Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

GODOFREDO ENRILE AND DR. FREDERICK ENRILE, Petitioners, - versus - **HON. DANILO A. MANALASTAS (AS PRESIDING JUDGE, REGIONAL TRIAL COURT OF MALOLOS BULACAN, BR. VII), HON. ERANIO G. CEDILLO, SR., (AS PRESIDING JUDGE, MUNICIPAL TRIAL COURT OF MEYCAUAYAN, BULACAN, BR. 1) AND PEOPLE OF THE PHILIPPINES,** Respondents.	**G.R. No. 166414** Present: SERENO, *C.J.*, LEONARDO-DE CASTRO, BERSAMIN, PEREZ, and PERLAS-BERNABE, *JJ.* Promulgated: OCT 22 2014

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D E C I S I O N

BERSAMIN, *J.*:

The remedy against the denial of a motion to quash is for the movant accused to enter a plea, go to trial, and should the decision be adverse, reiterate on appeal from the final judgment and assign as error the denial of the motion to quash. The denial, being an interlocutory order, is not appealable, and may not be the subject of a petition for *certiorari* because of the availability of other remedies in the ordinary course of law.

Antecedents

Petitioners Godofredo Enrile and Dr. Frederick Enrile come to the Court on appeal, seeking to reverse and undo the adverse resolutions

promulgated on August 31, 2004[1] and December 21, 2004,[2] whereby the Court of Appeals (CA) respectively dismissed their petition for *certiorari* and prohibition (assailing the dismissal of their petition for *certiorari* by the Regional Trial Court (RTC), Branch 7, in Malolos, Bulacan, presided by RTC Judge Danilo A. Manalastas, to assail the denial of their motions to quash the two informations charging them with less serious physical injuries by the Municipal Trial Court (MTC) of Meycauayan, Bulacan), and denied their motion for reconsideration anent such dismissal.

The mauling incident involving neighbors that transpired on January 18, 2003 outside the house of the petitioners in St. Francis Subdivision, Barangay Pandayan, Meycauayan Bulacan gave rise to the issue subject of this appeal. Claiming themselves to be the victims in that mauling, Josefina Guinto Morano,[3] Rommel Morano and Perla Beltran Morano charged the petitioners and one Alfredo Enrile[4] in the MTC with frustrated homicide (victim being Rommel) in Criminal Case No. 03-275; with less serious physical injuries (victim being Josefina) in Criminal Case No. 03-276; and with less serious physical injuries (victim being Perla) in Criminal Case No. 03-277, all of the MTC of Meycauayan, Bulacan on August 8, 2003 after the parties submitted their respective affidavits, the MTC issued its joint resolution,[5] whereby it found probable cause against the petitioners for less serious physical injuries in Criminal Case No. 03-276 and Criminal Case No. 03-277, and set their arraignment on September 8, 2003. On August 19, 2003, the petitioners moved for the reconsideration of the joint resolution, arguing that the complainants had not presented proof of their having been given medical attention lasting 10 days or longer, thereby rendering their charges of less serious physical injuries dismissible; and that the two cases for less serious physical injuries, being necessarily related to the case of frustrated homicide still pending in the Office of the Provincial Prosecutor, should not be governed by the Rules on Summary Procedure.[6] On November 11, 2003, the MTC denied the petitioners' motion for reconsideration because the grounds of the motion had already been discussed and passed upon in the resolution sought to be reconsidered; and because the cases were governed by the Rules on Summary Procedure, which prohibited the motion for reconsideration.[7] Thereafter, the petitioners presented a manifestation with motion to quash and a motion for the deferment of the arraignment.[8]

On February 11, 2004, the MTC denied the motion to quash, and ruled that the cases for less serious physical injuries were covered by the

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1 *Rollo*, pp. 26-28, penned by Associate Justice Remedios A. Salazar-Fernando, and concurred in by Presiding Justice Cancio C. Garcia (later a Member of the Court/deceased) and Associate Justice Hakim S. Abdulwahid.

2 Id. at 30-34.

3 Surname Moraño was spelled as Morano in some documents.

4 At times referred to in various documents as Alfred Enrile.

5 *Rollo*, pp. 79-80.

