

THIRD DIVISION

[G.R. No. 224650, July 15, 2020]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. ADOLFO A. GOYALA, JR., RESPONDENT.

DECISION

GESMUNDO, J.:

This appeal by *certiorari* challenges the Decision^[1] and Resolution^[2] promulgated by the Court of Appeals (CA) on September 16, 2015 and May 5, 2016, respectively, in CA-G.R. SP No. 134674 whereby the appellate court reversed and set aside the Orders dated February 13, 2014^[3] and March 26, 2014^[4] of the Regional Trial Court, Pasig City, Branch 159 (RTC) in Criminal Case No. 152682. In doing so, the CA ordered the RTC to (a) hold in abeyance further proceedings in said case and remand the same to the prosecution for purposes of completing the preliminary investigation; (b) revoke the implementation of the Warrant of Arrest; and (c) continue the proceedings only after the finality of the preliminary investigation and after proper endorsement.

The Antecedents

AAA,^[5] a minor, executed with the assistance of her mother a sworn statement dated June 17, 2013 before Police Inspector Ernesto A. Mones of the Pasig City Police accusing Adolfo A. Goyala, Jr., (*respondent*) of statutory rape.

After due endorsement to the Office of the City Prosecutor of Pasig City (*OCP-Pasig City*), the complaint was docketed as IS No. XV-14-INV-13F-02337 and assigned to Assistant City Prosecutor Pedro M. Oribe (*ACP Oribe*) as Investigating Prosecutor for preliminary investigation.^[6]

Eventually, respondent executed his Counter-Affidavit on July 30, 2013. On August 16, 2013, respondent instituted a civil complaint for damages against AAA and her mother.^[7]

On the strength of this civil case, respondent filed a Petition for Suspension on the Ground of Prejudicial Question before ACP Oribe. Later on, he filed a supplemental Motion to Reiterate Petition for Suspension on the Ground of Prejudicial Question.^[8] This motion was denied in a Resolution dated September 30, 2013.

On November 12, 2013, ACP Oribe issued a Resolution finding probable cause against respondent and recommending the filing of an Information for Statutory Rape under Art. 266-A(d) of the Revised Penal Code, as amended by Republic Act (R.A.) No. 8353, also known as the "*The Anti-Rape Law of 1997*," in relation to Section 5(a) of R.A. No. 8369, *inter alia*.^[9]

On November 27, 2013, the Regional Trial Court, Criminal Case Unit received the Information for IS No. XV-14-INV-13F-02337 and docketed the same as Criminal Case No. 152682-PSG. On even date, respondent filed an Initial Urgent Ex-Parte Motion for Reconsideration and a Main Motion for Reconsideration with Motion to Disqualify ACP Oribe before the OCP-Pasig City.^[10]

On November 29, 2013, respondent filed a Motion to Suspend Proceedings and to Hold in Abeyance Issuance of Warrant of Arrest before the RTC.^[11]

Meanwhile, Pasig City Prosecutor Jacinto G. Ang issued a 1st Indorsement dated 18 December 2013 forwarding the entire record of IS No. XV-14-INV-13F-02337 to the Department of Justice (*DOJ*) for further proceedings and inhibited himself from resolving the Motion for Reconsideration.^[12]

On January 24, 2014, Justice Secretary Leila de Lima issued Department Order No. 173 designating Senior Assistant City Prosecutor Josefa D. Laurente (*SACP Laurente*) as Acting Prosecutor of Pasig City to resolve with finality IS No. XV-14-INV-13F-02337.^[13]

Judgment of the RTC

In its February 13, 2014 Order, the RTC denied respondent's Motion to Suspend Proceedings and to Hold in Abeyance Issuance of Warrant of Arrest.^[14] It reasoned that once a complaint or Information is filed in court, any disposition of the case rests in the sound discretion of the court. The determination of the case is within the trial court's exclusive jurisdiction and competence. It noted that there is a distinction between the preliminary inquiry to determine the probable cause for the issuance of a Warrant of Arrest and the preliminary investigation proper to ascertain whether the offender should be held for trial or be released. The determination of probable cause for purposes of issuing the Warrant of Arrest is made by the judge.^[15] The trial court is not bound to adopt the resolution of the Secretary of Justice, since it is mandated to independently evaluate or assess the merits of the case and it may agree or disagree with the recommendation of the Secretary of Justice.^[16] Thus, any pending Petition for Review questioning the preliminary investigation conducted by ACP Oribe is negligible.^[17]

The RTC found that there is probable cause to hold respondent for trial for the offense charged in the Information. It scrutinized the prosecutor's resolution, as well as the supporting affidavits and documentary evidence of the parties.^[18]

On February 21, 2014, a Warrant of Arrest was issued.^[19]

On March 3, 2014, respondent filed an Omnibus Motion^[20] (1) to recall the Order for the issuance of a Warrant of Arrest until final determination of the instant Omnibus Motion; (2) to strike off the Information or to dismiss the instant case; (3) in the alternative, to reconsider and set aside the February 13, 2014 Order and to grant the Motion to Suspend Proceedings and To Hold in Abeyance Issuance of Warrant of Arrest; (4) in further alternative, to set the case for hearing for determination of probable cause for the issuance of Warrant of Arrest; and (5) in any event, to suspend issuance and/or service of any Warrant of Arrest pending final determination of the Omnibus Motion.

The same was denied in the RTC Order dated March 26, 2014.^[21] Aggrieved, respondent went to the CA on *certiorari* to impugn the above-stated orders of the RTC.

Judgment of the CA

As stated, the CA declared void and set aside the February 13, 2014 and March 26, 2014 Orders of the RTC. It also ordered the RTC to hold in abeyance further proceedings and remand the case to the OCP-Pasig City for the purpose of resolving with finality the preliminary investigation. Likewise, it revoked the implementation of the Warrant of Arrest issued by the RTC. Lastly, it ordered the RTC to resume the proceedings in the criminal case only upon finality of the preliminary investigation and after due indorsement thereof.^[22]

The CA held that respondent was deprived of his right to a full preliminary investigation preparatory to the filing of the Information against him. Thus, the proceedings before the RTC should be held in abeyance until completion of the preliminary investigation. It applied this Court's pronouncement in *Office of the Ombudsman v. Castro (Castro)*,^[23] where this Court allegedly held that the filing of a Motion for Reconsideration is an integral part of the preliminary investigation proper. The denial of the right to file a Motion for Reconsideration renders the preliminary investigation conducted incomplete. It also cited *Torralba v. Sandiganbayan (Torralba)*,^[24] where this Court purportedly declared that the incomplete preliminary investigation warrants that the proceedings be held in abeyance until completion of such.^[25]

The People of the Philippines (*petitioner*), represented by the Office of the Solicitor General (OSG), filed a Motion for Reconsideration, which the CA denied in its May 5, 2016 Resolution.^[26] Petitioner argued in its Motion for Reconsideration that the issues in the instant controversy are already moot and academic because SACP Laurente had already denied respondent's Motion for Reconsideration in an Undated Order. The CA did not give any merit to the same considering that respondent manifested that he filed, on October 5, 2015,^[27] a Petition for Review before the DOJ against said Undated Order.^[28]

Hence, this recourse.

The Petition

Petitioner contends that the RTC acted within its authority in denying respondent's Motion to Suspend Proceedings and to Hold in Abeyance the Issuance of the Warrant of Arrest.

First, it argues that the CA mistakenly relied on *Torralba* and *Castro* because the facts in said cases are incongruous to the facts of the instant proceedings. In *Torralba*, the accused therein were not served copies of the final resolution of the preliminary investigation against them. They were also not apprised of a modified memorandum and special audit report which served as basis for their indictment. They only learned of the resolution against them through daily newspaper accounts which chronicled the filing of the charges. In contrast, respondent was duly provided with full information of the basis of the accusation against him for statutory rape. He was not deprived of legal processes and avenues to contest the initial findings of the

OCP-Pasig City. He was able to file a Motion for Reconsideration to the November 12, 2013 Resolution of ACP Oribe. In fact, he availed himself of multiple legal avenues to evade his prosecution for statutory rape.^[29] Meanwhile, in *Castro*, this Court, rather than ousting the trial court of its jurisdiction over the criminal case due to a contrary finding of the prosecutor in its reinvestigation of the case, effectively recognized and respected the assumed authority of the lower court. Accordingly, *Castro* cannot advance respondent's case.^[30] Rather, petitioner posits that this Court's ruling in *People v. Odilao, Jr. (Odilao)*^[31] is appropriate and decisive on the issue of the court's deferment of the criminal proceedings in view of a review of the findings of the preliminary investigation. This Court therein allegedly directed the trial court to proceed with the arraignment of respondent and trial on the merits on the basis of Section 11,^[32] Rule 116 of the 2000 Revised Rules of Criminal Procedure (*Rules*).^[33]

Second, petitioner contends that there is no reason to enjoin the criminal prosecution of respondent because he was afforded the fundamental right to due process. It listed the numerous ways in which respondent had availed himself of the legal remedies afforded by law.^[34]

Third, petitioner claims that, contrary to the CA's finding, the RTC did not commit any grave abuse of discretion when it denied respondent's Motion for Suspension of Criminal Proceedings. It points out that respondent's Petition for *Certiorari* failed to state any factual averment constituting grave abuse of discretion. It is not grave abuse of discretion for the trial court judge to deny respondent's Motion to Suspend Proceedings as a finding of probable cause against him was evident from the magistrate's own determination of such facts.^[35]

In his Comment,^[36] respondent argues that the preliminary investigation remains incomplete because his Petition for Review assailing the Undated Order of SACP Laurente denying his Motion for Reconsideration is pending with the DOJ.^[37] He rejects petitioner's discussion concerning the *Castro* and *Torralba* cases. He asserts that "[t]here was no issue of an incomplete preliminary investigation on this aspect of the [*Castro*] case and petitioner's reliance on the portion cited on page 12 of the Petition is grossly misplaced."^[38] He also insists that reliance on the *Torralba* ruling is proper because it directly discusses the issue of an incomplete preliminary investigation.^[39] He disparages petitioner's reliance on *Odilao* on the ground that it was decided prior to *Castro* and does not involve the issue of an incomplete preliminary investigation. For this same reason, he rejects the reliance on *Perez v. Hagonoy Rural Bank, Inc.*^[40] and *Solar Team Entertainment, Inc. v. Judge How*^[41] which *Odilao* cited.^[42]

Respondent also rejects petitioner's invocation of Sec. 11, Rule 116 of the 2000 Revised Rules of Criminal Procedure because petitioner allegedly previously argued that the subject of the instant case is not a Petition for Review.^[43] Even if the 60-day period stated in Sec. 11, Rule 116 is applicable, the lapse of such period is allegedly due to petitioner. Further, said period is applied in relation to an Information already filed in court as against a Petition for Review with the DOJ after preliminary investigation. Petitioner also argues that the proceedings before the CA is an interlocutory appeal excluded from the delay contemplated by Sec. 11, Rule 116. In support of his contention, he cites of Sections 10(a)(3 and 6)^[44] and 11^[45]

of R.A. No. 8493, or the "*Speedy Trial Act of 1998*" as exclusions to the period stated in Sec. 11, Rule 116. He also cites Section 2^[46] of Supreme Court Circular No. 38-98,^[47] dated August 11, 1998 (*IRR*), which states that the period of pendency of a Motion to Quash shall be excluded. Respondent asserts that, as between R.A. No. 8493 and Sec. 11, Rule 116, the former shall prevail.^[48]

Respondent contends that petitioner's assertion that he was afforded his fundamental right to due process is off-tangent because it failed to address the main issue – that he was denied his right to due process of law in the form of a complete preliminary investigation.^[49] He also takes exception to petitioner's claim that the RTC did not commit grave abuse of discretion in denying his motion. He insists that the grave abuse of discretion consists in the denial of his right to due process because he was deprived of a complete preliminary investigation.^[50]

Finally, respondent claims that since petitioner failed to directly contravene the third directive of the CA Decision (that the proceedings in the criminal case shall only resume upon finality of the preliminary investigation and after due indorsement thereof) in either its Motion for Reconsideration before the CA and in this petition before this Court, petitioner may no longer assail said directive in the instant appeal. Said directive has become final and irreversible. With the filing and pendency of the Petition for Review before the DOJ, there is no final resolution. As such, there is no finality of the preliminary investigation and no due indorsement thereof.^[51]

Inevitably, the sole issue raised in this petition is:

WHETHER THE PROCEEDINGS IN CRIMINAL CASE NO. 152682 SHOULD CONTINUE TO BE HELD IN ABEYANCE DESPITE THE LAPSE OF THE SIXTY (60)-DAY PERIOD PROVIDED FOR UNDER SECTION 11(C), RULE 116 OF THE 2000 REVISED RULES ON CRIMINAL PROCEDURE.

Ruling of the Court

The petition is impressed with merit.

Preliminarily, it must be emphasized that, as stated in *Dichaves v. Office of the Ombudsman*:^[52]

A person's rights in a preliminary investigation are subject to the limitations of procedural law. These rights are statutory, not constitutional. The purpose of a preliminary investigation is merely to present such evidence "as may engender a well-grounded belief that an offense has been committed and that [the respondent in a criminal complaint] is probably guilty thereof." It does not call for a 'full and exhaustive display of the parties' evidence[.]' x x x It is the filing of a complaint or information in court that initiates a criminal action[,]" and carries with it all the accompanying rights of an accused.^[53] (citations omitted, emphasis supplied).

In the instant case, it is undisputed that the 60-day period provided under Sec. 11(c), Rule 116 of the 2000 Revised Rules on Criminal Procedure had already lapsed. Thus, there is no longer any reason to hold in abeyance the criminal proceedings in the case for statutory rape against respondent.