

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DEPARTMENT OF JUSTICE
PROSECUTOR GENERAL
CLARO A. ARELLANO; DOJ
PANEL OF PROSECUTORS, Per
Office Order No. 106 dated 12
February 2012, namely:
ASSISTANT STATE
PROSECUTOR JUAN PEDRO C.
NAVERA, ASSISTANT STATE
PROSECUTOR IRWIN A.
MARAYA, and ASSISTANT
STATE PROSECUTOR HAZEL
C. DECENA-VALDEZ,
Petitioners,

G.R. No. 212215

Present:

CARPIO, J., Chairperson,
CAGUIOA,
REYES, J. JR.,
LAZARO-JAVIER, and
ZALAMEDA, JJ.

- versus -

MAGTANGGOL B. GATDULA
Respondent.

Promulgated:

09 OCT 2019

X ----- X

DECISION

REYES, J. JR., J.:

Before the Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the March 5, 2013 Decision¹ and the April 7, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 126597.

¹ Penned by Associate Justice Edwin D. Sorongon, with Associate Justices Marlene Gonzales-Sison and Hakim S. Abdulwahid, concurring; *rollo*, pp. 69-85.

² Id. at 87-89.

Factual Antecedents

In his column "On Target" for the December 2, 2011 issue of the Philippine Daily Inquirer, Ramon Tulfo (Tulfo) wrote about the alleged kidnapping and extortion of Noriyo Ohara (Ohara), a Japanese national. It was purportedly committed by several agents of the National Bureau of Investigation (NBI). Owing to the gravity of the accusations, former President Benigno S. Aquino III (President Aquino) issued a verbal directive to then Department of Justice (DOJ) Secretary Leila M. de Lima (Secretary De Lima) to investigate the same.³

On December 6, 2011, Secretary De Lima released Department Order (D.O.) No. 1007⁴ creating a fact-finding panel to investigate the matters raised in Tulfo's column. The fact-finding panel was composed of Undersecretary Francisco F. Baraan, as chairperson, Assistant Secretary Zabedin M. Azis, as vice-chairperson, and City Prosecutor Donald T. Lee as member.

In discharge of its mandate, the fact-finding panel invited resource persons to shed light on the circumstances involving the alleged kidnapping and extortion of Ohara. On December 22, 2011, respondent Magtanggol Gatdula (Gatdula), who was then the NBI Director, appeared before the fact-finding panel as one of the resource persons invited.⁵

On January 9, 2012, the fact-finding panel submitted its Report⁶ dated January 6, 2012 to Secretary De Lima who, in turn, transmitted it to President Aquino on January 11, 2012. In the said report, the fact-finding panel recommended that Gatdula be included in those to be indicted for the alleged kidnapping of Ohara. It noted that based on the evidence gathered, Gatdula had knowledge and participation in the criminal operation against Ohara and was involved in its cover-up. On January 19, 2012, President Aquino relieved Gatdula as NBI Director.⁷

On January 20, 2012, Secretary De Lima issued D.O. No. 047⁸ reconstituting the fact-finding panel created pursuant to D.O. No. 1007. The fact-finding panel was tasked to reassess and to reevaluate its findings and recommendation to charge Gatdula with Kidnapping and Serious Illegal Detention.

On January 26, 2012, Gatdula filed a petition for *certiorari* and prohibition before the Manila Regional Trial Court (RTC) praying that D.O.

³ Id. at 12-13.

⁴ Id. at 252-253.

⁵ Id. at 13.

⁶ Id. at 254-431.

⁷ Id. at 13-14.

⁸ Id. at 432.

