Republic of the Philippines
Supreme Court
Manila

**EN BANC**

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| **SPOUSES AUGUSTO G. DACUDAO AND OFELIA R. DACUDAO,** Petitioners, | **G.R. No. 188056** |
| | Present: |
| | SERENO, *C.J.*, CARPIO, VELASCO, JR., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO, ABAD, VILLARAMA, JR., PEREZ, MENDOZA, REYES, PERLAS-BERNABE, and LEONEN, *JJ.*: |
| *-versus-* | |
| **SECRETARY OF JUSTICE RAUL M. GONZALES OF THE DEPARTMENT OF JUSTICE,** Respondent. | Promulgated: **JANUARY 08, 2013** |

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**D E C I S I O N**

**BERSAMIN, *J.*:**

Petitioners – residents of Bacaca Road, Davao City – were among the investors whom Celso G. Delos Angeles, Jr. and his associates in the Legacy Group of Companies (Legacy Group) allegedly defrauded through the Legacy Group's "buy back agreement" that earned them check payments that were dishonored. After their written demands for the return of their investments went unheeded, they initiated a number of charges for

syndicated *estafa* against Delos Angeles, Jr., *et al*. in the Office of the City Prosecutor of Davao City on February 6, 2009. Three of the cases were docketed as NPS Docket No. XI-02-INV.-09-A-00356, Docket No. XI-02-INV.-09-C-00752, and Docket No. XI-02-INV.-09-C-00753.[1]

On March 18, 2009, the Secretary of Justice issued Department of Justice (DOJ) Order No. 182 (DO No. 182), directing all Regional State Prosecutors, Provincial Prosecutors, and City Prosecutors to forward all cases already filed against Delos Angeles, Jr., *et al*. to the Secretariat of the DOJ Special Panel in Manila for appropriate action.

DO No. 182 reads:[2]

> All cases against Celso G. delos Angeles, Jr., et al. under Legacy Group of Companies, may be filed with the docket section of the National Prosecution Service, Department of Justice, Padre Faura, Manila and shall be forwarded to the Secretariat of the Special Panel for assignment and distribution to panel members, per Department Order No. 84 dated February 13, 2009.
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> However, cases already filed against Celso G. delos Angeles, Jr. et al. of Legacy group of Companies in your respective offices with the exemption of the cases filed in Cagayan de Oro City which is covered by Memorandum dated March 2, 2009, should be forwarded to the Secretariat of the Special Panel at Room 149, Department of Justice, Padre Faura, Manila, for proper disposition.
>
> For information and guidance.

Pursuant to DO No. 182, the complaints of petitioners were forwarded by the Office of the City Prosecutor of Davao City to the Secretariat of the Special Panel of the DOJ.[3]

Aggrieved by such turn of events, petitioners have directly come to the Court *via* petition for *certiorari*, prohibition and *mandamus*, ascribing to respondent Secretary of Justice grave abuse of discretion in issuing DO No. 182. They claim that DO No. 182 violated their right to due process, their

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1 *Rollo*, pp. 7 and 19.
2 Id. at 18.
3 Id. at 19.

right to the equal protection of the laws, and their right to the speedy disposition of cases. They insist that DO No. 182 was an obstruction of justice and a violation of the rule against enactment of laws with retroactive effect.

Petitioners also challenge as unconstitutional the issuance of DOJ Memorandum dated March 2, 2009 exempting from the coverage of DO No. No. 182 all the cases for syndicated *estafa* already filed and pending in the Office of the City Prosecutor of Cagayan de Oro City. They aver that DOJ Memorandum dated March 2, 2009 violated their right to equal protection under the Constitution.

The Office of the Solicitor General (OSG), representing respondent Secretary of Justice, maintains the validity of DO No. 182 and DOJ Memorandum dated March 2, 2009, and prays that the petition be dismissed for its utter lack of merit.

**Issues**

The following issues are now to be resolved, to wit:

1. Did petitioners properly bring their petition for *certiorari*, prohibition and *mandamus* directly to the Court?

2. Did respondent Secretary of Justice commit grave abuse of discretion in issuing DO No. 182?

3. Did DO No. 182 and DOJ Memorandum dated March 2, 2009 violate petitioners' constitutionally guaranteed rights?

**Ruling**

The petition for *certiorari*, prohibition and *mandamus*, being bereft of substance and merit, is dismissed.

Firstly, petitioners have unduly disregarded the hierarchy of courts by coming directly to the Court with their petition for *certiorari*, prohibition and *mandamus* without tendering therein any special, important or compelling reason to justify the direct filing of the petition.

We emphasize that the concurrence of jurisdiction among the Supreme Court, Court of Appeals and the Regional Trial Courts to issue the writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus* and injunction did not give petitioners the unrestricted freedom of choice of court forum.[4] An undue disregard of this policy against direct resort to the Court will cause the dismissal of the recourse. In *Bañez, Jr. v. Concepcion,*[5] we explained why, to wit:

> The Court must enjoin the observance of the policy on the hierarchy of courts, and now affirms that the policy is not to be ignored without serious consequences. The strictness of the policy is designed to shield the Court from having to deal with causes that are also well within the competence of the lower courts, and thus leave time to the Court to deal with the more fundamental and more essential tasks that the Constitution has assigned to it. The Court may act on petitions for the extraordinary writs of *certiorari*, prohibition and *mandamus* only when absolutely necessary or when serious and important reasons exist to justify an exception to the policy. This was why the Court stressed in *Vergara, Sr. v. Suelto*:
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> > x x x. **The Supreme Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition.** It cannot and should not be burdened with the task of dealing with causes in the first instance. **Its original jurisdiction to issue the so-called extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor.** Hence, that jurisdiction should generally be exercised relative to actions or proceedings before the Court of Appeals, or before constitutional or other tribunals, bodies or agencies whose acts for some reason or another are not controllable by the Court of Appeals. **Where the issuance of an extraordinary writ is also within the competence of the Court of Appeals or a Regional Trial Court, it is in either of these courts that the specific action for the writ's procurement must be presented. This is and should continue to be the policy in this regard, a policy that courts and lawyers must strictly observe.** (Emphasis supplied)

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4 *Heirs of Bertuldo Hinog v. Melicor*, G.R. No. 140954, April 12, 2005, 455 SCRA 460, 470.
5 G.R. No. 159508, August 29, 2012.

In *People v. Cuaresma*, the Court has also amplified the need for strict adherence to the policy of hierarchy of courts. There, noting "a growing tendency on the part of litigants and lawyers to have their applications for the so-called extraordinary writs, and sometimes even their appeals, passed upon and adjudicated directly and immediately by the highest tribunal of the land," the Court has cautioned lawyers and litigants against taking a direct resort to the highest tribunal, *viz*:

> x x x. **This Court's original jurisdiction to issue writs of *certiorari* (as well as prohibition, *mandamus, quo warranto, habeas corpus* and injunction) is not exclusive.** It is shared by this Court with Regional Trial Courts x x x, which may issue the writ, enforceable in any part of their respective regions. It is also shared by this Court, and by the Regional Trial Court, with the Court of Appeals x x x, although prior to the effectivity of *Batas Pambansa Bilang* 129 on August 14, 1981, the latter's competence to issue the extraordinary writs was restricted to those "in aid of its appellate jurisdiction." **This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefor will be directed.** There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals, and should also serve as a general determinant of the appropriate forum for petitions for the extraordinary writs. **A becoming regard for that judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first level ("inferior") courts should be filed with the Regional Trial Court, and those against the latter, with the Court of Appeals. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is established policy. It is a policy that is necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket.** Indeed, the removal of the restriction on the jurisdiction of the Court of Appeals in this regard, *supra*— resulting from the deletion of the qualifying phrase, "in aid of its appellate jurisdiction" — was evidently intended precisely to relieve this Court *pro tanto* of the burden of dealing with applications for the extraordinary writs which, but for the expansion of the Appellate Court corresponding jurisdiction, would have had to be filed with it.
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> x x x x
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> **The Court therefore closes this decision with the declaration for the information and evidence of all concerned, that it will not only continue to enforce the policy, but will require a more strict observance thereof.** (Emphasis supplied)

Accordingly, every litigant must remember that the Court is not the only judicial forum from which to seek and obtain effective redress of their

grievances. As a rule, the Court is a court of last resort, not a court of the first instance. Hence, every litigant who brings the petitions for the extraordinary writs of *certiorari*, prohibition and *mandamus* should ever be mindful of the policy on the hierarchy of courts, the observance of which is explicitly defined and enjoined in Section 4 of Rule 65, *Rules of Court*, *viz*:

> Section 4. *When and where petition filed.* - The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of the said motion.
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> **The petition shall be filed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in the aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its appellate jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.**
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> In election cases involving an act or an omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction.[6]

Secondly, even assuming *arguendo* that petitioners' direct resort to the Court was permissible, the petition must still be dismissed.

