

FIRST DIVISION

[G.R. No. 162370, April 21, 2009]

DAVID TIU, PETITIONER, VS. COURT OF APPEALS AND EDGARDO POSTANES, RESPONDENTS.

DECISION

CARPIO, J.:

The Case

Before the Court is a petition for review^[1] assailing the 29 October 2003 Decision^[2] and 24 February 2004 Resolution^[3] of the Court of Appeals in CA-G.R. SP No. 64783. The Court of Appeals annulled the 6 November 2000 Decision^[4] of the Regional Trial Court (RTC), Branch 115, Pasay City on the ground of violation of the right of the accused against double jeopardy. The RTC declared void the acquittal by the Metropolitan Trial Court (MeTC), Branch 44, Pasay City, of respondent Edgardo Postanes for the crime of grave threats.

The Facts

The instant controversy stemmed from a criminal charge for slight physical injuries filed by respondent Edgardo Postanes (Postanes) against Remigio Pasion (Pasion). On the other hand, petitioner David Tiu (Tiu) filed a criminal charge for grave threats against Postanes.

Consequently, an Information for Slight Physical Injuries, docketed as Criminal Case No. 96-412, and an Information for Grave Threats, docketed as Criminal Case No. 96-413, were filed with the Metropolitan Trial Court (MeTC) of Pasay City. The Informations read as follows:

Criminal Case No. 96-412 (Slight Physical Injuries).

That on or about the 2nd day of November 1995, in Pasay City Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Remegio Pasion, there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of one Edgardo Postanes y Talara thereby inflicting physical injuries to the latter, which injuries required and will require medical attendance for a period of less than nine (9) days and incapacitated and will incapacitate him from performing his habitual work and/or activities during the same period of time.

Contrary to law.^[5]

Criminal Case No. 96-413 (Grave Threats).

That on or about the 2nd day of November 1995, in Pasay City Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Edgardo Postanes y Talara, without justifiable cause, by creating in the minds of the complainants Genes Carmen y Motita and David S. Tiu that the threats will be carried out, did then and there willfully, unlawfully and feloniously threatened to inflict bodily harm on the latter's person by poking a gun and uttering the following threatening words, to wit:

"PUTANG INA NINYO MGA HINDOT KAYO PAGBABABARILIN KO KAYO."

Contrary to law.^[6]

Upon motion of Pasion, Criminal Case Nos. 96-412 and 96-413 were consolidated and jointly heard before the MeTC of Pasay City, Branch 44.

During the trial, Postanes testified as a witness, together with his eyewitnesses Jose Aynaga (Aynaga) and Aristotle Samson (Samson). Postanes' testimony was also offered to prove his innocence as the accused in Criminal Case No. 96-413, thus:

ATTY. VALDEZ: The purposes in presenting the testimony of this witness your Honor, is [sic] to affirm and confirm his Affidavit or Sworn Statement earlier submitted to this Honorable Court as his direct testimony pursuant to the Rules of Summary Procedure; second, **to affirm and confirm his Affidavit or his Sworn Statement as part of his controverting evidence on the counter charge on Criminal Case No. 96-413** also pursuant to the Rules on Summary Procedure; third, to identify the accused; and [fourth] to prove that the accused is guilty of the crime charged; and [fifth] **to prove that the witness Edgardo Postanes is innocent in the charges in Criminal Case No. 96-413.**^[7] (Emphasis supplied)

On 3 April 1997, Postanes formally offered his evidence, as the private complainant in Criminal Case No. 96-412. Postanes offered, among others, his affidavit and the affidavits of his witnesses, Aynaga and Samson, which were correspondingly marked as Exhibits "A," "C," and "D."

On 17 April 1997, the MeTC admitted all of Postanes' documentary evidences.

In Criminal Case No. 96-413, where he stood as the accused, Postanes adopted his testimony and his witnesses' testimonies which were formally offered and admitted in Criminal Case No. 96-412. Accordingly, the MeTC issued an Order dated 13 October 1998, which pertinently states:

Atty. Paul Edwin D.S. Bautista, counsel for the accused manifested that the witness to be presented today in the person of Norlie B Ubay cannot be located by Mr. Postanes. **Atty. Bautista further manifested that he is adopting the testimonies of their witnesses, Aristotle Samson and Jose Aynaga in Criminal Case No. 96-412 for Slight Physical Injuries wherein Edgardo Postanes is the private complainant**

against Remigio Pasion, Jr., their testimonies and other evidences introduced as evidence for the accused.^[8] (Emphasis supplied)

Postanes requested more time to submit a formal offer of evidence in Criminal Case No. 96-413. However, Postanes' counsel filed a formal offer of evidence belatedly. In its Order dated 22 December 1998, the MeTC denied Postanes' motion to admit formal offer of evidence and ordered it expunged from the records.^[9]

In its Decision dated 26 January 1999,^[10] the MeTC dismissed both Criminal Case Nos. 96-412 and 96-413. The dispositive portion of the MeTC Decision reads:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered declaring the charge for Slight Physical Injuries against Remegio Pasion, Jr. and the counter-charge of Grave Threats against Edgardo Postanes DISMISSED for insufficiency of evidence.

SO ORDERED.^[11]

Tiu filed a motion for reconsideration which was denied by the MeTC in its Order dated 11 March 1999.

On 29 March 1999, Tiu, through his counsel, filed a petition for certiorari with the RTC of Pasay City.

On 6 November 2000, the RTC, Branch 115, Pasay City rendered a Decision declaring void the judgment of the MeTC. The dispositive portion of the RTC Decision reads:

WHEREFORE, granting certiorari, the Decision of Acquittal dated January 26, 1999 of the respondent judge in Criminal Case No. 96-413, with respect to accused Edgardo Postanes, is declared NULL AND VOID.

This case is remanded to the Court of origin for reconsideration of its Decision.^[12]

Postanes moved for reconsideration, which was denied by the RTC in its Order dated 3 April 2001.^[13]

On 22 May 2001, Postanes filed with the Court of Appeals a petition for certiorari (with prayer for the issuance of a writ of preliminary injunction and/or temporary restraining order), challenging the decision of the RTC which annulled the judgment of the MeTC dismissing Criminal Case Nos. 96-412 and 96-413.

In a Resolution promulgated on 5 January 2001, the Court of Appeals directed respondents (Tiu and Judge Francisco G. Mendiola of RTC Pasay, Branch 115) to file their Comment on the petition. The Court of Appeals found no reason to justify the issuance of a temporary restraining order.^[14]

Meanwhile, Tiu, through his counsel, filed with the MeTC a Motion for Compliance asking the MeTC to enforce the RTC decision. He also filed a motion to inhibit MeTC Presiding Judge Estrellita M. Paas. Postanes, on the other hand, filed a motion to suspend the proceedings and an Opposition to the motion for compliance.

On 3 September 2001, the MeTC issued an Order^[15] granting Postanes' motion to suspend the proceedings. Presiding Judge Estrellita M. Paas also inhibited herself from further hearing the case.

On 3 January 2002, Tiu filed with the Court of Appeals a Motion to Dismiss Petition^[16] on the ground of forum shopping.

In a Resolution promulgated on 16 September 2003, the Court of Appeals stated that "action on the Motion to Dismiss Petition filed by the private respondents, together with the petitioner's Opposition thereto, and private respondents' Reply to Opposition shall be included in the preparation of the decision in the present petition."^[17]

On 29 October 2003, the Court of Appeals rendered the assailed Decision, reversing the RTC Decision and affirming the dismissal of Criminal Case No. 96-413. The dispositive portion of the appellate court's decision reads:

WHEREFORE, premises considered, the assailed Decision dated November 6, 2000 and the Order dated April 3, 2001 of the public respondent judge are hereby ANNULLED and SET ASIDE.

SO ORDERED.^[18]

On 24 February 2004, the Court of Appeals denied Tiu's motion for reconsideration.^[19]

Hence, this petition.

The Court of Appeals' Ruling

In annulling the RTC decision, the Court of Appeals held that the RTC "has granted upon the State, through the extraordinary remedy of certiorari, the right to appeal the decision of acquittal which right the government does not have."

The Court of Appeals stated that the prosecution had not been denied by the MeTC of its right to due process. Hence, it was wrong for the RTC to declare the findings of the MeTC as having been arrived at with grave abuse of discretion, thereby denying Postanes of his Constitutional right against double jeopardy.

The Court of Appeals opined that the MeTC evaluated and passed upon the evidence presented both by the prosecution and the defense. The MeTC, however, believed that the evidence of the prosecution was not sufficient to overcome the constitutional presumption of innocence of Postanes, thus acquitted him based on reasonable doubt.

The Issues

The main issues in this case are:

1. Whether there was double jeopardy when Tiu filed a petition for certiorari questioning the acquittal of Postanes by the MeTC; and