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Nos. 1007 and 407 be declared unconstitutional. He also asked that all evidence gathered in the course of investigation by the fact-finding panel be deemed null and void. On January 27, 2012, the Executive Judge issued an order granting Gatdula's application for the issuance of a 72-hour Temporary Restraining Order (TRO), which was eventually extended effectively for 20 days.⁹

On February 13, 2012, Ohara filed a Letter-Complaint before the National Prosecution Service (NPS) of the DOJ charging Gatdula, among other individuals, with the crime of kidnapping and serious illegal detention. The following day, Secretary De Lima issued D.O. No. 132 revoking D.O. No. 047 and declaring the reconstituted fact-finding panel to be *functus officio* after it was prevented from making a supplemental report in view of the TRO issued against it.¹⁰

On February 15, 2012, petitioner Prosecutor General Claro A. Arellano (Arellano) issued Office Order No. 106 establishing a Panel of Prosecutors to handle the preliminary investigation of Ohara's complaint. The Panel of Prosecutors was comprised of petitioners Assistant State Prosecutor Juan Pedro C. Navera, Assistant State Prosecutor Irwin A. Maraya and Assistant State Prosecutor Hazel C. Decena-Valdez.¹¹

Meanwhile, in its February 20, 2012 Order,¹² the RTC granted Gatdula's application for the issuance of a writ of preliminary injunction. The trial court ruled:

WHEREFORE, in view of the foregoing, the prayer for the issuance of a writ of preliminary injunction is hereby GRANTED. Respondents Secretary Leila M. De Lima, Undersecretary Francisco F. Baraan III, Assistant Secretary Zabedin M. Azis and City Prosecutor Donald T. Lee are hereby enjoined from issuing or transmitting any report to any other government agency obtained through D.O. Nos. 1007 and 047. Respondents are further restrained from doing, threatening, procuring or suffering to be done acts or transactions which are detrimental or prejudicial to the interest of the petitioner.

SO ORDERED.¹³

On February 27, 2012, the Panel of Prosecutors subpoenaed Gatdula to attend the preliminary investigation set on March 12, 2012 and to submit countervailing evidence. On March 9, 2012, he filed a Petition to Suspend Proceedings *Ex Abundanti Ad Cautela* to the DOJ. Gatdula prayed that the preliminary investigation be suspended pending the resolution of his petition

⁹ Id. at 15-16.

¹⁰ Id.

¹¹ Id. at 12 and 16.

¹² Issued by Presiding Judge Felixberto T. Olalia, Jr.; id. at 154-164.

¹³ Id. at 163.

for *certiorari* and prohibition in the RTC assailing D.O. Nos. 1007 and 407. He failed to appear on the scheduled preliminary investigation.¹⁴

In its June 20, 2012 Omnibus Order,¹⁵ the Panel of Prosecutors denied Gatdula's petition to suspend the preliminary investigation. It ruled that while his petition for *certiorari* and prohibition pending before the RTC was filed before Ohara's complaint with the DOJ, it did not involve issues similar or intimately related to the preliminary investigation. The Panel of Prosecutors highlighted that Gatdula's petition with the RTC assails the constitutionality of D.O. Nos. 1007 and 407 and the validity of the proceedings of the fact-finding panel while the preliminary investigation on Ohara's complaint only seeks to determine whether there is probable cause to charge Gatdula of the crimes alleged in the complaint.

The Panel of Prosecutors expounded that the preliminary investigation was being conducted in compliance with Office Order No. 106 issued by Arellano. It pointed out that the members of the panel were not privy to the proceedings of the fact-finding panel and merely possessed copies of Ohara's affidavits, the sworn statements of her witnesses and that of Jose Odolon Cabillan of the NBI. The Panel of Prosecutors noted that these documents were appended in Ohara's complaint and that the preliminary investigation is being conducted solely on the basis of the said documents. It emphasized that the preliminary investigation was being conducted not because of the recommendation of the fact-finding panel, but due to Ohara's complaint. The Panel of Prosecutors posited that the alleged violation of Gatdula's rights by the fact-finding panel does not affect the merits or demerits of Ohara's accusations. It ordered:

WHEREFORE, in view of all the foregoing, and pursuant to Rule 112 of the Revised Rules of Criminal Procedure and the Revised Manual for Prosecutors, respondents are hereby directed to file their respective counter-affidavits and other controverting evidence on July 13, 2012 at 10:00 A.M. at the 3rd Floor Multi-Purpose Hall, Department of Justice, Ermita, Manila. Should they fail to do so, this case shall be deemed submitted for resolution.