6 Id. at 81-85.

7 Id. at 87.

8 Id. at 98.

rules on ordinary procedure; and reiterated the arraignment previously scheduled on March 15, 2004.[9] It explained its denial of the motion to quash in the following terms, to wit:

> x x x x
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> As to the Motion to Quash, this Court cannot give due course to said motion. A perusal of the records shows that the grounds and/or issues raised therein are matters of defense that can be fully ventilated in a full blown trial on the merits.
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> Accordingly, Criminal Cases Nos. 03-276 and 03-277 both for Less Serious Physical Injuries are hereby ordered tried under the ordinary procedure.
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> The Motion to Quash is hereby DENIED for reasons aforestated.
>
> Meanwhile, set these cases for arraignment on March 15, 2004 as previously scheduled.
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> SO ORDERED.[10]

Still, the petitioners sought reconsideration of the denial of the motion to quash, but the MTC denied their motion on March 25, 2004.[11]

Unsatisfied, the petitioners commenced a special civil action for *certiorari* assailing the order dated February 11, 2004 denying their motion to quash, and the order dated March 25, 2004 denying their motion for reconsideration. The special civil action for *certiorari* was assigned to Branch 7, presided by RTC Judge Manalastas.

On May 25, 2004, the RTC Judge Manalastas dismissed the petition for *certiorari* because:

> As could be gleaned from the order of the public respondent dated February 11, 2004, the issues raised in the motion to quash are matters of defense that could only be threshed out in a full blown trial on the merits. Indeed, proof of the actual healing period of the alleged injuries of the private complainants could only be established in the trial of the cases filed against herein petitioners by means of competent evidence x x x. On the other hand, this court is likewise not in a position, not being a trier of fact insofar as the instant petition is concerned, to rule on the issue as to whether or not there was probable cause to prosecute the petitioners for the alleged less physical injuries with which they stand charged. x x x.

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9 Id. at 35-36.
10 Id. at 36.
11 Id. at 37.

> All things considered, it would be premature to dismiss, the subject criminal cases filed against the herein petitioners when the basis thereof could be determined only after trial on the merits. x x x.[12]

The petitioners moved for the reconsideration, but the RTC denied their motion on July 9, 2004.[13]

The petitioners next went to the CA via a petition for *certiorari* and prohibition to nullify the orders issued by the RTC on May 25, 2004 and July 9, 2004, averring grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the RTC. They urged the dismissal of the criminal cases on the same grounds they advanced in the RTC.

However, on August 31, 2004, the CA promulgated its assailed resolution dismissing the petition for *certiorari* and prohibition for being the wrong remedy, the proper remedy being an appeal; and ruling that they should have filed their notice of appeal on or before August 18, 2004 due to their receiving the order of July 9, 2004 on August 3, 2004.[14]

On December 21, 2004, the CA denied the petitioners' motion for reconsideration.[15]

Issues

In this appeal, the petitioners submit that:

> I.
> THE HONORABLE COURT OF APPEALS ERRED IN UPHOLDING THE TRIAL COURTS' RULING DENYING THE PETITIONERS' MOTION TO QUASH THE COMPLAINTS DESPITE THE CLEAR AND PATENT SHOWING THAT BOTH COMPLAINTS, ON THEIR FACE, LACKED ONE OF THE ESSENTIAL ELEMENTS OF THE ALLEGED CRIME OF LESS SERIOUS PHYSICAL INJURIES.
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> II.
> THE HONORABLE COURT OF APPEALS ERRED IN NOT RULING THAT THE INJURIES SUSTAINED BY THE PRIVATE COMPLAINANTS WERE NOT PERPETRATED BY THE PETITIONERS.[16]

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12 Id. at 39.
13 Id. at 40.
14 Id. at 26-28.
15 Id. at 33.
16 Id. at 15.

Ruling of the Court

The CA did not commit any reversible errors.

Firstly, considering that the *certiorari* case in the RTC was an original action, the dismissal of the petition for *certiorari* on May 25, 2004, and the denial of the motion for reconsideration on July 9, 2004, were in the exercise of its original jurisdiction. As such, the orders were final by reason of their completely disposing of the case, leaving nothing more to be done by the RTC.[17] The proper recourse for the petitioners should be an appeal by notice of appeal,[18] taken within 15 days from notice of the denial of the motion for reconsideration.[19]

Yet, the petitioners chose to assail the dismissal by the RTC through petitions for *certiorari* and prohibition in the CA, instead of appealing by notice of appeal. Such choice was patently erroneous and impermissible, because *certiorari* and prohibition, being extraordinary reliefs to address jurisdictional errors of a lower court, were not available to them. Worthy to stress is that the RTC dismissed the petition for *certiorari* upon its finding that the MTC did not gravely abuse its discretion in denying the petitioners' motion to quash. In its view, the RTC considered the denial of the motion to quash correct, for it would be premature and unfounded for the MTC to dismiss the criminal cases against the petitioners upon the supposed failure by the complainants to prove the period of their incapacity or of the medical attendance for them. Indeed, the time and the occasion to establish the duration of the incapacity or medical attendance would only be at the trial on the merits.

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[17] Section 1, Rule 41, *Rules of Court*, states in its opening paragraph: "An appeal may be taken from a judgment or final order **that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.**"

The Court has explained the character of a final order in *Investments, Inc. v. Court of Appeals*, G.R. No. L-60036, 27 January 1987, 147 SCRA 334, 339-340, to wit:

> x x x A "final" judgment or order is one that finally disposes of a case, leaving nothing more to be done by the Court in respect thereto, *e.g.*, an adjudication on the merits which, on the basis of the evidence presented on the trial, declares categorically what the rights and obligations of the parties are and which party is in the right; or a judgment or order that dismisses an action on the ground, for instance, of *res judicata* or prescription. Once rendered, the task of the Court is ended, as far as deciding the controversy or determining the rights and liabilities of the litigants is concerned. Nothing more remains to be done by the Court except to await the parties' next move (which among others, may consist of the filing of a motion for new trial or reconsideration, or the taking of an appeal) and ultimately, of course, to cause the execution of the judgment once it becomes "final" or, to use the established and more distinctive term, "final and executory."

[18] Section 2, (a), Rule 41, *Rules of Court*, specifies: "(a) *Ordinary appeal*.— **The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party.** No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner."

[19] Section 3, Rule 41, *Rules of Court.*

Secondly, the motion to quash is the mode by which an accused, before entering his plea, challenges the complaint or information for insufficiency *on its face* in point of law, or for defects apparent *on its face*.[20] Section 3, Rule 117 of the *Rules of Court* enumerates the grounds for the quashal of the complaint or information, as follows: (*a*) the facts charged do not constitute an offense; (*b*) the court trying the case has no jurisdiction over the offense charged; (*c*) the court trying the case has no jurisdiction over the person of the accused; (*d*) the officer who filed the information had no authority to do so; (*e*) the complaint or information does not conform substantially to the prescribed form; (*f*) more than one offense is charged except when a single punishment for various offenses is prescribed by law; (*g*) the criminal action or liability has been extinguished; (*h*) the complaint or information contains averments which, if true, would constitute a legal excuse or justification; and (*i*) the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.

According to Section 6,[21] Rule 110 of the *Rules of Court*, the complaint or information is sufficient if it states the names of the accused; the designation of the offense given by the statute; *the acts or omissions complained of as constituting the offense*; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed. The fundamental test in determining the sufficiency of the averments in a complaint or information is, therefore, whether the facts alleged therein, if hypothetically admitted, constitute the elements of the offense.[22]

By alleging in their motion to quash that both complaints should be dismissed for lack of one of the essential elements of less serious physical injuries, the petitioners were averring that the facts charged did not constitute offenses. To meet the test of sufficiency, therefore, it is necessary to refer to the law defining the offense charged, which, in this case, is Article 265 of the *Revised Penal Code*, which pertinently states:

> Article 265. *Less serious physical injuries* – Any person who shall inflict upon another physical injuries x x x which shall **incapacitate the offended party for labor for ten days or more, or shall require medical**

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[20] *Serapio v. Sandiganbayan*, G.R. No. 148468, January 28, 2003, 396 SCRA 443, 474.

[21] Section 6. *Sufficiency of complaint or information.* - A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

When an offense is committed by more than one person, all of them shall be included in the complaint or information.

[22] *People v. Balao*, G.R. No. 176819, January 26, 2011, 640 SCRA 565, 573; *Cabrera v. Sandiganbayan*, G..R. Nos. 162314-17, October 25, 2004, 441 SCRA 377, 385.

> **assistance for the same period**, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*.
>
> x x x x.

Based on the law, the elements of the crime of less serious physical injuries are, namely: (1) that the offender inflicted physical injuries upon another; and (2) that the physical injuries inflicted either incapacitated the victim for labor for 10 days or more, or the injuries required medical assistance for more than 10 days.

Were the elements of the crime sufficiently averred in the complaints? To answer this query, the Court refers to the averments of the complaints themselves, to wit:

Criminal Case No. 03-276

> That on the 18th day of January 2003, at around 7:30 in the evening more or less, in Brgy. Pandayan (St. Francis Subd.), Municipality of Meycauayan, Province of Bulacan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above named accused motivated by anger by conspiring, confederating and mutually helping with another did then and there wilfully, unlawfully and feloniously attack, assault and strike the face of one JOSEFINA GUINTO MORAÑO, thereby inflicting upon his (sic) physical injuries that will require a period of 10 to 12 days barring healing and will incapacitate his customary labor for the same period of time attached Medical Certificate *(sic).*
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> CONTRARY TO LAW.[23]

Criminal Case No. 03-277

> That on the 18th day of January 2003, at around 7:30 in the evening more or less, in Brgy. Pandayan (St. Francis Subd.), Municipality of Meycauayan, Province of Bulacan, Republic of the Philippines and within the jurisdiction of the Honorable Court, the above named accused MOTIVATED by anger did then and there wilfully, unlawfully and feloniously attack, assault and right and give hitting her head against pavement of one PERLA BELTRAN MORAÑO inflicting the latter physical injuries and will require Medical Attendance for a period of 12 to 15 days barring unforeseen complication as per Medical Certificate hereto attached.
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> CONTRARY TO LAW.[24]

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23 *Rollo*, p. 44.
24 Id. at 45.

The aforequoted complaints bear out that the elements of less serious physical injuries were specifically averred therein. The complaint in Criminal Case No. 03-276 stated that: (*a*) the petitioners "wilfully, unlawfully and feloniously attack, assault and strike the face of one JOSEFINA GUINTO MORAÑO;" and (*b*) the petitioners inflicted physical injuries upon the complainant "that will require a period of 10 to 12 days barring healing and will incapacitate his customary labor for the same period of time;" while that in Criminal Case No. 03-277 alleged that: (*a*) the petitioners "wilfully, unlawfully and feloniously attack, assault and right and give hitting her head against pavement of one PERLA BELTRAN MORAÑO;" and (*b*) the petitioners inflicted upon the complainant "physical injuries [that] will require Medical Attendance for a period of 12 to 15 days barring unforeseen complication."

In the context of Section 6, Rule 110 of the *Rules of Court*,[25] the complaints sufficiently charged the petitioners with less serious physical injuries. Indeed, the complaints only needed to aver the ultimate facts constituting the offense, not the details of why and how the illegal acts allegedly amounted to undue injury or damage, for such matters, being evidentiary, were appropriate for the trial. Hence, the complaints were not quashable.

In challenging the sufficiency of the complaints, the petitioners insist that the "complaints do not provide any evidence/s that would tend to establish and to show that the medical attendance rendered on private complainants actually and in fact lasted for a period exceeding ten (10) days;" and the medical certificates attached merely stated that "the probable disability period of healing is 10 to 12 days, for Josefina G. Morano, and, 12-15 days, for Perla B. Morano, hence, the findings of the healing periods were merely speculations, surmises and conjectures." They insist that the "private complainants should have presented medical certificates that would show the number of days rendered for medication considering that they filed their complaint on March 15, 2003 or about two (2) months after the alleged incident."[26]

The petitioners' insistence is utterly bereft of merit.

As the MTC and RTC rightly held, the presentation of the medical certificates to prove the duration of the victims' need for medical attendance or of their incapacity should take place only at the trial, not before or during the preliminary investigation. According to *Cinco v. Sandiganbayan*,[27] the preliminary investigation, which is the occasion for the submission of the parties' respective affidavits, counter-affidavits and evidence to buttress

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25 Supra note 21.
26 *Rollo*, pp. 17-18.
27 G.R. Nos. 92362-67, October 15, 1991, 202 SCRA 726.

their separate allegations, is merely inquisitorial, and is often the only means of discovering whether a person may be reasonably charged with a crime, to enable the prosecutor to prepare the information.[28] It is not yet a trial on the merits, for its only purpose is to determine whether a crime has been committed and whether there is probable cause to believe that the accused is guilty thereof.[29] The scope of the investigation does not approximate that of a trial before the court; hence, what is required is only that the evidence be sufficient to establish probable cause that the accused committed the crime charged, not that all reasonable doubt of the guilt of the accused be removed.[30]

We further agree with the RTC's observation that "the issues raised in the motion to quash are matters of defense that could only be threshed out in a full blown trial on the merits. Indeed, proof of actual healing period of the alleged injuries of the private complainant could only be established in the trial of the cases filed against herein petitioners by means of competent evidence, and to grant the main prayer of the instant petition for the dismissal of the criminal cases against them for less serious physical injuries is to prevent the trial court to hear and receive evidence in connection with said cases and to render judgments thereon. x x x All things considered, it would be premature to dismiss the subject criminal cases filed against the herein petitioners when the basis thereof could be determined only after trial of the merits."[31]

And, lastly, in opting to still assail the denial of the motion to quash by the MTC by bringing the special civil action for *certiorari* in the RTC, the petitioners deliberately disregarded the fundamental conditions for initiating the special civil action for *certiorari*. These conditions were, firstly, the petitioners must show that the respondent trial court lacked jurisdiction or exceeded it, or gravely abused its discretion amounting to lack or excess of jurisdiction; and, secondly, because the denial was interlocutory, they must show that there was no plain, speedy, and adequate remedy in the ordinary course of law.[32]

The petitioners' disregard of the fundamental conditions precluded the success of their recourse. To start with, the petitioners did not show that the MTC had no jurisdiction, or exceeded its jurisdiction in denying the motion to quash, or gravely abused its discretion amounting to lack or excess of jurisdiction in its denial. That showing was the door that would have opened the way to their success with the recourse. Yet, the door remained unopened to them because the denial by the MTC of the motion to quash was procedurally and substantively correct because the duration of the

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28 Id. at 735.
29 *Tandoc v. Resultas*, G. R. Nos. 59241-44, July 5, 1989, 175 SCRA 37, 43.
30 *Trocio v. Manta*, L-34834, November 15, 1982, 118 SCRA 241, 246.
31 *Rollo*, p. 39.
32 Section 1, Rule 65 of the *Rules of Court*.

physical incapacity or medical attendance should be dealt with only during the trial on the merits, not at the early stage of dealing with and resolving the motion to quash. As to the second condition, the fact that the denial was interlocutory, not a final order, signified that the MTC did not yet completely terminate its proceedings in the criminal cases. The proper recourse of the petitioners was to enter their pleas as the accused, go to trial in the MTC, and should the decision of the MTC be adverse to them in the end, reiterate the issue on their appeal from the judgment and assign as error the unwarranted denial of their motion to quash.[33] *Certiorari* was not available to them in the RTC because they had an appeal, or another plain, speedy or adequate remedy in the ordinary course of law.

WHEREFORE, the Court **DENIES** the petition for review on *certiorari*; **AFFIRMS** the resolutions promulgated on August 31, 2004 and December 21, 2004; and **ORDERS** the petitioners to pay the costs of suit.

SO ORDERED.

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

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[33] *Lalican v. Vergara*, G.R. No. 108619, July 31, 1997, 276 SCRA 518, 529; *Socrates v. Sandiganbayan*, 324 Phil. 151, 176 (1996); *Cruz, Jr. v. Court of Appeals*, G.R. No. 83754, February 18, 1991, 194 SCRA 145, 192.

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice