

## SECOND DIVISION

[ G.R. NO. 138297, January 27, 2006 ]

**DESIDERIO DE LOS REYES AND MYRNA VILLANUEVA,  
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES AND HON.  
ANTONIO M. EUGENIO, JR., PRESIDING JUDGE, REGIONAL  
TRIAL COURT, CALAMBA, LAGUNA, BRANCH 34, RESPONDENTS.**

### DECISION

**SANDOVAL-GUTIERREZ, J.:**

For our resolution is the instant Petition for Certiorari assailing the Order<sup>[1]</sup> dated February 16, 1998 of the Regional Trial Court (RTC), Branch 34, at Calamba, Laguna, in Civil Case No. 2494-97-C and its Order dated March 31, 1998.

The instant case stemmed from a complaint filed with the Municipal Trial Court (MTC) of Calauan, Laguna by the Philippine Coconut Authority against Desiderio De los Reyes and Myrna Villanueva, petitioners, and several others for violation of Republic Act No. 8048, otherwise known as The Coconut Preservation Act of 1995, docketed as Criminal Case No. 6768. The complaint reads:

That on August, September and October 1996 in Brgy. Imok, Calauan, Laguna, the above named respondents did then and there willfully, unlawfully and feloniously cut down and processed more or less FOUR HUNDRED and FORTY (440) coconut trees without the required permit to cut from the Philippine Coconut Authority in gross violation of the provisions of R.A. 8048 or the Coconut Preservation Act of 1995.

On January 31, 1997, the MTC ordered the accused, including petitioners, to file their counter-affidavits within ten (10) days from notice.

On March 4, 1997, petitioners, instead of submitting their counter-affidavits, filed a Motion for Preliminary Investigation.

On May 13, 1997, the MTC denied the motion on the ground that in cases cognizable by the MTCs, an accused is not entitled to a preliminary investigation.

On June 4, 1997, petitioners filed a Motion To Quash the complaint on the ground that the allegations therein do not constitute an offense.

On October 15, 1997, the MTC issued an Order denying the motion and requiring anew all the accused to file their counter-affidavits within five (5) days from notice.

Petitioners then filed a petition for certiorari, prohibition, and mandamus with the RTC, docketed as Civil Case No. 2494-97-C. They alleged that the MTC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it denied their Motion To Quash.