SO ORDERED.¹⁶

Gatdula moved for reconsideration, but it was denied by the Panel of Prosecutors in its August 28, 2012 Order.¹⁷

Aggrieved, Gatdula filed a petition for *certiorari* before the CA. While his petition for *certiorari* before the CA was pending, the RTC

¹⁴ Id. at 17.

¹⁵ Id. at 131-148.

¹⁶ Id. at 146.

¹⁷ Id. at 149-153.

partially granted Gatdula's petition for *certiorari* and prohibition assailing D.O. Nos. 1007 and 407. In its January 29, 2013 Decision,¹⁸ the trial court upheld D.O. Nos. 1007 and 407. However, it ruled that the investigation conducted by the fact-finding panel was null and void for being violative of Gatdula's rights, and that his testimony, as well as evidence obtained therein, were inadmissible in evidence in any other proceeding.

CA Decision

In its March 5, 2013 Decision, the CA partially granted Gatdula's petition for *certiorari*. The appellate court ruled that the case lodged with the RTC assailing D.O. Nos. 1007 and 407 is not a prejudicial question with regard to the preliminary investigation the panel of prosecutors were conducting. It explained that while they may be closely related, the resolution of the case before the RTC did not pose a prejudicial question to the conduct of a preliminary investigation. The CA highlighted that the case before the RTC concerned the validity of D.O. Nos. 1007 and 407 and the proceedings conducted by the panel of investigators, which did not concern the determination of whether there exists a probable cause to indict Gatdula of the charges leveled against him.

Nevertheless, the appellate court found that petitioners still acted with grave abuse of discretion when they issued the assailed orders and denied Gatdula's request to suspend the conduct of preliminary investigation. It pointed out that the RTC had ruled favorably for Gatdula when it found that his constitutional rights to counsel and to remain silent were violated when he attended the investigation conducted by the fact-finding panel. The CA noted that the RTC had decreed that all the evidence gathered in the fact-finding investigation are inadmissible in evidence in any other proceeding. As such, the appellate court surmised that while petitioners may proceed with the preliminary investigation, the evidence gathered in the fact-finding investigation should not be used in the preliminary investigation since it is the initial step in the indictment of an accused. Thus, it ruled:

WHEREFORE, premises considered[,] the petition is PARTIALLY GRANTED in that while preliminary investigation of NPS No. XVI-INV-12B-00102 pursuant to Office Order No. 106 may continue, all supporting affidavits in the complaint filed by Noriyo Ohara which were obtained during the questioned fact-finding panel investigation are nevertheless EXCLUDED for being inadmissible in evidence.

SO ORDERED.¹⁹

¹⁸ Penned by Presiding Judge Felixberto T. Olalia, Jr.; id. at 493-544.

¹⁹ Id. at 84.

Disgruntled, petitioners moved for reconsideration, but it was denied by the CA in its April 7, 2014 Resolution.

Hence, this present Petition raising:

Issues

I

WHETHER THE ASSAILED ORDERS OF THE PANEL OF PROSECUTORS COULD BE PROPER SUBJECTS OF A PETITION FOR *CERTIORARI* AND PROHIBITION[;]

II

WHETHER THE CA COULD VALIDLY EXCLUDE ALL SUPPORTING AFFIDAVITS IN OHARA'S LETTER-COMPLAINT FOR ALLEGEDLY BEING INADMISSIBLE IN EVIDENCE[;] AND

III

WHETHER RESPONDENT IS ENTITLED TO THE PROTECTION AFFORDED BY SECTIONS 12 AND 17, ARTICLE III OF THE 1987 CONSTITUTION.²⁰

Petitioners argue that the assailed orders denying Gatdula's petition to suspend preliminary investigation is beyond the scope of petitions for *certiorari* and prohibition because they were not made in the exercise of judicial or *quasi*-judicial functions. They explain that the assailed orders were issued in the discharge of its executive function to conduct preliminary investigation. Petitioners expound that since the denial of Gatdula's petition to suspend preliminary investigation cannot be considered *quasi*-judicial in nature, the same cannot be reviewed *via* a special civil action for *certiorari* and prohibition.

