

SECOND DIVISION

[G.R. No. 250504, July 12, 2021]

**VICENTE J. CAMPA, JR. AND PERFECTO M. PASCUA,
PETITIONERS, VS. HON. EUGENE C. PARAS, PRESIDING JUDGE,
RTC, BR. 58, MAKATI CITY AND PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

DECISION

LAZARO-JAVIER, J.:

The Case

This petition for *certiorari*^[1] under Rule 65 seeks to reverse the following dispositions of the Regional Trial Court (RTC) - Branch 58, Makati City in ***People v. Emerito P. Manalo, et al.***,^[2] ***People v. Vicente J. Campa, Jr. et al.***,^[3] and ***People v. Perfecto M. Pascua, et al.***:^[4]

1. **Order**^[5] dated August 13, 2019, denying Vicente J. Campa, Jr.'s (Vicente) motion to dismiss^[6] as well as Perfecto M. Pascua's (Pascua) manifestation with motion to adopt^[7] his motion for reconsideration before the Department of Justice (DOJ) against its finding of probable cause;
2. **Order**^[8] dated October 1, 2019, denying petitioners' motion for reconsideration and setting their arraignment;
3. **Order**^[9] dated October 7, 2019, reiterating the Order dated October 1, 2019 and resetting petitioners' arraignment.

Antecedents

On September 12, 2007, the Bangko Sentral ng Pilipinas (BSP) filed a complaint before the DOJ against the officers of BankWise, Inc., including petitioners and five (5) others,^[10] for violation of Monetary Board Resolution No. 1460^[11] in relation to Section 3, Republic Act No. (RA) 7653.^[12] In the complaint, the BSP charged petitioners, et al. with issuing unfunded manager's checks and failing to present documents to support the bank's disbursements in acquiring assets.^[13] After due proceedings, the case was deemed submitted for resolution on August 29, 2008.^[14]

More than ten (10) years thereafter, under Resolution^[15] dated February 8, 2019, the DOJ found probable cause to hold petitioners liable for the offense charged. Accordingly, it filed before the RTC, Makati City eleven (11) Informations against Campa and five (5) against Pascua for violation of Monetary Board Resolution No.

1460 in relation to Section 3, RA 7653. These cases were raffled to RTC-Branch 58, Makati City, presided by Hon. Eugene C. Paras.^[16]

By Manifestation with Motion to Adopt dated May 28, 2019^[17] and *Entry of Appearance with Motion to Dismiss* dated June 18, 2019,^[18] petitioners sought the dismissal of the cases before the trial court on ground of inordinate delay. According to them, the unreasonable length of the investigation before the DOJ violated their right to a speedy disposition of their cases as enshrined under Section 16, Article III of the 1987 Constitution.

The Ruling of the Regional Trial Court

By Order^[19] dated August 13, 2019, the trial court denied the motions, *viz.*:

WHEREFORE, premises considered, the Court DENIES accused Emerito P. Manalo's Motion to Quash/Motion to Dismiss, accused Perfecto M. Pascua's Manifestation With Motion To Adopt, and accused Vicente M. (sic) and accused Vicente J. Campa, Jr.'s Motion To Dismiss for lack of merit.

SO ORDERED.

It held that the delay often (10) years and five (5) months was neither vexatious, capricious, nor oppressive. It may be attributed to the complexity of the case which involved voluminous documents. Too, the appointment of nine (9) Secretaries of Justice from the filing of BSP's complaint on September 3, 2007 affected the conduct of the investigation.^[20]

The trial court denied reconsideration and scheduled petitioners' arraignment through Orders^[21] dated October 1 and October 7, 2019.

The Present Petition

On *certiorari* before this Court, petitioners essentially argue that the trial court acted in grave abuse of discretion amounting to lack or excess of jurisdiction when it ruled that there was no inordinate delay in the conduct of the DOJ investigation.^[22] Applying the balancing test as refined in the Court's ruling in ***Cagang v. Sandiganbayan***,^[23] the criminal charges against them should have been dismissed.^[24] Meantime, petitioners seek injunctive relief to enjoin further proceedings.

In their *Comment*^[25] dated March 22, 2021, respondents, through the Office of the Solicitor General (OSG) riposte:

For one. The petition should be dismissed outright as petitioners availed of the wrong remedy and violated the doctrine of hierarchy of courts. The proper recourse from the denial of a motion to quash is to proceed to trial.^[26] But even assuming that *certiorari* is available, it should have been filed with the Court of Appeals, not here.^[27]

For another. The trial court did not act with grave abuse of discretion in issuing the assailed Orders. For although it took the DOJ more than ten (10) years to resolve the preliminary investigation, it was not guilty of inordinate delay.

"Speedy disposition" is relative and there is no hard-and-fast mathematical rule in appreciating a timeframe; cases must be resolved based on their attendant facts and circumstances. Here, (1) the time spent by the DOJ to resolve the investigation was reasonable and justified considering the nature of the violation, the sheer number of transactions involved, the degree of difficulty of the issues, and the voluminous pleadings and documents on record;^[28] (2) petitioners waived their right to a speedy disposition of their cases and are deemed to have accepted the delay since they never filed any pleading before the DOJ invoking such right;^[29] (3) there was no evidence to show that petitioners were prejudiced by the delay;^[30] and (4) the right of the State to prosecute must prevail over petitioners' right to a speedy disposition of their cases; as the banking business is imbued with public interest, the State has the paramount duty to guarantee that the financial interests of those dealing with banking institutions are duly protected.^[31]

Threshold Issues

Did the delay in the preliminary investigation before the DOJ violate petitioners' constitutional right to a speedy disposition of their cases?

Did the trial court act in grave abuse of discretion when it denied petitioners' motion to dismiss and/or quash?

Ruling

We grant the petition.

Petition for certiorari is the proper remedy; the case falls within the exceptions to the rule on hierarchy of courts

At the outset, the OSG seeks the outright dismissal of the petition based on purported procedural infirmities. It asserts that a petition for *certiorari* is not the proper mode of assailing interlocutory orders of the trial court and that petitioners' direct resort to the Court violated the rule on hierarchy of courts

We disagree.

First. Contrary to the OSG's assertion, the proper mode of challenging an interlocutory order, such as a denial of a motion to quash, is, indeed, through a petition for *certiorari* under Rule 65 of the Rules of Civil Procedure. ***Cruz y Digma v. People***^[32] instructs:

The rulings of the trial court. . . **are interlocutory in nature and may not be the subject of a separate appeal or review on *certiorari***, but may be assigned as errors and reviewed in the appeal properly taken from the decision rendered by the trial court on the merits of the case. When the court has jurisdiction over the case and person of the accused, any error in the application of the law and the appreciation of evidence committed by a court after it has acquired jurisdiction over a case, may be corrected only by appeal.

x x x x

Admittedly, the general rule that the extraordinary writ of *certiorari* is not available to challenge interlocutory orders of the trial court may be subject to exceptions. When the assailed interlocutory orders are patently erroneous or issued with grave abuse of discretion, the remedy of *certiorari* lies. (Emphases and underscoring supplied; citations omitted)

Verily, *certiorari* is available against an interlocutory order where it is shown that the same is patently erroneous or was issued in grave abuse of discretion.^[33] As will be discussed below, the Court finds that the present case fits into these exceptions and that *certiorari* under Rule 65 is the proper remedy.

Another. The doctrine of hierarchy of courts is not absolute. ***Gios-Samar v. DOTC***^[34] elucidates:

x x x As a matter of policy[,], **such a direct recourse to this Court should not be allowed.** 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[.] x x x **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.**

x x x x

Exceptions to the doctrine of hierarchy of courts

Aside from the special civil actions over which it has original Jurisdiction, **the Court, through the years, has allowed litigants to seek direct relief from it upon allegation of "serious and important reasons."** The *Diocese of Bacolod v. Commission on Elections* (Diocese) summarized these circumstances in this wise:

1. when there are genuine issues of constitutionality that must be addressed at the most immediate time;
2. when the issues involved are of transcendental importance;
3. cases of first impression;
4. the constitutional issues raised are better decided by the Court;
5. **exigency in certain situations;**

6. the filed petition reviews the act of a constitutional organ;
7. **when petitioners rightly claim that they had no other plain, speedy, and adequate remedy in the ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression; [and]**
8. the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy.

Here, petitioners' direct recourse to the Court falls within exceptions 5 and 7, thus: the exigency of the resolution of their cases is the very issue they have brought to fore in the present petition; and they had no other plain, speedy, and adequate remedy in the ordinary course of law as the only alternative to filing the petition was to proceed to trial and prolong further the disposition of their cases. Indeed, it would be counterproductive, nay, illogical for petitioners to go through a full-blown trial and wait for an adverse ruling before they may be allowed to assert their right to speedy disposition of their cases.

There was inordinate delay in the conduct of the preliminary investigation

Foremost, Article III, Section 16 of the 1987 Constitution guarantees the right to speedy disposition of cases, *viz.*:

Section 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

The right to speedy disposition of cases may be invoked against all judicial, quasi-judicial or administrative bodies, in civil, criminal, or administrative cases before them; inordinate delay in the resolution of cases warrant their dismissal. Delay is determined through the examination of the facts and circumstances surrounding each case, not through mere mathematical reckoning.^[35] To be sure, courts should appraise a reasonable period from the point of view of how much time a competent and independent public officer would need in relation to the complexity of a given case.^[36]

To aid the courts in determining whether there is ***inordinate delay***, our jurisdiction has adopted the **Balancing Test** first introduced in ***Barker v. Wingo***.^[37] The Balancing Test involves the assessment of four (4) criteria: ***first***, the length of delay; ***second***, the reason for delay; ***third***, the defendant's assertion or non-assertion of his or her right; and ***fourth***, the prejudice to the defendant as a result of the delay. But in the more recent case of ***Cagang v. Sandiganbayan***,^[38] the