

THIRD DIVISION

[G.R. No. 166467, September 17, 2012]

DANILO R. QUERIJERO, JOHNNY P. LILANG AND IVENE D. REYES, PETITIONERS, VS. LINA PALMES-LIMITAR, ISAGANI G. PALMES AND THE COURT OF APPEALS, RESPONDENTS.

DECISION

PERALTA, J.:

Before this Court is a Petition for *Certiorari* under Rule 65 of the Rules of Court seeking to set aside the Decision^[1] dated August 12, 2004 and the Resolution^[2] dated December 20, 2004 of the Court of Appeals in CA-G.R. SP No. 80798,

The factual antecedents are as follows:

On January 5, 2001, petitioners were charged with violation of Section 3 (e) of Republic Act No. 3019 before the Regional Trial Court, Branch 51, Puerto Princesa City (trial court). Said Information^[3] reads:

That on or about the 3rd day of June 1998, in Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, accused Edgardo Libiran, Vicente Señorin, Ivane D. Reyes, Johnny Lilang and Danilo Querijero, being then employees of the Community Environment and Natural Resources Office, Puerto Princesa City and Province of Palawan, and Fe Ylaya, being then the Barangay Chairwoman of Bgy. Sta. Lourdes, Puerto Princesa City, conspiring and confederating together and mutually helping one another, taking advantage of their official position and (sic) committing the offense in relation to their office, and thru (sic) manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and feloniously give Evelyn Bratchi, Leovelyn Bratchi and Marco Belmonte unwarranted benefits, advantage or preference in the discharge of their official function by issuing Original Certificate of Titles Nos. 4120, 4121 and 4123 in favor of Leovelyn Bratchi, Marco Belmonte and Evelyn Bratchi, respectively, the accused knowing fully well that the said titleholders, did not till, occupy nor possess the parcel of land described as P1s 110 Lot No. 675, identical to Lot No. 5355, situated at Bgy. Sta. Lourdes, Puerto Princesa City, thus, causing undue injury to the heirs and family of Isidro R. Palmes.

CONTRARY TO LAW.

Thereafter, petitioners filed a Motion to Quash the above Information on the ground that the facts charged do not constitute an offense and that the case filed against

them had been previously dismissed.

On September 10, 2003, the trial court issued an Order⁴ denying petitioners' Motion to Quash. Pertinent portions of the assailed Order states:

This Court finds no compelling reason to quash the Information on the basis of the grounds pleaded in the Motion to Quash and the Manifestation and Suppletory Motion to Quash. A plain and cursory reading of the Information filed in this case shows that it has sufficiently stated the crime charged is (sic) a violation of Section 3 (e) of R.A. 3019 and the allegations therein alleged with particularity the overt acts committed by the accused as would constitute a violation of the particular provision of the law of which accused are being charged. The pendency and outcome of another case alleged now to be pending with the Supreme Court thru a Petition for Review on *Certiorari* does not and will not affect the instant case as said case is entirely different from the facts charged in the Information of which accused are now being charged, the dismissal of said case does not and will not affect the Information filed herein. Similarly, the allegations in the Manifestation and Suppletory Motion to Quash "that there is no conspiracy by and among the accused; that accused did not take advantage of their official position; that they did not commit an offense in relation to their office; that they did not perpetrate manifest partiality, evident bad faith or gross inexcusable negligence; nor did they give unwarranted benefits, advantage or preference upon the persons of x x x; and that they merely perform (sic) their official functions regularly" are all allegations which are essentially and purely evidentiary in nature which could not be resolved until, and after a full trial proceeding is conducted by the Court in this particular case.

Essentially, therefore, there is no sufficient basis for this court to quash the Information in the above captioned case premised on the specific grounds relied upon by the movants.

x x x x

WHEREFORE, the above premises considered, the Motion to Quash, Supplemental Motion to Quash, Manifestation and Suppletory Motion to Quash, along with the Motion to Suspend Proceedings are hereby **DENIED** for lack of merit. Finding the Motion to Suspend Accused to be impressed with merit, the same is hereby **GRANTED** and thus, all the accused, except accused Fe Ylaya are ordered preventively suspended within a period of ninety (90) days reckoned from the period wherein they are actually preventively suspended in office. Let a copy hereof be furnished the Secretary of the DENR for implementation and for said office to show compliance within thirty (30) days from receipt hereof.

The arraignment of all the accused are now intransferrably set on October 9, 2003 at 8:30 in the morning to proceed unless properly restrained by a court of higher jurisdiction. Let all the accused and counsels be furnished copies of this Order by the Sheriff of this court or

by registered mail if necessary.

SO ORDERED.^[5]

Petitioners filed a motion for reconsideration against said Order. However, the same was denied by the trial court in an Order^[6] dated October 20, 2003.

Dissatisfied, petitioners sought relief from the Court of Appeals (*appellate court*) via a Petition for *Certiorari* and Prohibition under Rule 65 of the Rules of Court.

On August 12, 2004, the appellate court rendered a Decision affirming the trial court's Order and, consequently, dismissing the petition filed by petitioners for lack of merit.

Petitioners filed their motion for reconsideration against said Decision, but the same was denied by the appellate court in a Resolution dated December 20, 2004, *viz.*:

It is indubitable that grave abuse of discretion amounting to lack or excess of jurisdiction is correctible by a petition for *certiorari* under Rule 65 of the Rules. Petitioners, however, failed to discharge the burden of proving the existence of grave abuse of discretion amounting to lack or excess of jurisdiction on the part of public respondent. Hence, the denial of the petition for *certiorari*.

WHEREFORE, the instant Motion for Reconsideration is **DENIED**.

SO ORDERED.^[7]

Ultimately, petitioners filed a Petition for *Certiorari* before this Court praying that the appellate court's Decision dated August 12, 2004 and Resolution dated December 20, 2004 be set aside on the following ground:

THE COURT OF APPEALS GROSSLY ERRED IN DENYING THE QUASHAL AND THE EVENTUAL PROHIBITION OF THE CRIMINAL CASE AGAINST THE PETITIONERS IN ORDER TO ABATE THEIR FURTHER [PROSECUTION] AND OPPRESSION UPON THE GROUNDS: THAT THE CASE AGAINST THE PETITIONERS, AMONG OTHERS, HAD BEEN PREVIOUSLY DISMISSED; and THAT THE FACTS CHARGED DO NOT CONSTITUTE AN OFFENSE.^[8]

Simply, the issue for our resolution is: Did the appellate court err in denying petitioners' Motion to Quash?

We rule in the negative.

At the outset, we must reiterate the fundamental principle that an order denying a motion to quash is interlocutory and, therefore, not appealable, nor can it be the subject of a petition for *certiorari*.^[9]