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REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Petitioner,

SCA Case No. SB-18-SCA-0019

-versus-

For: Petition for *Certiorari* under Rule 65 of
The Rules of Court

HON. MARILOU D. RUNES-TAMANG,
Presiding Judge, Regional Trial Court,
Branch 98, Quezon City, and
JUANITO MIRANDA,

Respondents.

Present:

QUIROZ, J., *Chairperson*
CRUZ, J.
JACINTO, J.

Promulgated on:

August 2, 2018 ant

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RESOLUTION

CRUZ, J.

This resolves the (1) Prosecution's Petition for *Certiorari* dated 21 May 2018; and (2) Comment dated 14 June 2018 filed by private respondent Juanito Miranda ("Miranda" for brevity).

In its Petition for *Certiorari*,¹ the prosecution prays for the nullification of the Resolutions² dated 17 November 2017 and 03 March 2018 of the Regional Trial Court (RTC), Branch 98, Quezon City, in Criminal Case Nos. Q-12-174501 to 527, granting³ private respondent Miranda's Demurrer to Evidence, and denying⁴ the prosecution's Motion for Reconsideration, respectively. The prosecution, in questioning the RTC's findings in the assailed resolutions, posits that such conclusions were founded on the latter's misapprehension of the facts established in the case. To

¹ Records, pp. 6-31

² Records, pp. 32-59

³ Records, pp. 32-48

⁴ Records, pp. 49-59

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support its claim, the prosecution highlighted Cesar Del Rosario's ("Del Rosario" for brevity) categorical denial of signing the payroll for the period of 1-31 January 2003; Rolando Castillo's ("Castillo" for brevity) Affidavit stating that his signatures in the general payroll were forged; Brigido Amar's ("Amar" for brevity) Death Certificate certifying his death on 24 September 2004; and William Elizaga's ("Elizaga" for brevity) departure from the country on 26 December 2003 as verified by the Bureau of Immigration. The prosecution explains that these evidence negated private respondent Miranda's statements in his certification⁵ in the general payroll that the persons whose names appeared therein have rendered services for the month stated, and that the signatures opposite such names were true and correct. Furthermore, the prosecution maintains that private respondent Miranda, as the *Punong Barangay*, has custody of the public funds pursuant to the pertinent provisions of the Local Government Code and the Government Auditing Code of the Philippines. Based on all of these evidence, the prosecution submits that the RTC committed grave abuse of discretion when it granted private respondent Miranda's demurrer to the evidence, concluding that the said court had turned a blind eye to the sufficiency of the evidence proving herein private respondent's commission of the crimes charged.

In his Comment,⁶ private respondent Miranda underscores the exculpatory circumstances inferred from the facts established by the prosecution's evidence. Among others, private respondent Miranda emphasizes on the admissions of prosecution witness Del Rosario, attesting that it was the *Barangay* Treasurer who prepares the general payroll, withdraws the funds, and distributes the said funds as salaries to the employees. Moreover, the said *Barangay* Treasurer also certifies that the persons on the payroll, after being identified, have been paid their salaries. In addition, Del Rosario testified that the *Barangay* Secretary was the one who certified that the persons on the payroll have rendered services at the time stated therein. Private respondent Miranda observes that neither the *Barangay* Treasurer nor the *Barangay* Secretary was charged for their undertaking in their respective certifications in the general payroll, claiming further that the Office of the Ombudsman (OMB) cleared them of any wrongdoings, and considered their actions

⁵ Private Respondent Miranda's Certification in the General Payroll states: (Records, pp. 98, 101-121, 124-137, 141-143

"This is to certify that the names appearing in this payroll have rendered services for the month and that the signatures appearing opposite their names are true and correct to the best of my knowledge and have valid appointments."

⁶ Records, pp. 314-323

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regular and legal. As such, private respondent Miranda, being the last signatory, asserts that his act of certifying the payrolls should likewise be treated as regular and legal. Private respondent Miranda also continues to deny having custody of the public funds, maintaining that his alleged custody thereof was divested once the *Barangay* Treasurer withdrew the said funds from the *barangay* coffers. Private respondent Miranda reiterates that the custody of the public funds belongs to the *Barangay* Treasurer who calls on the employees and hands them their salaries. From the foregoing, private respondent Miranda avers that he was not accountable for such public funds, and since he did not have possession thereof, there was no proof that he converted the same for his personal use and benefit. Concluding that the prosecution's evidence was insufficient to prove his guilt beyond reasonable doubt, private respondent Miranda asserts that the present petition should not prosper because the RTC did not commit grave abuse of discretion when it issued the assailed resolutions.

The prosecution's petition is without merit.

A perusal of the petition shows that the prosecution's arguments, which mostly put in issue the RTC's findings of facts and its appreciation of the evidence, raised matters which are outside the ambit of the remedy of *certiorari*. This is affirmed in the case of *Dennis T. Villareal vs. Consuelo C. Aliga*,⁷ citing the case of *People v. Sandiganbayan*, which held that:

It is a fundamental aphorism in law that a review of facts and evidence is not the province of the extraordinary remedy of *certiorari*, which is extra ordinem – beyond the ambit of appeal. In *certiorari* proceedings, judicial review does not go as far as to examine and assess the evidence of the parties and to weigh the probative value thereof. It does not include an inquiry as to the correctness of the evaluation of evidence. x x x It is not for this Court to re-examine conflicting evidence, re-evaluate the credibility of the witnesses or substitute the findings of fact of the court a quo. xxx”

The rationale behind this doctrine is further expounded in the case of *AGG Trucking, et al. vs. Melanio B. Yuag*,⁸ citing the case of *San Fernando Rural Bank, Inc. v. Pampanga Omnibus Development Corporation and Dominic G. Aquino*, viz.:

“*Certiorari* is a remedy narrow in its scope and inflexible in character. It is not a general utility tool in the legal workshop. *Certiorari* will

⁷ 713 SCRA 52, (2014), pp. 69-70
⁸ 659 SCRA 91 (2011), pp. 100-101

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issue only to correct errors of jurisdiction and not to correct errors of judgment. An error of judgment is one which the court may commit in the exercise of its jurisdiction, and which error is reviewable only by an appeal. Error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction and which error is correctible only by the extraordinary remedy writ of *certiorari*. As long as the court acts within its jurisdiction, any alleged errors committed in the exercise of its discretion will amount to nothing more than mere errors of judgment, correctible by an appeal if the aggrieved party raised factual and legal issues; or a petition for review under Rule 45 of the Rules of Court if only questions of law are involved.

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The *raison d'etre* for the rule is that when a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error was committed. If it did, every error committed by a court would deprive it of its jurisdiction and every erroneous judgment would be a void judgment. In such a situation, the administration of justice would not survive. Hence, where the issue or question involved affects the wisdom or legal soundness of the decision — not the jurisdiction of the court to render said decision — the same is beyond the province of a special civil action for *certiorari*.

Hence, in assailing the propriety of the RTC's evaluation of the evidence, the prosecution is only putting forth errors of judgment which are not covered by a petition for *certiorari*.

Jurisprudence also instructs that in a Petition for *Certiorari*, the petitioner carries the burden of proving grave abuse of discretion, and establishing that the respondent court or tribunal acted in a capricious, whimsical, arbitrary or despotic manner in the exercise of its jurisdiction as to be equivalent to lack of jurisdiction.⁹ The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility."¹⁰ Here, the prosecution as the petitioner failed to hurdle this task. Other than the alleged misapplication of facts and evidence, which are considered as mere errors of judgment, the contentions in the present petition were unable to demonstrate how the RTC acted with grave abuse of discretion when it issued the assailed resolutions. Since no error of jurisdiction was clearly attributed to the RTC, the petition for *certiorari* cannot be granted.

⁹ Evelyn L. Miranda vs. Sandiganbayan and The Ombudsman (G. R. Nos. 144760-61, August 2, 2017)

¹⁰ *Id.*

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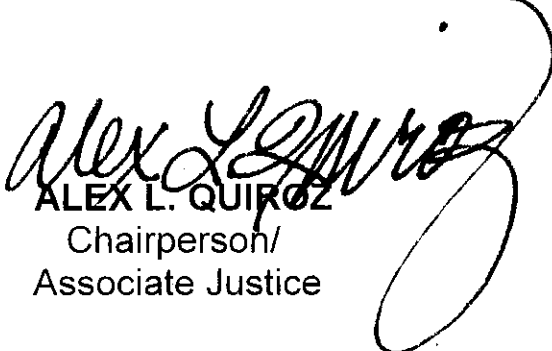
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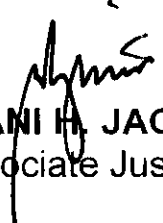
WHEREFORE, premises considered, the prosecution's Petition for *Certiorari* dated 21 May 2018 is hereby **DISMISSED** for lack of merit.

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice