

## THIRD DIVISION

[ G.R. No. 172677, September 12, 2008 ]

**ISAGANI YAMBOT AND LETTY JIMENEZ-MAGSANOC,  
PETITIONERS, VS. RAYMUNDO A. ARMOVIT AND HON.  
FRANCISCO R. RANCHES, IN HIS CAPACITY AS THE PRESIDING  
JUDGE OF BRANCH 21 OF THE REGIONAL TRIAL COURT OF  
VIGAN, ILOCOS SUR, RESPONDENTS.**

### D E C I S I O N

**NACHURA, J.:**

Before the Court is a petition for review on *certiorari* assailing the September 16, 2005 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 54397, and the May 8, 2006 Resolution<sup>[2]</sup> denying the motion for reconsideration thereof.

We begin by a brief statement of the relevant facts and proceedings.

On account of the publication in the May 2 and 3, 1996 issues of the *Philippine Daily Inquirer* of news reports which allegedly imputed to private respondent Armovit the harboring or concealment of a convicted murderer (his client, Rolito Go), Armovit filed on May 15, 1996 with the Office of the Provincial Prosecutor (OPP) of Ilocos Sur a complaint-affidavit for libel against petitioners Yambot, the publisher, and Jimenez-Magsanoc, the editor-in-chief, and two other correspondents, Teddy Molina and Juliet Pascual, of the said broadsheet. Assistant Provincial Prosecutor Nonatus Rojas then issued, on October 31, 1996, a Resolution finding probable cause to indict the petitioners and the reporters for libel. Two criminal informations for libel were consequently filed with the Regional Trial Court (RTC) of Ilocos Sur, Branch 21.<sup>[3]</sup>

In the meantime, petitioners sought the review of the OPP's resolution by the Regional State Prosecutor (RSP). Eventually, RSP Constante Caridad reversed the findings of the OPP, prompting the latter to file a motion for the withdrawal of the aforesaid informations on February 12, 1997.<sup>[4]</sup>

The trial court, however, on July 9, 1997 denied the said motion on the ground that it found probable cause for the filing of the charges. The trial court later denied petitioners' motion for reconsideration.<sup>[5]</sup>

Frustrated with the trial court's dispositions, petitioners sought the issuance of a *certiorari* writ by the appellate court in CA-G.R. SP No. 54397. But the CA, in the assailed decision and resolution, denied the reliefs prayed for.<sup>[6]</sup>

Thus, petitioners elevated the matter for review by this Court on the following grounds:

THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION WHEN IT REFUSED TO RULE THAT RESPONDENT TRIAL COURT GRAVELY ABUSED ITS DISCRETION IN DENYING THE PROVINCIAL PUBLIC PROSECUTOR'S MOTION TO WITHDRAW THE TWO (2) INFORMATIONS FOR LIBEL AGAINST PETITIONERS, THUS EFFECTIVELY DEPRIVING THE PETITIONERS OF THEIR RIGHT TO PRELIMINARY INVESTIGATION.

THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION WHEN IT REFUSED TO RULE THAT THE RESPONDENT TRIAL COURT GRAVELY ABUSED ITS DISCRETION IN RULING THAT THERE WAS PROBABLE CAUSE TO CHARGE PETITIONERS WITH LIBEL.<sup>[7]</sup>

Considering that the determination of probable cause to indict an accused is a function of the prosecutor, not of the judge, the petitioners argue in the main that the trial court should have deferred to the RSP's finding that no *prima facie* case for libel exists. They further aver that the questioned news reports are not defamatory for they do not impute to private respondent, directly or impliedly, the commission of a crime. Further, they claim that the reports are privileged in character and are constitutionally protected; hence, malice cannot be presumed.<sup>[8]</sup>

We find no merit in petitioners' contentions; thus, we deny the petition.

*Crespo v. Mogul*<sup>[9]</sup> instructs in a very clear manner that once a complaint or information is filed in court, any disposition of the case as to its dismissal, or the conviction or acquittal of the accused, rests on the sound discretion of the said court, as it is the best and sole judge of what to do with the case before it. While the resolution of the prosecutorial arm is persuasive, it is not binding on the court.<sup>[10]</sup> It may therefore grant or deny at its option a motion to dismiss or to withdraw the information<sup>[11]</sup> based on its own assessment of the records of the preliminary investigation submitted to it, in the faithful exercise of judicial discretion and prerogative, and not out of subservience to the prosecutor.<sup>[12]</sup> While it is imperative on the part of a trial judge to state his/her assessment and reasons in resolving the motion before him/her,<sup>[13]</sup> he/she need not state with specificity or make a lengthy exposition of the factual and legal foundation relied upon to arrive at the decision.<sup>[14]</sup>

Applying the foregoing doctrines to the case at bar, the Court finds no error on the part of the appellate court in sustaining the orders of the trial court. The RTC of Ilocos Sur indeed has the prerogative to grant or deny the motion to withdraw the informations. Further, as clearly shown by the July 9, 1997 Order --

[t]hat these defamatory imputations are false is established by all the evidence in the record of preliminary investigation; the accused submitted no evidence to prove the truth of the imputations. x x x<sup>[15]</sup>

the trial court made its own assessment of the records submitted to it and complied with its bounden duty to determine by itself the merits of the motion. Therefore, its ruling cannot be stigmatized and tainted with grave abuse of discretion.

It is well to note at this point that the Court, in this petition for review on *certiorari*, cannot review the evidence adduced by the parties before the prosecutor on the