

FIRST DIVISION

[G.R. NO. 159208, August 18, 2006]

RENNIE DECLARADOR, PETITIONER, VS. HON. SALVADOR S. GUBATON, PRESIDING JUDGE, BRANCH 14, ROXAS CITY, AND FRANK BANSALLES, RESPONDENTS.

D E C I S I O N

CALLEJO, SR., J.:

This is a Petition for *Certiorari* seeking to nullify the portion of the Decision^[1] of the Regional Trial Court (RTC), Roxas City, Branch 14, in Criminal Case No. C-1419-10-2002, suspending the sentence of respondent Frank Bansales and ordering his commitment to the Regional Rehabilitation Center for Youth at Concordia, Nueva Valencia, Guimaras.

Frank Bansales was born on June 3, 1985. He was a student at the Cabug-Cabug National High School in President Roxas, Capiz. At around 9:45 a.m. on July 25, 2002, Yvonne Declarador was stabbed to death. After conducting the autopsy on the cadaver, Rural Health Physician Pilar Posadas prepared a Post-Mortem Certificate indicating that the victim sustained 15 stab wounds on different parts of the body.^[2]

On October 10, 2002, an Information charging Frank Bansales with murder was filed by the Assistant Provincial Prosecutor with the Family Court. The accusatory portion reads:

That on or about 9:45 o'clock in the morning of July 25, 2002, inside a classroom in Cabug-Cabug National High School in President Roxas, Capiz, Philippines, and within the jurisdiction of this Honorable Court, the accused armed with a knife and with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and stab with the said knife [his] teacher, one YVONNE DECLARADOR, thereby hitting and inflicting upon the latter multiple fatal stab wounds in the different parts of the body which caused the immediate death of the said Yvonne Declarador.

The crime was committed with the attendance of the qualifying aggravating circumstances of evident premeditation and abuse of superior strength considering that the attack was made by the accused using a long knife which the latter carried along with him from his house to the school against his lady teacher who was unarmed and defenseless at that time and by inflicting upon the latter about fifteen (15) fatal knife wounds resulting to her death.^[3]

In view of the plea of the accused and the evidence presented, the RTC rendered judgment on May 20, 2003 finding Bansales guilty of murder. However, the court

suspended the sentence of the accused and ordered his commitment to the Regional Rehabilitation for Youth at Concordia, Nueva Valencia, Guimaras. The dispositive portion of the decision reads:

In view of the Plea of Guilty by the accused and the evidence presented by the prosecution, the court finds CICL Frank Bansales GUILTY beyond reasonable doubt of the crime of Murder being charged. Being a minor, 17 years of age at the time of the commission of the offense charged, he is entitled to a special mitigating circumstance of minority, and is sentenced to suffer an indeterminate imprisonment of twelve (12) years and one (1) day to seventeen (17) years and four (4) month of *reclusion temporal* and to pay the heirs of Yvonne Declarador, a civil indemnity of Seventy-Five Thousand Pesos (P75,000.00), Fifty Thousand Pesos (P50,000.00) for moral damages, Forty-Three Thousand Pesos (P43,000.00) for funeral expenses, attorney's fee of One Hundred Thousand Pesos (P100,000.00) and unearned income of One Million Three Hundred Seventy Thousand Pesos and Seventy Centavos (P1,370,000.70).

The parents (father and mother of juvenile Frank Bansales) and his teacher-in-charge at the Cabug-Cabug National High School of President Roxas, Capiz, are jointly subsidiarily liable in case of insolvency, as the crime was established to have been committed inside the classroom of Cabug-Cabug National High School and during school hours.

Pursuant to the provision of P.D. 603, as amended, the sentence is suspended and the Child in conflict with the law (CICL), Frank Bansales is ordered committed to the Regional Rehabilitation Center for Youth at Concordia, Nueva Valencia, Guimaras.

Furnish copies of this decision the Office of the Provincial Prosecutor, the Private Prosecutors, the DSWD Capiz Provincial Office, Roxas City, the Regional Rehabilitation for Youth, Concordia, Guimaras, the accused and his counsel, Atty. Ramcez John Honrado.

SO ORDERED.^[4]

On June 2, 2003, the RTC set a preliminary conference for 10:00 a.m. of June 10, 2003 with the Public Prosecutor, the Social Welfare Officer of the court, and the Officer-in-Charge of the Regional Rehabilitation Center for Youth, considering that the accused would turn 18 on June 3, 2003.^[5]

Rennie Declarador, the surviving spouse of the deceased, filed a petition for *certiorari* under Rule 65 of the Rules of Court assailing that portion of the decision of the trial court's decision suspending the sentence of the accused and committing him to the rehabilitation center.

Petitioner claimed that under Article 192 of Presidential Decree (P.D.) No. 603, as well as A.M. No. 02-1-18-SC (otherwise known as the Rule on Juveniles in Conflict with the Law), the benefit of a suspended sentence does not apply to a juvenile who is convicted of an offense punishable by death,^[6] *reclusion perpetua* or life imprisonment. Citing the ruling of this Court in *People v. Ondo*,^[7] petitioner avers

that since Bansales was charged with murder punishable by *reclusion perpetua* to death, he is disqualified from availing the benefits of a suspended sentence.

In his Comment, Bansales avers that petitioner has no standing to file the petition, considering that the offense charged is a public crime brought in the name of the People of the Philippines; only the Office of the Solicitor General (OSG) is authorized to file a petition in court assailing the order of the RTC which suspended the service of his sentence. He further avers that Section 32 of A.M. No. 02-1-18-SC entitles the accused to an automatic suspension of sentence and allows the court to commit the juvenile to the youth center; hence, the court did not abuse its discretion in suspending the sentence of the accused.

In reply, petitioner maintains that he has sufficient personality to file the petition.

The OSG, for its part, posits that respondent's sentence cannot be suspended since he was charged with a capital offense punishable by *reclusion perpetua* to death. It insists that the entitlement of a juvenile to a suspended sentence does not depend upon the sentence actually imposed by the trial court but upon the imposable penalty for the crime charged as provided for by law.

The issues for resolution are the following: (1) whether petitioner has standing to file the petition; (2) whether petitioner violated the doctrine of hierarchy of courts in filing his petition with this Court; and (3) whether respondent court committed grave abuse of discretion amounting to excess or lack of jurisdiction in ordering the suspension of the sentence of respondent Bansales and his commitment to the Regional Rehabilitation Center for the Youth.

The petition is granted.

On the first issue, we rule for the petitioner. Being the surviving spouse of the deceased and the offended party, he has sufficient personality to file the instant special civil action for *certiorari*.^[8] This is in line with the underlying spirit of the liberal construction of the Rules of Court in order to promote their object.^[9] Moreover, the OSG has filed its comment on the petition and has joined the petitioner in his plea for the nullification of the assailed portion of the RTC decision.

On the second issue, the rule is that a petition for review on *certiorari* which seeks to nullify an order of the RTC should be filed in the Court of Appeals in aid of its appellate jurisdiction.^[10] A direct invocation of the original jurisdiction of the Court to issue writs of *certiorari* may be allowed only when there are special and important reasons therefor clearly and specifically set out in the petition.^[11] This is an established policy necessary to prevent inordinate demands upon this Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further overcrowding of the Court's docket.^[12]

However, in *Fortich v. Corona*,^[13] the Court held that considering the nature and importance of the issues raised and in the interest of speedy justice, and to avoid future litigations, the Court may take cognizance of a petition for *certiorari* directly filed before it.^[14] Moreover, this Court has suspended its own rules and excepted a particular case from their operation whenever the interests of justice so require.