The writ of *certiorari* is available only when any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law.[7] "The sole office of the writ of *certiorari*," according to *Delos Santos v. Metropolitan Bank and Trust Company*:[8]

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[6] This rule has been amended, first by A.M. No. 00-2-03-SC (*Re*: *Amendment to Section 4, Rule 65 of the 1997 Rules of Civil Procedure*) to specify that the 60-day period within which to file the petition starts to run from receipt of notice of the denial of the motion for reconsideration, if one is filed (effective September 1, 2000); and by A.M. No. 07-7-12-SC, to add the last paragraph (effective December 27, 2007).

[7] Section 1, Rule 65, *Rules of Court*; *Pilipino Telephone Corporation v. Radiomarine Network, Inc.*, G.R. No. 152092, August 4, 2010, 626 SCRA 702, 735.

[8] G.R. No. 153852, October 24, 2012.

> x x x is the correction of errors of jurisdiction, which includes the commission of grave abuse of discretion amounting to lack of jurisdiction. In this regard, mere abuse of discretion is not enough to warrant the issuance of the writ. **The abuse of discretion must be grave, which means either that the judicial or quasi-judicial power was exercised in an arbitrary or despotic manner by reason of passion or personal hostility, or that the respondent judge, tribunal or board evaded a positive duty, or virtually refused to perform the duty enjoined or to act in contemplation of law, such as when such judge, tribunal or board exercising judicial or quasi-judicial powers acted in a capricious or whimsical manner as to be equivalent to lack of jurisdiction**.

For a special civil action for *certiorari* to prosper, therefore, the following requisites must concur, namely: (*a*) it must be directed against a tribunal, board or officer exercising judicial or quasi-judicial functions; (*b*) the tribunal, board, or officer must have acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (*c*) there is no appeal nor any plain, speedy, and adequate remedy in the ordinary course of law.[9] The burden of proof lies on petitioners to demonstrate that the assailed order was issued without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction.

Yet, petitioners have not shown a compliance with the requisites. To start with, they merely alleged that the Secretary of Justice had acted without or in excess of his jurisdiction. Also, the petition did not show that the Secretary of Justice was an officer exercising judicial or quasi-judicial functions. Instead, the Secretary of Justice would appear to be not exercising any judicial or quasi-judicial functions because his questioned issuances were ostensibly intended to ensure his subordinates' efficiency and economy in the conduct of the preliminary investigation of all the cases involving the Legacy Group. The function involved was purely executive or administrative.

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[9] *Acuzar v. Jorolan*, G.R. No. 177878, April 7, 2010, 617 SCRA 519, 527-528.

The fact that the DOJ is the primary prosecution arm of the Government does not make it a quasi-judicial office or agency. Its preliminary investigation of cases is not a quasi-judicial proceeding. Nor does the DOJ exercise a quasi-judicial function when it reviews the findings of a public prosecutor on the finding of probable cause in any case. Indeed, in *Bautista v. Court of Appeals*,[10] the Supreme Court has held that a preliminary investigation is not a quasi-judicial proceeding, stating:

> x x x [t]he prosecutor in a preliminary investigation does not determine the guilt or innocence of the accused. He does not exercise adjudication nor rule-making functions. Preliminary investigation is merely inquisitorial, and is often the only means of discovering the persons who may be reasonably charged with a crime and to enable the fiscal to prepare his complaint or information. It is not a trial of the case on the merits and has no purpose except that of determining whether a crime has been committed and whether there is probable cause to believe that the accused is guilty thereof. While the fiscal makes that determination, he cannot be said to be acting as a quasi-court, for it is the courts, ultimately, that pass judgment on the accused, not the fiscal.[11]

There may be some decisions of the Court that have characterized the public prosecutor's power to conduct a preliminary investigation as quasi-judicial in nature. Still, this characterization is true only to the extent that the public prosecutor, like a quasi-judicial body, is an officer of the executive department exercising powers akin to those of a court of law.