Further, petitioners lament that in resolving Gatdula's petition for *certiorari*, the CA exceeded its *certiorari* jurisdiction when it indirectly exercised appellate jurisdiction over the RTC decision. They highlight that the CA ordered that all supporting affidavits Ohara had filed which were obtained through the fact-finding panel should not be considered in the conduct of preliminary investigation.

Petitioners posit that the CA's jurisdiction over Gatdula's petition for *certiorari* was limited to determine whether petitioners committed grave abuse of discretion when it denied respondent's plea to suspend the preliminary investigation on the ground of prejudicial question. They note

²⁰ Id. at 19-20.

that the appellate court proceeded to determine that Gatdula's constitutional rights were violated by the fact-finding panel and agreed with the RTC decision that all evidence gathered therein are inadmissible in evidence. Petitioners bewail that in overstepping its *certiorari* jurisdiction, the CA had preempted them from assailing the correctness of the RTC decision. They highlight that the RTC decision relating to the alleged violation of Gatdula's constitutional rights during the fact-finding investigation is pending with a different division of the appellate court.

In any case, petitioners believe that the CA erred in ruling that Gatdula's constitutional rights were violated during the conduct of the fact-finding investigation. They aver that the rights of the accused, *i.e.*, the right to remain silent and the right to counsel are available only once a person is subjected to a custodial investigation. Petitioners disagree with the CA that the fact-finding investigation was tantamount to a custodial investigation noting that Gatdula was merely invited as a resource person and that he had judicially admitted that he was never forced or coerced to appear before the fact-finding panel. In addition, they surmise that the CA erred in the application of the fruit of the poisonous tree doctrine. Petitioners maintain that even assuming Gatdula's constitutional rights were violated during the fact-finding investigation, it would only have an effect to the evidence gathered as a result of his testimony and should not have any adverse effect to the affidavits of Ohara and her witnesses relating to their knowledge of the circumstances surrounding her purported kidnapping.

In their Comment²¹ dated October 20, 2014, Gatdula countered that notwithstanding that the assailed orders were issued in the exercise of petitioners' executive function, they may be assailed through *certiorari* on account of grave abuse of discretion. He disagreed that the fact-finding investigation did not amount to a custodial investigation as the means and methods of how it was conducted indicated that he appeared before the fact-finding panel as an accused. As such, Gatdula insists that the evidence gathered by the fact-finding panel should be rendered inadmissible as it was conducted in violation of his constitutional rights as an accused.

In their Reply²² dated November 9, 2017, petitioners denied that they acted with grave abuse of discretion in denying Gatdula's plea for the suspension of the preliminary investigation. In addition, they aver that instead of filing a petition for *certiorari* before the CA, Gatdula's proper remedy should have been to face the charges against him and present countervailing evidence in the proper forum, *i.e.*, during the preliminary investigation or during trial on the merits.

²¹ Id. at 761-792.

²² Id. at 810-829.

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Petitioners reiterated that the pendency of another case before the RTC did not pose a prejudicial question to the conduct of the preliminary investigation. They also pointed out that the writ of preliminary injunction did not bind them because it was addressed to different officers and did not enjoin the conduct of the preliminary injunction. Petitioners lament that if there was grave abuse of discretion, it was on the part of the CA, which exceeded its *certiorari* jurisdiction when it dealt with the merits of the RTC decision and preempted the government's appeal questioning the same. They repeat that the fact-finding panel did not conduct a custodial investigation and that Gatdula was invited to appear before the panel, not as an accused, but as NBI Director who was at the best position to determine whether the operation conducted by concerned NBI officers constituted an offense.

The Court's Ruling

The Petition is meritorious.

Both petitioners and Gatdula agree that the Panel of Prosecutors issued the assailed orders in the exercise of their executive function to conduct preliminary investigations. However, they have diverging views on whether the said orders may be assailed *via* petition for *certiorari*. On the one hand, petitioners argue that petitions for *certiorari* and prohibition maybe directed against an administrative body or officer exercising judicial or *quasi*-judicial power. On the other hand, Gatdula explains that the expanded scope of judicial power under the Constitution allows courts to entertain challenges on executive functions which are allegedly tainted with grave abuse of discretion.

