



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

FOURTH DIVISION

**PEOPLE OF THE PHILIPPINES,** **SB-18-SCA-0017**  
*Petitioner,*

- versus -

**HON. EDITHA G. MINA-AGUBA,**  
**in her capacity as Presiding Judge**  
**of the Regional Trial Court, Branch**  
**100, Quezon City, and ROLANDO**  
**MAMAID y MONDEZ,**

*Respondents.*

Present:

Quiroz, J., *Chairperson*

Cruz, J.

Jacinto, J.

Promulgated:

July 27, 2018 *unt*

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**DECISION**

**JACINTO, J:**

This a Petition for *Certiorari* under Rule 65 of the Rules of Court filed by the People of Philippines through the Office of the Special Prosecutor (OSP) assailing the following issuances of Judge Editha G. Mina-Aguba of the Regional Trial Court (RTC), Branch 100, Quezon City (public respondent) in Criminal Case No. R-QZN-17-05246-48 entitled "People of the Philippines, Plaintiff-Appellee, versus Rolando Mamaid y Mondez, Accused-Appellants (sic):"

- (i) *Decision* dated 22 August 2017 (RTC Decision),<sup>1</sup> which reversed and set aside the Decision dated 26 October 2016 (MeTC Decision) of the Metropolitan Trial Court (MeTC), Branch 41, Quezon City, and in turn, acquitted herein private respondent Rolando Mamaid of the charges against him. The MeTC Decision earlier found him guilty for three counts of Perjury, punishable under Article 138 of the Revised Penal Code (RPC); and
- (ii) *Order* dated 23 November 2017,<sup>2</sup> denying the motion for reconsideration filed by the People.<sup>3</sup>

<sup>1</sup> Annex A of Petition, Records, pp. 25-33.

<sup>2</sup> Annex B of Petition, Records, pp. 34-36.

ANTECEDENTS

Respondent Mamaid was charged with three counts of Perjury before the MeTC of Quezon City for having failed to disclose his wife's ownership over a Toyota Revo with plate number WMF 698 in his Statement of Assets Liabilities and Net Worth (SALN) for the years 2002, 2003, and 2004.

After due trial, on 26 October 2016 the MeTC rendered its "Joint Decision,"<sup>4</sup> finding private respondent guilty as charged. The dispositive portion of the MeTC Decision reads as follows:

**WHEREFORE**, viewed in the light of the foregoing, the Court hereby finds accused **ROLANDO MAMAID y MONDEZ** guilty beyond reasonable doubt for the crime of Perjury defined and penalized under Article 183 of the Revised Penal Code, under Criminal Case Nos. 149028, 149029, and 149030; and hereby sentences him to *suffer an indeterminate penalty of imprisonment for three (3) months and one (1) day to four (4) months of arresto mayor, as minimum, to four (4) months and one (1) day to one (1) year of prision correctional (sic), as maximum*, in each case.

**SO ORDERED.**

Private respondent thereafter filed an appeal with the RTC of Quezon City. His appeal was eventually raffled to Branch 100, which was presided over by public respondent Judge Mina-Aguba.

On 23 November 2017, public respondent rendered her *Decision*, the dispositive portion of which reads:

**WHEREFORE**, premises considered, the Decision appealed from is hereby REVERSED and SET ASIDE and another one entered ACQUITTING accused-appellant Rolando Mamaid y Mondez from the instant cases.

No pronouncement as to costs.

**SO ORDERED.**

<sup>3</sup> Motion for Reconsideration (On the decision dated 22 August 2017) dated 18 October 2017, Annex C of Petition, Records, pp. 37-47.

<sup>4</sup> Records, p. 60.

On 19 October 2017, the People filed a motion for reconsideration, which was however denied in an *Order* dated 23 November 2017.

Hence, this Petition anchored solely on the following ground:

THE PUBLIC RESPONDENT GRAVELY ABUSED HER DISCRETION DISLODGING HER OF ANY JURISDICTION TO ISSUE ANY VALID DETERMINATION OF THE CASE ON APPEAL WHEN SHE REVERSED THE MeTC *DECISION* UPON ITS ARBITRARY AND WHIMSICAL CONSIDERATION OF THE DEED OF TRUST THAT HAS NOT BEEN INTRODUCED IN EVIDENCE AND PROPERLY QUALIFIED BY COMPETENT WITNESS. THUS, THE PUBLIC RESPONDENT JUDGE'S FINDINGS UTTERLY LACKS ANY SUPPORT AS IT IS, IN FACT, UTTERLY AT ODDS WITH THE FACT (SIC) AND EVIDENCE PRESENTED IN THE CASE.

#### RULING OF THE RTC

Public respondent found the facts obtaining in this case to be analogous to those in *Daplas v. Department of Finance*,<sup>5</sup> as she held that “[i]t is already settled that as regards the administrative aspect of an omission in a public officer’s SALN an asset, like a vehicle which is registered to his wife, who herself is not a public officer, does not amount to gross dishonesty and misconduct, but only a simple negligence.” She then concluded that “if the test of substantive evidence required to be liable in administrative cases was not met, with more reason that the evidence cannot pass the stricter condition in criminal law to convict, that is proof beyond reasonable doubt.”

Public respondent further gave weight to the Declaration of Trust signed by private respondent’s spouse and to the testimonies of witnesses for the defense claiming that the Toyota Revo was actually owned by private respondent’s father-in-law.

In sum, public respondent found that based on the evidence, private respondent’s failure to declare the said vehicle in his SALNs was not deliberate, nor intended to conceal his ownership thereof. Rather, it was based on an honest belief that he did not own said vehicle in the first place.

<sup>5</sup> G.R. No. 221153, 17 April 2017.

PETITIONER'S ARGUMENT

The People argues that public respondent gravely abused her discretion when she took into consideration the Deed of Trust that was "unilaterally" executed by private respondent's spouse and, worse, which is of doubtful authenticity. It insists that public respondent's finding of the existence of a trust relationship between private respondent's spouse and her father has no basis. And, private respondent should have declared the said vehicle in his SALNs, since his spouse was the registered owner thereof. Citing the MeTC Decision, the People argues that the prosecution has proven its case beyond reasonable doubt and that public respondent's Decision was based on "a faulty assumption and reliance on what is an otherwise excluded evidence." In sum, the People submits that public respondent acted with grave abuse of discretion amounting to lack or excess of jurisdiction when she rendered her assailed Decision.


Private respondent, on the other hand, failed to file his Comment to the Petition despite notice.

RULING

To begin with, a special civil action for *certiorari* is a remedy designed for the correction of errors of jurisdiction and not errors of judgment. *People v. Court of Appeals*<sup>6</sup> instructs that *certiorari* will not issue to correct errors of the lower court in its appreciation of the parties' respective evidence and its conclusions anchored on said findings and conclusions of law. The Supreme Court therein held that:

Whether or not the evidence adduced by the prosecution is sufficient to prove the guilt of the accused beyond reasonable doubt rests entirely within the sound discretion and judgment of the lower court. In *Joseph v. Villaluz*, we held that whether or not the evidence adduced by the prosecution has established beyond reasonable doubt, the guilt of the accused cannot be resolved in a special civil action of *certiorari*. (citations omitted)

The present Petition clearly shows that the People is assailing public respondent's appreciation of the evidence on record and puts at odds her appreciation of good faith in favor of private respondent Mamaid.

<sup>6</sup> G.R. No. 144332, 10 June 2004. 



It is true that public respondent and the MeTC had different appreciations of the testimonial and documentary evidence on record. The MeTC failed to give credence to the testimonies of the defense witnesses regarding private respondent Mamaid's good faith and ruled that the failure to sufficiently prove the validity of the Deed of Trust constitutes a total failure to mount a suitable defense. The RTC, on the other hand, ruled otherwise. This only creates variance as regards the two courts' appreciation of facts.


Considering that the case was before public respondent on appeal, she had to review and evaluate the facts of the case and reassess the evidence on record. The same cannot be done in these proceedings. The Court can no longer review or inquire into the factual matters presented before the trial court and ascertain if the MeTC or public respondent was correct. Even assuming that the People is correct and public respondent erred in its appreciation of the probative value of evidence, such only amounts to an error of judgment, which does not render her *Decision* and *Order* void on the ground of grave abuse of discretion.

*People v. Tria-Tirona*<sup>7</sup> reminds that judgments resulting in acquittal cannot be appealed on the ground of double jeopardy, and that the only exception is if there was a mistrial resulting in the denial of due process:

To settle the issue of whether or not an acquittal can still be appealed, this Court pronounced in *People v. Velasco* that as mandated by the Constitution, statutes and jurisprudence, an acquittal is final and unappealable on the ground of double jeopardy, whether it happens at the trial court level or before the Court of Appeals. In general, the rule is that a remand to a trial court of a judgment of acquittal brought before the Supreme Court on *certiorari* cannot be had unless there is a finding of mistrial, as in *Galman v. Sandiganbayan*. Only when there is a finding of a sham trial can the doctrine of double jeopardy be not invoked because the people, as represented by the prosecution, were denied due process.

**From the foregoing pronouncements, it is clear in this jurisdiction that after trial on the merits, an acquittal is immediately final and cannot be appealed on the ground of double jeopardy. The only exception where double jeopardy cannot be invoked is where there is a finding of mistrial resulting in a denial of due process.**

We find petitioners argument that, despite our ruling in *People v. Velasco*, since we gave due course to the petition, the issue on the sufficiency of the evidence may be reviewed, to be untenable. The fact that the petition was given due course does not necessarily mean we have to

<sup>7</sup> G.R. No. 130106, 15 July 2005. 



look into the sufficiency of the evidence since the issue to be resolved is the appealability of an acquittal. We have categorically ruled in *People v. Velasco* that, except when there is a finding of mistrial, no appeal will lie in case of an acquittal. There being no mistrial in the case before us, we find no need to reexamine the evidence, because if we do so, we will be allowing an appeal to be made on an acquittal which would clearly be in violation of the accused's right against double jeopardy.

Petitioner, via a petition for review on *certiorari*, prays for the nullification and the setting aside of the decision of public respondent acquitting private respondent claiming that the former abused her discretion in disregarding the testimonies of the NBI agents on the discovery of the illegal drugs. The petition smacks in the heart of the lower courts appreciation of the evidence of the parties. It is apparent from the decision of public respondent that she considered all the evidence adduced by the parties. **Even assuming *arguendo* that public respondent may have improperly assessed the evidence on hand, what is certain is that the decision was arrived at only after all the evidence was considered, weighed and passed upon. In such a case, any error committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by *certiorari*. An error of judgment is one in which the court may commit in the exercise of its jurisdiction. An error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction, or with grave abuse of discretion which is tantamount to lack or in excess of jurisdiction and which error is correctible only by the extraordinary writ of *certiorari*.<sup>8</sup> *Certiorari* will not be issued to cure errors by the trial court in its appreciation of the evidence of the parties, and its conclusions anchored on the said findings and its conclusions of law. Since no error of jurisdiction can be attributed to public respondent in her assessment of the evidence, *certiorari* will not lie.** (citations omitted; emphasis added)

In sum, the assailed *Decision* and *Order* were arrived at after public respondent's own review and evaluation of the evidence on record as presented by both parties. Contrary to the People's allegation that public respondent's findings "utterly lacks any support," the assailed *Decision* discusses the bases of public respondent's findings. For sure, she considered both documentary and testimonial evidence of both parties. That said, the Court cannot now review her factual findings and go over the evidence presented by both parties to reassess and weigh them all over again, especially in the absence of concrete proof that the People was denied due process.

<sup>8</sup> *Ibid.*

DECISION

*People v. Hon. Editha G. Mina-Aguba*

SB-18-SCA-0017

Page 7 of 8

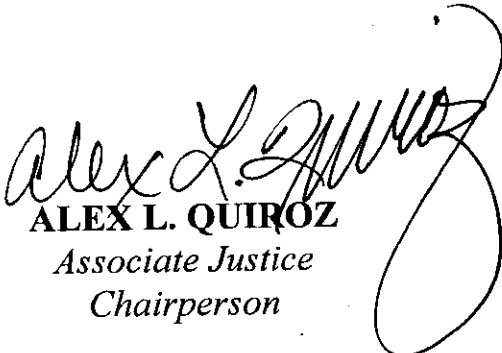
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**WHEREFORE**, in view of the foregoing, the Petition for *Certiorari* dated 26 February 2018 is **DISMISSED**, for lack of merit.

**SO ORDERED.**

  
**BAYANI H. JACINTO**  
*Associate Justice*

**WE CONCUR:**

  
**ALEX L. QUIROZ**  
*Associate Justice*  
*Chairperson*

  
**REYNALDO P. CRUZ**  
*Associate Justice*

DECISION

*People v. Hon. Editha G. Mina-Aguba*

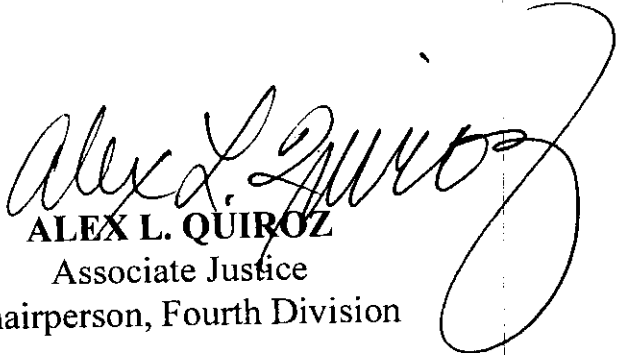
SB-18-SCA-0017

Page 8 of 8

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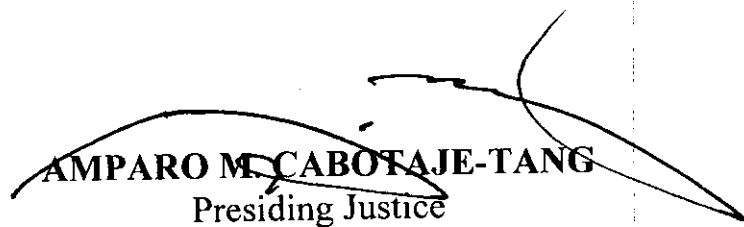
### ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation with the Justices of the Court's Division.

  
**ALEX L. QUIROZ**  
Associate Justice  
Chairperson, Fourth 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.

  
**AMPARO M. CABOTAJE-TANG**  
Presiding Justice

7