But the limited similarity between the public prosecutor and a quasi-judicial body quickly ends there. For sure, a quasi-judicial body is an organ of government other than a court of law or a legislative office that affects the rights of private parties through either adjudication or rule-making; it performs adjudicatory functions, and its awards and adjudications determine the rights of the parties coming before it; its decisions have the same effect as the judgments of a court of law. In contrast, that is not the effect whenever a public prosecutor conducts a preliminary investigation to

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[10] G.R. No. 143375, July 6, 2001, 360 SCRA 618.
[11] Id. at 623.

determine probable cause in order to file a criminal information against a person properly charged with the offense, or whenever the Secretary of Justice reviews the public prosecutor's orders or resolutions.

Petitioners have self-styled their petition to be also for prohibition. However, we do not see how that can be. They have not shown in their petition in what manner and at what point the Secretary of Justice, in handing out the assailed issuances, acted without or in excess of his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction. On the other hand, we already indicated why the issuances were not infirmed by any defect of jurisdiction. Hence, the blatant omissions of the petition transgressed Section 2, Rule 65 of the *Rules of Court*, to wit:

> Section 2. *Petition for prohibition.* — When the proceedings of any tribunal, corporation, board, officer or person, whether exercising judicial, quasi-judicial or ministerial functions, are without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent to desist from further proceedings in the action or matter specified therein, or otherwise granting such incidental reliefs as law and justice may require.
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> The petition shall likewise be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46. (2a)

Similarly, the petition could not be one for *mandamus*, which is a remedy available only when "any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court."[12] The main objective of

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[12] Section 3, Rule 65, *Rules of Court.*

*mandamus* is to compel the performance of a ministerial duty on the part of the respondent. Plainly enough, the writ of *mandamus* does not issue to control or review the exercise of discretion or to compel a course of conduct,[13] which, it quickly seems to us, was what petitioners would have the Secretary of Justice do in their favor. Consequently, their petition has not indicated how and where the Secretary of Justice's assailed issuances excluded them from the use and enjoyment of a right or office to which they were unquestionably entitled.

Thirdly, there is no question that DO No. 182 enjoyed a strong presumption of its validity. In *ABAKADA Guro Party List v. Purisima*,[14] the Court has extended the presumption of validity to legislative issuances as well as to rules and regulations issued by administrative agencies, saying:

> Administrative regulations enacted by administrative agencies to implement and interpret the law which they are entrusted to enforce have the force of law and are entitled to respect. Such rules and regulations partake of the nature of a statute and are just as binding as if they have been written in the statute itself. As such, they have the force and effect of law and enjoy the presumption of constitutionality and legality until they are set aside with finality in an appropriate case by a competent court.[15]

DO No. 182 was issued pursuant to Department Order No. 84 that the Secretary of Justice had promulgated to govern the performance of the mandate of the DOJ to "administer the criminal justice system in accordance with the accepted processes thereof"[16] as expressed in Republic Act No. 10071 (*Prosecution Service Act of 2010*) and Section 3, Chapter I, Title III and Section 1, Chapter I, Title III of Book IV of Executive Order 292 (*Administrative Code of 1987*).

To overcome this strong presumption of validity of the questioned issuances, it became incumbent upon petitioners to prove their unconstitutionality and invalidity, either by showing that the *Administrative*

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13 *University of San Agustin, Inc. v. Court of Appeals*, G.R. No. 100588, March 7, 1994, 230 SCRA 761, 771-772.

14 G.R. No. 166715, August 14, 2008, 562 SCRA 251.

15 Id. at 288-289.

16 Section 1, Chapter I, Title III, Book IV, Executive Order No. 292.

*Code of* 1987 did not authorize the Secretary of Justice to issue DO No. 182, or by demonstrating that DO No. 182 exceeded the bounds of the *Administrative Code of 1987* and other pertinent laws. They did not do so. They must further show that the performance of the DOJ's functions under the *Administrative Code of 1987* and other pertinent laws did not call for the impositions laid down by the assailed issuances. That was not true here, for DO No 182 did not deprive petitioners in any degree of their right to seek redress for the alleged wrong done against them by the Legacy Group. Instead, the issuances were designed to assist petitioners and others like them expedite the prosecution, if warranted under the law, of all those responsible for the wrong through the creation of the special panel of state prosecutors and prosecution attorneys in order to conduct a nationwide and comprehensive preliminary investigation and prosecution of the cases. Thereby, the Secretary of Justice did not act arbitrarily or oppressively against petitioners.