Judicial power of review is constitutionally defined as the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.²³ The Constitution itself mandates the exercise of judicial review where executive discretion had been gravely abused.²⁴ Courts are not only expected to settle actual controversies involving demandable and enforceable rights, but are also empowered to determine if any branch or instrumentality has acted with grave abuse of discretion going beyond the scope of its powers.²⁵

It has been settled that a petition for *certiorari* is a proper remedy against actions of any branch or instrumentality of government on the ground of grave abuse of discretion amounting to lack or excess of

²³ CONSTITUTION, Art. VIII, Sec. 1.

²⁴ *Unilever Philippines, Inc. v. Tan*, 725 Phil. 486, 493 (2014).

²⁵ *Kilusang Mayo Uno v. Aquino*, G.R. No. 210500, April 2, 2019.

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jurisdiction even if the same does not exercise judicial or *quasi-judicial* functions.²⁶ In other words, even if the assailed orders were issued in the discharge of the Panel of Prosecutor's executive action, it could be reviewed and set aside by the Court should the same be tainted with grave abuse of discretion.

Nevertheless, as the one alleging grave abuse of discretion, Gatdula has the burden to prove the existence of grave abuse of discretion amounting to lack or excess of jurisdiction.²⁷ Failure to do so would result to the assailed orders to be sustained. This is especially true considering that public officials enjoy the presumption of regularity in the discharge of their official duties and functions.²⁸

A careful review of the records, the Court finds that the Panel of Prosecutors did not act with grave abuse of discretion in issuing its assailed orders.

In his Petition to Suspend Proceedings *Ex Abundanti Ad Cautela*, Gatdula prayed that the Panel of Prosecutors defer the conduct of the preliminary investigation until his petition for *certiorari* before the RTC is resolved. He argued that the RTC case constituted a prejudicial question because it questions the validity of the creation of the fact-finding panel, as well as the conduct of its proceedings. Gatdula noted that should the fact-finding panel, as well as the results of its investigation would be declared null and void, the conduct of preliminary investigation has no more leg to stand on. In addition, he highlighted in his petition to suspend proceedings that the RTC even issued a writ of preliminary injunction enjoining the fact-finding panel from issuing or transmitting any report to any government agency as a result of its investigation.

As a general rule, courts will not issue writs of prohibition or injunction to enjoin or restrain any criminal prosecution.²⁹ Nevertheless, it admits of certain exceptions, to wit:

- (a) When the injunction is necessary to afford adequate protection to the constitutional rights of the accused;
- (b) When it is necessary for the orderly administration of justice or to avoid oppression or multiplicity of actions;
- (c) When there is a prejudicial question which is subjudice;
- (d) When the acts of the officer are without or in excess of authority;
- (e) Where the prosecution is under an invalid law, ordinance or regulation;
- (f) When double jeopardy is clearly apparent;
- (g) Where the court has no jurisdiction over the offense;

²⁶ *Jardeleza v. Sereno*, 741 Phil. 460, 491 (2014).

²⁷ *Republic v. Cote*, G.R. No. 212860, March 14, 2018.

²⁸ *Yap v. Lagtapon*, 803 Phil. 652, 662 (2017).

²⁹ *Bank of the Philippine Islands v. Judge Hontanosas, Jr.*, 737 Phil. 38, 59 (2014).

- (h) Where it is a case of persecution rather than prosecution;
- (i) Where the charges are manifestly false and motivated by the lust of vengeance; and
- (j) When there is clearly no *prima facie* case against the accused and a motion to quash on that ground has been denied.³⁰

Here, Gatdula anchors his plea for the suspension of the preliminary investigation on the existence of a prejudicial question. A prejudicial question arises when a civil action and a criminal action are both pending and there exists in the former an issue which must be preemptively resolved before the latter may proceed, because howsoever the issue raised in the civil action is resolved would be determinative of the guilt or innocence of the accused in the criminal case.³¹ In order for there to be a prejudicial question, the following elements must concur: (a) the civil case involves facts intimately related to those upon which the criminal prosecution would be based; (b) in the resolution of the issue or issues raised in the civil action, the guilt or innocence of the accused would necessarily be determined; and (c) jurisdiction to try said question must be lodged in another tribunal.³²

In the present case, the facts involved in the RTC decision and the preliminary investigation are intimately related as it revolved around the alleged kidnapping of Ohara. However, the pendency of the RTC case did not constitute a prejudicial question to the conduct of the preliminary investigation as the issues therein had nothing to do with the guilt or innocence of Gatdula regarding the accusations against him.

In his petition for *certiorari* before the RTC assailing the creation of the fact-finding panel and the conduct of its investigation, Gatdula claimed that D.O. No. 1007 is a bill of attainder and that the fact-finding panel conducted a custodial investigation necessitating the observance of the rights of the accused. In turn, he asserted that the proceedings undertaken by the fact-finding panel should be struck down and any evidence gathered as a result thereof should be rendered inadmissible because his constitutional rights as an accused were violated.

It is readily apparent that while the genesis of the RTC case, as well as the preliminary investigation being conducted by the Panel of Prosecutors is similar, *i.e.*, Ohara's alleged kidnapping, the issues between the two proceedings are worlds apart. The pending matter between the RTC revolved around the constitutionality of the creation of the fact-finding panel, as well as the validity of its investigation and the admissibility of the evidence gathered therein.

³⁰ *Samson v. Guingona*, 401 Phil. 167, 172 (2000).

³¹ *Spouses Jose v. Spouses Suarez*, 579 Phil. 242, 248 (2008).

³² *People v. Victoria*, 760 Phil. 754, 762 (2015).

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On the other hand, the Panel of Prosecutors commenced the preliminary investigation after they had received Ohara's complaint. In a preliminary investigation, the prosecutor only determines whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial — it does not determine guilt or innocence of the accused. In *Marantan v. Department of Justice*,³³ the Court expounded on the purpose of the conduct of a preliminary investigation, to wit:

The process of preliminary investigation is essentially one (1)-sided, as it serves only to assist the prosecution to summarily decide whether there was sufficient basis to: (1) charge a person with an offense; and (2) prevent a harassment suit that both prejudices a respondent and wastes government resources. During the preliminary investigation, the prosecution only needs to determine whether it has *prima facie* evidence to sustain the filing of the information.³⁴

The conduct of the preliminary investigation by the Panel of Prosecutors was prompted by the filing of Ohara's complaint before the NBI. As such, the validity of the creation of the fact-finding panel finds no relevance to the proceedings before the Panel of Prosecutors as the latter was prompted to determine whether Gatdula should be indicted for kidnapping by the filing of the complaint by the complainant and not by the results of the investigation of the fact-finding panel.

Neither the resolution of the question whether the evidence gathered during the investigation by the fact-finding panel should be declared inadmissible will not have any significant impact on the conduct of the preliminary investigation. Admissibility of evidence cannot be ruled upon in a preliminary investigation.³⁵ In *Cambe v. Ombudsman*,³⁶ the Court explained that the admissibility of evidence are better ventilated during trial as the conduct of preliminary investigation only seeks to establish probable cause and not the guilt or innocence of the accused, to wit:

It should be borne in mind that probable cause is determined during the context of a preliminary investigation which is "merely an inquisitorial mode of discovering whether or not there is reasonable basis to believe that a crime has been committed and that the person charged should be held responsible for it." It "is not the occasion for the full and exhaustive display of the prosecution's evidence." Therefore, "the validity and merits of a party's defense or accusation, as well as the admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level."³⁷

³³ G.R. No. 206354, March 13, 2019.

³⁴ Id.

³⁵ *Maza v. Turla*, 805 Phil. 736, 758 (2017).

³⁶ 802 Phil. 190 (2016).

³⁷ Id. at 217.

Consequently, the CA was correct in ruling that there is no prejudicial question to warrant the suspension of the conduct of the preliminary investigation. Nevertheless, the appellate court erred when it opined that all the evidence attached in Ohara's complaint which were obtained in the fact-finding investigation are to be excluded for being inadmissible.

