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FIRST DIVISION

[G.R. No. 166414, October 22, 2014]

GODOFREDO ENRILE AND DR. FREDERICK ENRILE, PETITIONERS, VS. 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.

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 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
>
> 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.
>
> Accordingly, Criminal Cases Nos. 03-276 and 03-277 both for Less Serious Physical Injuries are hereby ordered tried under the ordinary procedure.
>
> The Motion to Quash is hereby DENIED for reasons aforestated.
>
> Meanwhile, set these cases for arraignment on March 15, 2004 as previously scheduled.
>
> 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.
>
> 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.

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]

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.

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 i**ncapacitate the offended party for labor for ten days or more, or shall require medical 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).
>
> 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