

FIRST DIVISION

[G.R. No. 183467, March 29, 2010]

EVELYN BARREDO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, HON. FRANCISCO F. MACLANO, PRESIDING JUDGE, REGIONAL TRIAL COURT OF BUTUAN CITY, BR. 3, AND ATTY. RICARDO GONZALEZ, RESPONDENTS.

D E C I S I O N

CARPIO MORALES, J.:

Evelyn Barredo (petitioner) was charged for perjury before the Municipal Trial Court in Cities (MTCC), Butuan City, docketed as Criminal Case No. 24149, allegedly for making an untruthful statement in her affidavit-complaint for usurpation of authority and illegal detention against Atty. Ricardo D. Gonzalez, the private complainant, before the prosecutor's office.

The statement in petitioner's affidavit-complaint which offended the private complainant was that he "usurped police functions" by instructing the police to impound her truck loaded with sacks of rice and illegally detain her truck helpers following a vehicular mishap on September 12, 1998 which involved her truck.^[1]

Rejecting petitioner's defense that she executed her affidavit-complaint in good faith as the technical words used therein were made by her lawyer who prepared it, Branch 1 of the MTCC rendered Judgment^[2] of October 10, 2006 convicting her of perjury. Thus the trial court disposed:

WHEREFORE, the Court finds accused Evelyn Barredo guilty beyond reasonable doubt of the crime of Perjury as defined and penalized under Art. 183 of the Revised Penal Code, and hereby sentences her to suffer an indefinite prison term of two (2) months of *arresto mayor*, **as minimum**, to one (1) year and eight (8) months of *prision correccional*, **as maximum**, there being no mitigating or aggravating circumstances which attended the commission of the said offense.

Further, as to civil liability, said accused is hereby ordered to pay complainant Atty. Ricardo D. Gonzales the sum of **ONE HUNDRED THOUSAND P100,000 PESOS**, Philippine Currency, as moral damages.

^[3] (emphasis and italics in the original)

On appeal by petitioner, Branch 3 of the Regional Trial Court (RTC) of Butuan City, by Decision^[4] of October 30, 2007, affirmed the trial court's decision.

On petitioner's petition for review, the Court of Appeals, Cagayan de Oro City, by

Resolution^[5] of January 30, 2008, dismissed the petition outright on technical ground - failure to attach thereto a copy of the MTCC decision.

Petitioner's motion for reconsideration was denied, hence, the present Petition for Review on Certiorari.

Petitioner contends that her petition before the appellate court merits reinstatement since she attached thereto a carbon original of the **RTC decision** which affirmed the trial court's decision, and which restated *verbatim* the findings of facts of the trial court.

In his Comment, the private complainant claimed that "no persuasive reason" was given by petitioner to justify her failure to append to her petition a copy of the MTCC decision.^[6]

For its part, the People of the Philippines, thru then Solicitor General Agnes VST Devanadera, filed a Manifestation (In Lieu of Comment)^[7] praying that, in the interest of substantial justice, the Court of Appeals resolutions be set aside and petitioner's appeal before it be reinstated and resolved on the merits, stressing that "[j]udicial review on the merits has been the standard of substantial justice recognized by this Honorable Court insofar as criminal convictions are concerned where the liberty of the accused is at stake."^[8]

The private complainant thereafter filed a Motion to Dismiss^[9] stating that he "ha[d] the intention to end this case as an act of benevolence towards the [petitioner] and her family," and "he [was] willing to forego this Complaint in both Criminal and Civil aspects thereof sans any consideration, except the commitment of the [petitioner] . . . that she will not file any suit of whatever nature before any tribunal in connection herewith."

Respecting the private complainant's motion to dismiss, suffice it to state that it is not really a motion^[10] but a mere scrap of paper as it: (a) does not contain a prayer for the relief sought to be obtained, (b) simply expresses respondent's "intention" and "willing[ness]" "to forego this Complaint in both Criminal and Civil aspects thereof," and (c) sets conditions for his motion to become effective, namely, that petitioner shall commit "not [to] file any suit of whatever nature before any tribunal in connection herewith."

The Court finds that the Court of Appeals committed reversible error in dismissing petitioner's petition for review.

While Rule 42, Section 2(d) of the 1997 Rules of Civil Procedure, as amended, requires that, *inter alia*, the petition shall "be accompanied by clearly legible duplicate original or true copies of the judgments or final orders of both lower courts," the cited deficiency in petitioner's petition does not make it insufficient in form and substance since it is the decision of the **RTC**, not that of the MTCC, which is the subject of her appeal. What is important is that in her petition, she attached thereto the original copy of the RTC decision which quoted extensively the findings of the MTCC, including its discussion on the application of the law, that were affirmed *in toto*.