For one, the prosecutor's determination of probable cause is solely within one's discretion and courts do not interfere with the same as it is merely inquisitorial conducted to aid the prosecutor in preparing the information.³⁸ Absent any showing of grave abuse of discretion, courts cannot interfere with preliminary investigations to determine probable cause.³⁹ In ordering which evidence may or may not be considered by the prosecutors in finding probable cause, the CA breached into the exclusive domain of the prosecutors in the discharge of their executive functions. Also, as above-mentioned, a preliminary investigation is not the venue where issues of admissibility are threshed out as they are best resolved during a full-blown trial where the prosecution presents all of its evidence to establish the guilt of the accused.

Further, the sole office of the writ of *certiorari* is the correction of errors of jurisdiction, which includes the commission of grave abuse of discretion amounting to lack of jurisdiction.⁴⁰ As such, when Gatdula filed his petition for *certiorari* before the CA, it was only tasked to determine whether the Panel of Prosecutors committed grave abuse of discretion in denying Gatdula's petition to suspend preliminary investigation on account of a prejudicial question. While the appellate court agreed that there was no prejudicial question, it curiously ruled that all supporting affidavits in Ohara's complaint which were obtained during the investigation of the fact-finding panel to be excluded in the preliminary investigation for being inadmissible.

To the Court's mind, the CA had overstepped its *certiorari* jurisdiction when it did not limit its disposition on the existence of grave abuse of discretion by the Panel of Prosecutors and went on to discuss the admissibility of evidence gathered during the fact-finding investigation. It continued to explain that the fact-finding panel conducted custodial investigation and that the evidence gathered therein were inadmissible for the alleged violation of Gatdula's constitutional rights as an accused. As a result, it went beyond the question whether the Panel of Prosecutors acted with grave abuse of discretion when it denied Gatdula's petition to suspend the preliminary investigation because it did not find the pending case before the RTC to be a prejudicial question.

³⁸ *De Lima v. Reyes*, 776 Phil. 623, 647-648 (2016).

³⁹ *Securities and Exchange Commission v. Price Richardson Corporation*, 814 Phil. 589, 610 (2017).

⁴⁰ *Spouses Delos Santos v. Metropolitan Bank and Trust Company*, 698 Phil. 1, 16 (2012).

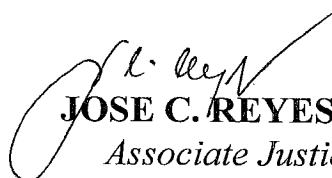
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In addition, it is noteworthy that the RTC decision which ruled that the evidence gathered during the fact-finding investigation were inadmissible is pending before the CA with another division. Hence, the appellate court placed the Panel of Prosecutors in a bind when it went beyond Gatdula's petition for *certiorari* and ruled on matters which are on appeal with a different division.


In the same vein, under the present Petition for Review on *Certiorari*, the Court is confined to determining whether the CA was correct in ascribing grave abuse of discretion to petitioners for not excluding the evidence gathered during the fact-finding investigation. Now is neither the appropriate time nor venue to resolve whether the fact-finding panel conducted custodial investigation and whether the fruit of the poisonous tree doctrine was correctly applied. To do so, the Court would be committing the same overzealousness of the CA and further preempt the government's appeal of the RTC decision.


WHEREFORE, the petition is **GRANTED**. The March 5, 2013 Decision and the April 7, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 126597 are **REVERSED** and **SET ASIDE**.

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:

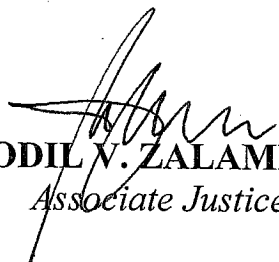

ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice




AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

ATTESTATION

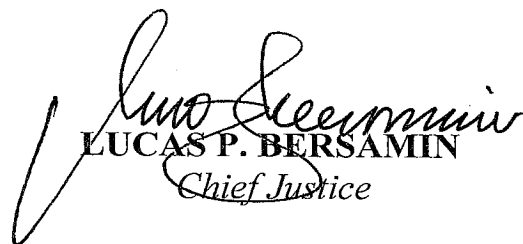
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



LUCAS P. BERSAMIN
Chief Justice

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