Fourthly, petitioners attack the exemption from the consolidation decreed in DO No. 182 of the cases filed or pending in the Office of the City Prosecutor of Cagayan de Oro City, claiming that the exemption traversed the constitutional guaranty in their favor of the equal protection of law.[17]

The exemption is covered by the assailed DOJ Memorandum dated March 2, 2009, to wit:

> It has come to the attention of the undersigned that cases for syndicated estafa were filed with your office against officers of the Legacy Group of Companies. Considering the distance of the place of complainants therein to Manila, your Office is hereby exempted from the directive previously issued by the undersigned requiring prosecution offices to forward the records of all cases involving Legacy Group of Companies to the Task Force.
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> Anent the foregoing, you are hereby directed to conduct preliminary investigation of all cases involving the Legacy Group of Companies filed in your office with dispatch and to file the corresponding informations if evidence warrants and to prosecute the same in court.

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[17] *Rollo*, p. 11.

Petitioners' attack deserves no consideration. The equal protection clause of the Constitution does not require the universal application of the laws to all persons or things without distinction; what it requires is simply equality among equals as determined according to a valid classification.[18] Hence, the Court has affirmed that if a law neither burdens a fundamental right nor targets a suspect class, the classification stands as long as it bears a rational relationship to some legitimate government end.[19]

That is the situation here. In issuing the assailed DOJ Memorandum dated March 2, 2009, the Secretary of Justice took into account the relative distance between Cagayan de Oro, where many complainants against the Legacy Group resided, and Manila, where the preliminary investigations would be conducted by the special panel. He also took into account that the cases had already been filed in the City Prosecutor's Office of Cagayan de Oro at the time he issued DO No. 182. Given the considerable number of complainants residing in Cagayan de Oro City, the Secretary of Justice was fully justified in excluding the cases commenced in Cagayan de Oro from the ambit of DO No. 182. The classification taken into consideration by the Secretary of Justice was really valid. Resultantly, petitioners could not inquire into the wisdom behind the exemption upon the ground that the non-application of the exemption to them would cause them some inconvenience.

Fifthly, petitioners contend that DO No. 182 violated their right to the speedy disposition of cases guaranteed by the Constitution. They posit that there would be considerable delay in the resolution of their cases that would definitely be "a flagrant transgression of petitioners' constitutional rights to speedy disposition of their cases."[20]

We cannot favor their contention.

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[18] *Quinto v. Commission on Elections*, G.R. No. 189698, February 22, 2010, 613 SCRA 385, 414; citing *The Philippine Judges Association v. Prado,* G.R. No. 105371, November 11, 1993, 227 SCRA 703, 712.

[19] *E.g., Ang Ladlad LGBT Party v. Commission on Elections*, G.R. No. 190582, April 8, 2010, 618 SCRA 32, 63.

[20] *Rollo*, p. 13.

In *The Ombudsman v. Jurado*,[21] the Court has clarified that although the Constitution guarantees the right to the speedy disposition of cases, such speedy disposition is a flexible concept. To properly define that concept, the facts and circumstances surrounding each case must be evaluated and taken into account. There occurs a violation of the right to a speedy disposition of a case only when the proceedings are attended by vexatious, capricious, and oppressive delays, or when unjustified postponements of the trial are sought and secured, or when, without cause or justifiable motive, a long period of time is allowed to elapse without the party having his case tried.[22] It is cogent to mention that a mere mathematical reckoning of the time involved is not determinant of the concept.[23]

The consolidation of the cases against Delos Angeles, Jr., *et al.* was ordered obviously to obtain expeditious justice for the parties with the least cost and vexation to them. Inasmuch as the cases filed involved similar or related questions to be dealt with during the preliminary investigation, the Secretary of Justice rightly found the consolidation of the cases to be the most feasible means of promoting the efficient use of public resources and of having a comprehensive investigation of the cases.

On the other hand, we do not ignore the possibility that there would be more cases reaching the DOJ in addition to those already brought by petitioners and other parties. Yet, any delays in petitioners' cases occasioned by such other and subsequent cases should not warrant the invalidation of DO No. 182. The Constitution prohibits only the delays that are unreasonable, arbitrary and oppressive, and tend to render rights nugatory.[24] In fine, we see neither undue delays, nor any violation of the right of petitioners to the speedy disposition of their cases.

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21 G.R. No. 154155, August 6, 2008, 561 SCRA 135, 146.
22 *Yulo v. People*, G.R. No. 142762, March 4, 2005, 452 SCRA 705, 710.
23 See *Bernat v. Sandiganbayan*, G.R. No. 158018, May 20, 2004, 428 SCRA 787, 789.
24 *Caballero v. Alfonso, Jr.*, G.R. No. L-45647, August 21, 1987, 153 SCRA 153, 163.

Sixthly, petitioners assert that the assailed issuances should cover only future cases against Delos Angeles, Jr., *et al.*, not those already being investigated. They maintain that DO No. 182 was issued in violation of the prohibition against passing laws with retroactive effect.

Petitioners' assertion is baseless.

As a general rule, laws shall have no retroactive effect. However, exceptions exist, and one such exception concerns a law that is procedural in nature. The reason is that a remedial statute or a statute relating to remedies or modes of procedure does not create new rights or take away vested rights but only operates in furtherance of the remedy or the confirmation of already existing rights.[25] A statute or rule regulating the procedure of the courts will be construed as applicable to actions pending and undetermined at the time of its passage. All procedural laws are retroactive in that sense and to that extent. The retroactive application is not violative of any right of a person who may feel adversely affected, for, verily, no vested right generally attaches to or arises from procedural laws.

Finally, petitioners have averred but failed to establish that DO No. 182 constituted obstruction of justice. This ground of the petition, being unsubstantiated, was unfounded.

Nonetheless, it is not amiss to reiterate that the authority of the Secretary of Justice to assume jurisdiction over matters involving the investigation of crimes and the prosecution of offenders is fully sanctioned by law. Towards that end, the Secretary of Justice exercises control and supervision over all the regional, provincial, and city prosecutors of the country; has broad discretion in the discharge of the DOJ's functions; and

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[25] *Systems Factors Corporation v. National Labor Relations Commission*, G.R. No. 143789, November 27, 2000, 346 SCRA 149, 152; *Gregorio vs. Court of Appeals*, No. L-22802, November 29, 1968, 26 SCRA 229; *Tinio vs. Mina*, No. L-29488, December 24, 1968, 26 SCRA 512; *Billiones vs. Court of Industrial Relations*, No. L-17566, July 30, 1965, 14 SCRA 674.

administers the DOJ and its adjunct offices and agencies by promulgating rules and regulations to carry out their objectives, policies and functions.

Consequently, unless and until the Secretary of Justice acts beyond the bounds of his authority, or arbitrarily, or whimsically, or oppressively, any person or entity who may feel to be thereby aggrieved or adversely affected should have no right to call for the invalidation or nullification of the rules and regulations issued by, as well as other actions taken by the Secretary of Justice.

**WHEREFORE,** the Court **DISMISSES** the omnibus petition for *certiorari*, prohibition, and *mandamus* for lack of merit.

Petitioners shall pay the costs of suit.

**SO ORDERED.**

**LUCAS P. BERSAMIN**
Associate Justice

**WE CONCUR:**

**MARIA LOURDES P. A. SERENO**
Chief Justice

**ANTONIO T. CARPIO**
Associate Justice

**PRESBITERO J. VELASCO, JR.**
Associate Justice

**TERESITA J. LEONARDO-DE CASTRO**
Associate Justice

**ARTURO D. BRION**
Associate Justice

**DIOSDADO M. PERALTA**
Associate Justice

**MARIANO C. DEL CASTILLO**
Associate Justice

**ROBERTO A. ABAD**
Associate Justice

**MARTIN S. VILLARAMA, JR.**
Associate Justice

**JOSE PORTUGAL PEREZ**
Associate Justice

**JOSE CATRAL MENDOZA**
Associate Justice

**BIENVENIDO L. REYES**
Associate Justice

**ESTELA M. PERLAS-BERNABE**
Associate Justice

**MARVIC MARIO VICTOR F. LEONEN**
Associate Justice

## CERTIFICATION

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.

**MARIA LOURDES P. A. SERENO**
Chief Justice