SECOND DIVISION

[CA-G.R. SP NO. 126985, March 24, 2015]

ABS-CBN CORPORATION AND JORGE CARIÑO, PETITIONERS, VS. HON. AFABLE E. CAJIGAL, IN HIS CAPACITY AS THE PRESIDING JUDGE OF BRANCH 96 OF THE REGIONAL TRIAL COURT OF QUEZON CITY AND DATU ANDAL AMPATUAN, JR. RESPONDENTS.

DECISION

CRUZ, R.A., J.:

THE CASE

This is a Petition for Certiorari and Prohibition under Rule 65 of the Rules of Court with applications for Temporary Restraining Order and Writ of Preliminary Injunction seeking to (a) annul and set aside Public Respondent the Hon. Afable E. Cajigal's June 8 2012 and August 14 2012 Orders in Civil Case No. Q-10-67543, entitled Datu Andal Ampatuan, Jr. v. Lakmodin “”Laks” Saliao, ABS-CBN Broadcasting Corporation and Jorge Cariño, pending before his branch of the Regional Trial Court of Quezon City; and (b) compel public respondent to desist from further proceeding in Civil Case No. Q-10-67543.

The dispositive portion of the Order of June 8 2012 reads:

x x x

> "The emerging trend in the rulings of this Court is to afford every party litigant the amplest opportunity for the proper and just determination of his cause free from the constraints of technicalities. Time and again, this Court has consistently held that rules must not be applied rigidly so as not to override substantial justice.(Ginete v. CA, G.R. No. 127596, September 24, 1998)
>
> Considering the aforequoted pronouncement of the Supreme Court, finding the Affirmative Defense bereft of merit, the same is hereby DENIED. Accordingly, let the initial trial proceed as previously scheduled on 14 June 2012.
>
> "SO ORDERED."

x x x

The dispositive portion of the Order of August 14 2012 reads:

x x x

> "In view of the fact that the issues on the Motion for Preliminary Hearing

on Affirmative Defense had already been resolved by this Court, and considering that there is no cogent reason to reverse the Order dated 8 June 2012, the Motion for Reconsideration filed on June 27, 2012, by the respondents, ABS-CBN Broadcasting Corporation and Jorge Cariño, through counsel, with Opposition and Rejoinder thereto, is hereby DENIED.

x x x

"SO ORDERED."

x x x

Dissatisfied with the aforequoted pronouncements, petitioners are now before us claiming that public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction for issuing the aforementioned Orders and that petitioners have no other plain, speedy and adequate remedy.

In their Petition, they argued that the charge of contempt leveled against them failed to state a cause of action and was already moot and academic thus public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction for issuing these Orders that denied the dismissal of the case. Petitioners also argued that they have no other plain, speedy and adequate remedy inasmuch as their motion for reconsideration of these Orders was likewise denied.

THE ANTECEDENTS

On November 23, 2009 in the Province of Maguindanao, dozens of gunmen stopped a convoy that was en route to file Esmael Mangudadatu's candidacy for the then upcoming gubernatorial elections. The gunmen executed at least fifty-seven persons. This event is now infamously known as the Maguindanao Massacre.

Criminal cases for murder were filed against one hundred ninety-seven persons, including Private Respondent Datu Andal Ampatuan and other members of his family. These criminal cases are pending before Branch 221 of the Regional Trial Court of Quezon City.

On June 23, 2010 Petitioner ABS-CBN through its news program TV Patrol World aired an interview of Lakmodin "Laks" Saliao by Petitioner Jorge Cariño. Claiming to be a former "alalay" of the Ampatuan family, Lakmodin "Laks" Saliao narrated how he was present at two meetings where the Ampatuans allegedly planned the "Maguindanao Massacre" in November 2009. He named members of the Ampatuan family who attended the meeting. He had discovered that he was going to be killed by the Ampatuans as he knew too much about the murders.

Because of this interview and of the pendency of the criminal cases, Private Respondent Datu Andal Ampatuan, Jr. instituted a Petition for Contempt[1] which was raffled off to Branch 96 of the Regional Trial Court of Quezon City, where he prayed that petitioners be: (a) cited for indirect contempt for conducting and airing the Saliao Interview; and (b) prohibited from making further statements "in any forum or media in violation of the *sub judice* rule during the pendency of the Maguindanao Massacre murder cases.

Petitioners jointly filed their Answer with Counterclaims[2].They raised the affirmative defense that the Petition failed to state a cause of action.

On February 14, 2011, petitioners filed a Motion for Preliminary Hearing on Affirmative Defense[3]. After an exchange of pleadings, public respondent issued a Resolution[4] dated July 15, 2011, denying petitioners' Motion for Preliminary Hearing and directing the parties to file their respective position papers.

Petitioners filed a Motion for Reconsideration with Alternative Motion To Conduct Trial[5]. Private respondent opposed it. In his Resolution[6] dated October 20, 2011, public respondent granted it and set the preliminary hearing on November 24, 2011.

However, at the hearing, petitioners manifested that they will no longer present evidence relative to their affirmative defense and thereby submits the affirmative defense for resolution.

On June 8, 2012, public respondent issued his first assailed Order, finding unmeritorious petitioner's affirmative defense and refused the outright dismissal of the case.

Petitioners then moved for reconsideration. After an exchange of pleadings, public respondent denied petitioners' motion for reconsideration in his second assailed Order of August 14, 2012.

Hence, this petition.

THE ISSUES BEFORE US

In this Petition, petitioners raised the following as grounds for the setting aside of Public Respondent's Orders:

A. PUBLIC RESPONDENT ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION.

1. PUBLIC RESPONDENT SHOULD HAVE DISMISSED THE PETITION FOR FAILING TO STATE A CAUSE OF ACTION.

2. PUBLIC RESPONDENT SHOULD HAVE DISMISSED THE CASE A QUO BECAUSE THE ISSUE INVOLVED THEREIN HAD ALREADY BECOME MOOT AND ACADEMIC AFTER SALIAO GAVE TESTIMONY IN THE MAGUINDANAO MASSACRE CASES.

B. PETITIONERS HAVE NO PLAIN, SPEEDY AND ADEQUATE REMEDY EXCEPT THIS PETITION.

Petitioners argue that the Petition failed to state a cause of action because pretrial news about an ongoing criminal case has the potential to be prejudicial to the accused only in a trial by jury; it failed to allege ultimate facts constituting intent on the part of the Petitioners to abuse or unlawfully interfere with the administration of justice; it failed to allege ultimate facts showing that Petitioners acted with criminal and malicious intent in conducting and airing the Saliao Interview; it failed to allege

ultimate facts showing that the airing and conduct of the Saliao Interview is a serious and imminent threat to the administration of justice; it failed to allege ultimate facts showing that the airing and conduct of the Saliao Interview constitutes pervasive publicity prejudicial to private respondent that would prevent fair trial; and the Saliao Interview is privileged communication, made in good faith.

Petitioners also claim that the issue of contempt was rendered moot and academic when Saliao testified in open court before Branch 221 of the same Court handling the Maguindanao Massacre cases. His testimony detailed the same facts as those he narrated in his interview with petitioners. Because the statements made by Saliao now form part of the evidence in the Maguindanao Massacre cases, petitioners' conduct and airing of Saliao's statements could not have unduly interfered with or influenced the court trying the Maguindanao Massacre cases.

Petitioners ascribe grave abuse of discretion to public respondent for refusing to dismiss the case of contempt on the aforementioned grounds.

Last, and on a procedural point, petitioners asseverate that they have no other plain, speedy and adequate remedy in the course of law. Petitioners have already moved for the reconsideration of public respondent's June 8, 2012 Order refusing to dismiss the petition on the ground of failure to state a cause of action. Public respondent likewise denied said motion in an Order dated August 14, 2012. According to petitioners, a Petition for Certiorari under Rule 65 is the proper remedy against an order denying the dismissal of a petition despite the petitioner's failure to state a cause of action, especially when such refusal is attended by grave abuse of discretion amounting to lack or excess of jurisdiction.

For his part, private respondent states that for a Writ of Certiorari to issue, the trial court must be shown to have acted with grave abuse of discretion amounting to lack or excess of jurisdiction. Petitioners have failed to discharge this burden. Petitioners manifested during the November 21, 2011 preliminary hearing that they will no longer present evidence for their affirmative defenses which they could have used to bolster their motion.

Private respondent suggests that a plain, adequate and speedy remedy of petitioners is to go to trial and present evidence to rebut the allegations in the complaint. In the event that petitioners are adjudged liable for indirect contempt they can still appeal the case.

Private respondent also stresses that while the Special Civil Action for Certiorari may be availed of in case there is a grave abuse of discretion or lack of jurisdiction that vitiating error is not attendant in this case.

OUR RULING

The petition is barren of merit.

At the outset, we would like to stress that the merits of the Petition for Contempt lodged against the Petitioners are not before us. The issue before us, distilled from the matters raised in this Petition, is whether there is abuse of discretion, grave at that, when the RTC refused to dismiss the Petition for Contempt filed against them. Petitioners, obviously, would wish to dismiss peremptorily the Petition for Contempt

filed against them. We are loath to do so.

Jurisprudence teaches that:

> "As to the wisdom or soundness of the trial court's order dismissing petitioners' affirmative defense of prescription, this involves a matter of judgment which is not properly reviewable by petition for *certiorari,* which is intended to correct defects of jurisdiction solely and not to correct errors of procedure or matters in the trial court's findings or conclusions. We adopt the Court of Appeals' disquisition in this wise:
>
> "In a very real sense, We see in this recourse a clever attempt on the part of the petitioners to ventilate before this Court their discarded arguments in their Position Paper (Annex "K", Petition), relative to their affirmative defense of prescription, and in the process, put at issue via this petition for certiorari the merit or lack of it of the respondent judge's order of September 8, 1997. This cannot be done thru the instant proceeding. For,x x x there is the more important rule in the law of certiorari that this extraordinary remedy is available only to keep a court within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to excess of jurisdiction. The writ is never available to correct errors of procedure or mistakes in the judge's findings or conclusions (citations omitted) xxx;"[7]
>
> "As to the Purpose. Certiorari is a remedy designed for the correction of errors of jurisdiction, not errors of judgment. *In Pure Foods Corporation v. NLRC,* we explained the simple reason for the rule in this light:
>
> When a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error is committed. If it did, every error committed by a court would deprive it of its jurisdiction and every erroneous judgment would be a void judgment. This cannot be allowed. The administration of justice would not survive such a rule. Consequently, an error of judgment that the court may commit in the exercise of its jurisdiction is not correct[a]ble through the original civil action of certiorari.'
>
> The supervisory jurisdiction of a court over the issuance of a writ of certiorari cannot be exercised for the purpose of reviewing the intrinsic correctness of a judgment of the lower court -- on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision. Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of certiorari."[8]

Indeed, the merit or the lack of it, of Private Respondent's Petition for Contempt cannot be resolved in this Petition. Absent grave abuse of discretion, it is the RTC which should dispose of it.

We also hold that the issue of indirect contempt is not rendered moot and academic simply because Saliao gave testimony in the Maguindanao Massacre cases. Petitioners' sole basis for persuading us on this matter is the case of Reghis M.