropriate remedy to assail an interlocutory order in the following circumstances:

- (1) when the court issued the order without or in excess of jurisdiction or with grave abuse of discretion;
- (2) when the interlocutory order is patently erroneous and the remedy of appeal would not afford adequate and expeditious relief;
- (3) in the interest of a more enlightened and substantial justice;
- (4) to promote public welfare and public policy; and
- (5) when the cases have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof.¹¹

None of the aforementioned special circumstances exist in the present case. Therefore, the appellate court did not err in denying petitioners’ Motion to Quash.

Apropos, the Court is not persuaded with petitioners’ claim that the ruling made in their favor in OMB-1-99-1974 (initiated by Douglas Hagedorn) should also be made applicable to OMB-1-01-0082-A (initiated

⁹ *Santos v. People*, G.R. No. 173176, August 26, 2008, 563 SCRA 341, 360.

¹⁰ G.R. Nos. 193902, 193908 and 194075, June 1, 2011, 650 SCRA 304, 316.

¹¹ *Zamoranos v. People*, *supra*.

by petitioners), since they both have the same nature, involve the same property and indict the same parties.

As correctly pointed out by the appellate court, petitioners cannot capitalize on the favorable judgment made by the Office of the Deputy Ombudsman for Luzon in OMB-1-99-1974, since the facts and circumstances surrounding the two complaints are not identical. OMB-1-99-1974 deals with a falsified certification issued by Hagedorn, while OMB-1-01-0082-A deals with petitioners' disregard of private respondents' predecessor's application for free patent. Thus:

x x x **OMB-1-99-1974 basically deals with a falsified certification allegedly issued by complainant therein (Hagedorn),** which petitioners (respondents therein) used as their basis in favorably acting upon the Free Patent Application of Evelyn Bratschi. Thus:

x x x complainant is the claimant-applicant over a certain parcel of land situated at Brgy. Sta. Lourdes, Puerto Princesa City identified as Lot No. 5355 Cad-800-D. That as claimant-applicant, he applied before the CENRO Survey Authority and was issued Survey Authority No. 045316-97-06. That a certain Evelyn Bratschi filed her Free Patent Application No. 045316-855 before the PENRO over the same parcel of land, hence, complainant filed his protest thereto. That complainant came to discover that Free Patent Application No. 045316-855 of Evelyn Bratschi was given due course in an Order dated June 2, 1998, and title over the lot was issued in favor of the former. That the reason why the Survey Authority No. 045316-97-06 in complainant's favor was cancelled and given due course to the Free Patent Application No. 045316-855 of Evelyn Bratschi was the Certification dated February 27, 1998 allegedly issued by the complainant recognizing and acknowledging the priority rights of Evelyn Bratschi. That complainant never issued the alleged Certification in favor of Evelyn Bratschi nor did he recognize or acknowledge that the latter has priority rights over Lot No. 5355 Cad. 800-D. That the said Certification is a falsified document and the signature appearing thereon is forged. That the respondents conspired together to cause the complainant undue injury in giving unwarranted benefits, advantage and preference in the discharge of their respective functions through manifest partiality, evident bad faith and gross inexcusable negligence by conniving and helping Evelyn Bratschi in facilitating the dropping of his protest, cancellation of his Survey Authority and

eventual approval of the Free Patent Application and issuance of the title over the parcel of land in the name of Evelyn Bratschi on the basis of an alleged falsified Certification date February 27, 1998.

OMB-1-01-0082-A, on the other hand, is premised on the alleged disregard by petitioners of the application for free patent of the predecessor of private respondents. In their complaint, private respondents herein alleged that:

7. That on March 6, 1985, my father formally filed his application with the Bureau of Lands and he was issued a corresponding receipt for application fee in the amount of ₱50.00 under Official Receipt No. 5166195. x x x;

8. That whenever we have time, my father and us, always followed-up his application with the Bureau of Lands and there were occasions that we are informed by the Office that the property was now owned by Douglas Hagedorn for my father's application as regard to Lot No. 675 P1s 110 has already been applied for titling by Douglas Hagedorn;

xxx xxx xxx

15. That in one of our visits to the Office of the Bureau of Lands, x x x informed us that the lot we are occupying for is about to be titled to a certain Mrs. Evelyn Bratschi for according to her, she was the one who bought the glass which was used for the repair/renovation of their office "*kaya malakas ito sa amin*";

xxx xxx xxx

20. That in the year 1997, we were informed by one of the employees of the Bureau of Lands that Lot 675 P1s 110 identical to Lot 5355 is already titled to one Evelyn Bratschi. x x x

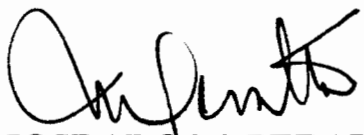
Although the OMB-1-99-1974 and OMB-1-01-0082-A, filed by Hagedorn and private respondents in this case, respectively, appear to have indicted the same public officials, involve the same property, and speak of the same offense, the antecedents, and the rights asserted in these cases are not similar. Evidently, the totality of the evidence in these cases differ. The judgment in OMB-1-99-1974 will not automatically and wholly apply to OMB-1-01-0082-A.¹²

In view of the foregoing circumstances, this Court finds that the appellate court did not err in ordering the denial of petitioners' Motion to Quash.


¹² *Rollo*, pp. 103-105. (Emphasis supplied.) (Citations omitted.)

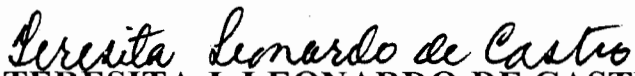
WHEREFORE, the petition is hereby **DISMISSED** for lack of merit. The Decision of the Court of Appeals, dated August 12, 2004, and the Resolution dated December 20, 2004, in CA-G.R. SP No. 80798, are hereby **AFFIRMED**.


SO ORDERED.

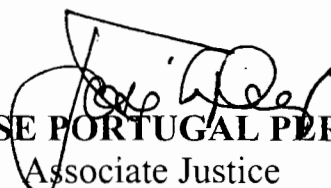

DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ROBERTO A. ABAD
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice