

EN BANC

[G.R. No. 216824, November 10, 2020]

GINA VILLA GOMEZ, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT

GESMUNDO, J.:

The crux of the entire controversy is whether, in a criminal case, a trial court is divested of its jurisdiction over the person of the accused and over the offense charged if the Information filed by the investigating prosecutor does not bear the *imprimatur* because of the absence on its face of both the word "approved" and the signature of the authorized officer such as the provincial, city or chief state prosecutor.

Overview

Before this Court is a Petition for Review on Certiorari¹ filed by accused Gina A. Villa Gomez through the Public Attorney's Office seeking to set aside the October 9, 2014 Decision² in CA-G.R. SP No. 130290 rendered by the Court of Appeals (CA) which issued a writ of certiorari (1) annulling the February 13, 2013³ and April 29, 2013⁴ Orders issued by the Regional Trial Court of Makati City, Branch 57 (RTC); and (2) reinstating the criminal case against the petitioner. The CA held that the RTC committed grave abuse of discretion in *motu proprio* dismissing the charge of corruption of public officials, even after the case had already been submitted for decision, on the ground that the Information filed was without signature and authority of the City Prosecutor.

Antecedents

On September 17, 2010, police operatives from the Anti-Illegal Drugs Special Operations Task Group of Makati City arrested the petitioner.^[5]

On September 19, 2010, a Complaint was filed against the petitioner for corruption of public officials under Article 212 of the Revised Penal Code (RPC).^[6] The same Complaint was received for inquest by the Office of the City Prosecutor (OCP) of Makati City.^[7]

On September 21, 2010, a Resolution^[8] was issued by the OCP of Makati City finding probable cause that the petitioner may have offered P10,000.00 to both PO2 Ronnie E. Aseboque and PO2 Renie E. Aseboque in exchange for the release of her companion Reynaldo Morales y Cabillo @ "Anoy."^[9] The relevant portions¹⁰ of the said Resolution read:

WHEREFORE, premises considered, Gina Villa Gomez y AiuSayan @ Gina is deemed to be prosecuted: for violation of The Revised Penal Code art. 212 in rel. to art. 211-A. The attached

Information is recommended to be approved for filing in court.
No bail.

(Sgd.) RAINALD C. PAGGAO
"Assistant City Prosecutor

Recommending Approval:

(Sgd.) IMELDA L. PORTES-SAULOG
Senior Assistant City Prosecutor

Approved:

(Sgd.) FELICIANO ASPI
City Prosecutor

On September 22, 2010, an Information" for corruption of public officials was filed with the RTC against the petitioner and docketed as Criminal Case No. 10-1829, the delictual allegations of which read:

On September 17, 2010, in the [C]ity of Makati, Philippines, accused did then and there willfully, unlawfully and feloniously offer and lender Php10,000[.00] to PO2 Ronnie E. Aseboque, PO2 Renie E. Aseboque and PO2 Glen S. Gonzalvo for and in consideration of the release and non-prosecution of Reynaldo Morales;; Cabillo @ Anoy, who was arrested for violation of THE REPUBLIC ACT 9165 [S]ec. 5, a non-bailable offense punishable by life imprisonment.

CONTRARY TO LAW.

(Sgd.)
RAINALD C. PAGGAO
Assistant City Prosecutor

I HEREBY CERTIFY that the foregoing Information is filed pursuant to the REVISED RULES ON CRIMINAL PROCEDURE [R]ule 112 [S]ec. 6, accused not having opted to avail of her right to a preliminary investigation and not having executed a waiver pursuant to THE REVISED PENAL CODE [A]rt. 125. I further certify that the Information is being **filed with the prior authority** of the City Prosecutor.

(Sgd.)
RAINALD C. PAGGAO
Assistant City Prosecutor
(emphasis supplied)

Thereafter, trial on the merits ensued and the case was eventually declared by the RTC as submitted for decision after both parties had finished presenting their

respective evidence-in-chief.^[12]

The RTC Ruling

On February 13, 2013, the RTC issued an Order,¹³ without any motion from either the petitioner or the Prosecution, perfunctorily dismissing Criminal Case No. 10-1829 because (1) Assistant City Prosecutor Rainald C. Paggao (*ACP Paggao*) had no authority to prosecute the case as the Information he filed does not contain the signature or any indication of approval from City Prosecutor Feliciano Aspi (*City Prosecutor Aspi*) himself; and (2) ACP Paggao's lack of authority to file the Information is "a jurisdictional defect that cannot be cured." The dispositive portion of the said Order reads:

WHEREFORE, premises considered and for lack of jurisdiction, this case is hereby dismissed and the Jail Warden of BJMP Makati City is hereby ordered to release the accused immediately upon receipt hereof unless there is a valid cause for her continued detention.

SO ORDERED. ^[14]

Aggrieved, the Prosecution filed a Motion for Reconsideration^[15] stating that: (1) it was caught by surprise when, after more than two (2) years of trial and of the petitioner's detention, the case was suddenly and summarily dismissed by the RTC without any motion filed by either party;^[16]

(2) the RTC "obviously misappreciated the record and misinterpreted the law" as the OCP's September 21, 2010 Resolution was not only signed by City Prosecutor Aspi himself but also contained his approval for the filing of the attached Information;^[17] (3) there is nothing in Section 4, Rule 112 of the Rules of Court which states that the authorization or approval of the city or provincial prosecutor should appear on the face or be incorporated in the Information;^[18] and (4) the case laws cited by the petitioner, pertaining to the handling prosecutor's lack of authority which invalidates an Information, do not apply in the instant case because these rulings involve the delegation of authority to file, not the validity of, an Information.^[19]

On April 29, 2013, the RTC issued an Order^[20] denying the Prosecution's motion for reconsideration ratiocinating that the OCP's September 21, 2010 Resolution **merely authorized the handling prosecutor**, ACP Paggao, **to file** the subject Information.^[21] It explained that there is nothing in the September 21, 2010 Resolution **which authorized** ACP Paggao to sign the subject Information.^[22] Thus, the RTC concluded that: (1) ACP Paggao was never authorized to file and sign the subject Information; and (2) courts are not precluded from ruling on jurisdictional issues even if not raised by the parties.^[23] The dispositive portion of said Order reads:

WHEREFORE, for utter lack of merit, the Motion for Reconsideration is hereby **DENIED**.

SO ORDERED. ^[24]

Unsated, the Prosecution, through the Office of the Solicitor General (OSG), filed a Petition for *Certiorari*;^[25] under Rule 65 with the CA seeking inter alia to annul the RTC's April 29, 2013 and February 13, 2013 Orders. There, the OSG argued that: (1) there is only one instance when a city prosecutor (including provincial and chief state prosecutors) or the Ombudsman (or his or her deputy) may directly file and sign the Information — if the investigating prosecutor's recommendation for dismissal of the Complaint is disapproved as contemplated in Sec. 4, Rule 112 of the Rules of Court;^[26] (2) there is no provision in the Rules of Court which restricts the signing of the Information only to the city or provincial prosecutor to the exclusion of their assistants;^[27] (3) the case laws cited by the RTC do not apply in the petitioner's case because, in those cases, those who filed their respective Informations had absolutely no authority to do so because: (i) in the first case, the special counsel appointed by the Secretary of Justice to perform prosecutorial functions was not even an employee of the Department of Justice; and (ii) in the second case, the approving officer was a regional prosecutor whose duties then were limited only to exercising administrative supervision over city and provincial prosecutors of the region;^[28] (4) quashing of the Information can no longer be resorted to "since the case had already gone to trial and the parties had in fact completed the presentation of their evidence;"^[29] and (5) quashing of the Information can only be done by the trial court upon motion of the accused signed personally or through counsel under Sec. 2, Rule 117 of the Rules of Court.^[30]

The CA Ruling

On October 9, 2014, the CA rendered a Decision³¹ which: (1) granted the Petition for *Certiorari*; (2) set aside both the February 13, 2013 and April 29, 2013 RTC Orders; and (3) reinstated Criminal Case No. 10-1829. In that Decision, it was pointed out that: (1) the records show that the OCP's September 21, 2010 Resolution was indeed **signed** by City Prosecutor Aspi himself;³² and (2) the RTC cannot quash an Information and dismiss the case on its own without a corresponding motion filed by the accused, especially if the latter had already entered a plea during a previously conducted arraignment.³³ The dispositive portion of the same Decision reads:

WHEREFORE, the premises considered, the Petition is hereby GRANTED. The challenged [O]rders dated 13 February 2013 and 29 April 2013 of the Regional Trial Court (RTC), Branch 57, Makati City are REVERSED and SET ASIDE. The Information against Gina Villa Gomez for Corruption of Public Officials and the Criminal Case No. 10-1829 against her is **REINSTATED AND a WARRANT** for her **ARREST** be issued anew.

SO ORDERED.^[34]

On November 13, 2014, the petitioner filed a Motion for Reconsideration^[35] essentially arguing that courts may *motu proprio* dismiss a case when it finds jurisdictional infirmities (such as lack of authority from the city or provincial prosecutor on the part of the handling prosecutor in filing a criminal Information) at any stage of the proceedings.

On February 4, 2015, the CA issued a Resolution^[36] finding that the petitioner's "reasons and arguments in support of the motion [for reconsideration] have been

amply treated, discussed and passed upon in the subject decision" and that "the additional arguments proffered therein constitute no cogent or compelling reason to modify, much less reverse" its judgment.^[37] The dispositive portion of the same Resolution reads:

WHEREFORE, the Motion for Reconsideration is hereby DENIED.

SO ORDERED.^[38]

Dissatisfied, the petitioner, by way of a Petition for Review on Certiorari, now assails before this Court the propriety of the CA's October 9, 2014 Decision and February 4, 2015 Resolution.^[39]

Parties' Arguments

The petitioner, in challenging the CA's Decision, insists that: (1) the RTC was correct in ordering the dismissal of the criminal case due to the absence of authority on the part of the handling prosecutor (ACP Paggao) who signed the Information;^[40] (2) the ground of want of jurisdiction may be assailed at any stage of the proceedings, even if the accused had already entered a plea during the arraignment or the case had already been submitted for decision;^[41] and (3) a criminal Information which is void for lack of authority cannot be cured by an amendment for such authority is a mandatory jurisdictional requirement.^[42]

On the other hand, the Prosecution, through the OSG,^[43] points out that: (1) the RTC acted with grave abuse of discretion in dismissing Criminal Case No. 10-1829 due to lack of authority on the part of the handling prosecutor (ACP Paggao) because the OCP's September 21, 2010 Resolution recommending for the attached Information "to be approved for filing" bore the signature of City Prosecutor Aspi;^[44] (2) the jurisprudence cited by the petitioner do not apply in this case because they pertain to instances where an Information was filed without the approval or prior written authority of the city or provincial prosecutor;^[45] (3) an Information cannot be quashed by the court or judge motu proprio, especially if the case had already gone to trial and the parties had already completed the presentation of their evidence;^[46] and (4) lack of jurisdiction over the offense charge should still be invoked by the accused in seeking for the dismissal of the case or quashal of the Information.^[47]

Issues

I

WHETHER THE CA CORRECTLY FOUND GRAVE ABUSE OF DISCRETION ON THE RTC'S PART FOR QUASHING THE INFORMATION AND DISMISSING THE CRIMINAL CASE ON THE GROUND OF ABSENCE OF JURISDICTION RELATIVE TO ACP PAGGAO'S FAILURE TO SECURE A PRIOR WRITTEN AUTHORITY OR STAMPED APPROVAL FROM CITY PROSECUTOR ASPI TO FILE THE SAME PLEADING AND CONDUCT THE PROSECUTION AGAINST THE ACCUSED;