

SECOND DIVISION

[G.R. No. 106922, April 20, 2001]

FRANKLIN M. DRILON, AURELIO C. TRAMPE, FERDINAND R. ABESAMIS AND EULOGIO MANANQUIL, PETITIONERS, VS. COURT OF APPEALS, HON. ERIBERTO U. ROSARIO, JR., IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 66, REGIONAL TRIAL COURT OF MAKATI AND JUAN PONCE ENRILE, RESPONDENTS.

DECISION

DE LEON, JR., J.:

Before us is a petition for review of the Decision^[1] of the Court of Appeals and Resolution^[2] dated June 29, 1992 and August 27, 1992 respectively which affirmed the Order^[3] dated October 8, 1991 of the Regional Trial Court of Makati City, Branch 66, in Civil Case No. 90-2327 denying petitioners' motion to dismiss as well as the Order^[4] dated January 6, 1992 denying petitioners' motion for reconsideration.

The facts are as follows:

After the unsuccessful December 1989 *coup d'etat*, the Department of Justice, then headed by petitioner Franklin Drilon, referred to the Special Composite Team of Prosecutors (Team of Prosecutors, for brevity), composed of co-petitioners Aurelio C. Trampe, Ferdinand R. Abesamis and Eulogio Mananquil, a letter-complaint from the National Bureau of Investigation (NBI, for brevity) requesting for the investigation of private respondent Juan Ponce Enrile for his alleged participation in the said coup attempt.

Finding sufficient basis to continue the inquiry, the Team of Prosecutors issued a subpoena to private respondent with an order to submit his counter-affidavit to the letter-complaint. Instead of filing his counter-affidavit, private respondent filed a Petition for Summary Dismissal of the charge against him. He also filed an urgent motion praying that he be given a notice of at least five (5) days before the filing of any information against him to enable him to take the appropriate legal action. At the same time, private respondent sent "cautionary letters" to all judges in Quezon City, Manila, Makati and Pasay City requesting that he be apprised of any information which may be filed against him and that he be given the opportunity to personally witness the raffle of the case against him. Said notice also appeared in several newspapers of general circulation.

On February 27, 1990, the Team of Prosecutors filed before the Regional Trial Court of Quezon City an Information charging private respondent with the complex crime of rebellion with murder and frustrated murder. The Team of Prosecutors likewise filed before the Regional Trial Court of Makati City an Information charging, among others, private respondent with the offense of obstruction of justice for harboring an

alleged felon under Presidential Decree No. 1829. Private respondent was later arrested and detained overnight at the NBI headquarters in Taft Avenue, Manila, and, on the following day, transferred to a detention room at Camp Karingal in Quezon City. The lawyers of private respondent also discovered that the information against the latter was first filed on February 21, 1990, but was subsequently withdrawn for re-filing on February 27, 1990. After a petition for writ of *habeas corpus* was filed before this Court entitled *Enrile v. Salazar*^[5], we granted private respondent's provisional liberty upon posting of a cash bond.

On June 5, 1990, in the same case of *Enrile v. Salazar*, we ordered the modification of the Information before the RTC of Quezon City to simple rebellion only in consonance with our ruling in *People v. Hernandez*^[6]. On September 13, 1990, in *Enrile v. Amin*,^[7] this Court ruled that the filing of a separate information for obstruction of justice also violated the Hernandez doctrine and accordingly ordered the quashal of the said information.

As a consequence of our said Order dated September 13, 1990, private respondent on August 20, 1990 filed a Complaint for damages, docketed as Civil Case No. 90-2327, before the Regional Trial Court of Makati City while the rebellion case was still pending litigation. Private respondent's complaint impleaded as defendants herein petitioners, then Solicitor General Francisco Chavez and Judge Jaime Salazar. The complaint basically accuses the petitioners of bad faith in filing the information for rebellion complexed with murder and frustrated murder. Thus, the complaint alleges:

2.5 The so-called "preliminary investigation" of the charge against plaintiff was railroaded from the very start. Plaintiff's pleas and motions asking for strict compliance with the rules of procedure and the norms of fairness and justice were either ignored or summarily denied by the investigating panel. Plaintiff, in utter frustration, filed a petition for summary dismissal of the charge and, anticipating the denial of that as well, also filed an urgent motion to be given at least five (5) days notice to enable him to take the appropriate legal action, before the filing of any information against him.

xxx

3.1 All of the defendants, in and by all their actuations in connection with the information for rebellion "complexed"... individually, collectively, and with unity of purposes and intentions, illegally and unjustly caused, directed and prolonged plaintiff's arrest and detention without bail, through the expediency of disregarding the Hernandez doctrine prohibiting the complexing of rebellion with other crimes.

In and by all their aforementioned actuations, all of the defendants individually, collectively and with unity of purposes and intentions -

- (a) wilfully, manifestly and maliciously obstructed, defeated, violated, impeded and impaired plaintiff's constitutional and legal right to due

process, right to be secure in his person against unreasonable and unwarranted arrest, and right to bail, as enshrined in Sections 1, 2 and 13 of Article 14(1) of the Bill of Rights of the Constitution;

- (b) grossly abused their rights and violated their duties as citizens, as members of the legal profession, and as public officers;
 - (c) willfully acted in contravention of the basic standards of good faith and justice; and
 - (d) willfully acted in a manner contrary to law, morals and public policy
- all causing great suffering and injury to plaintiff.

3.2 Defendants Chavez, Drilon, Trampe, Abesamis and Mananquil knowingly, manifestly and maliciously abused and exceeded their duties and authority as public officials in charge of the enforcement and prosecution of laws, as well as violated the tenets of good faith and justice in human relations, by directly and actively advocating and indulging in what these defendants had publicly admitted and described to be a "legal experimentation" consisting in the knowing disregard and defiance of the well-established Hernandez doctrine.

Defendant Drilon and his co-defendants Trampe, Abesamis and Mananquil, being the head and members, respectively, of the Department of Justice, by their above-alleged actuations, violated their principal responsibility, as legal counsel and prosecutors, to administer the criminal justice system in accordance with the established and accepted laws and processes.

Defendant Drilon, being the Secretary of Justice having supervision, control and direction over the actuations of co-defendants Trampe, Abesamis and Mananquil violated the tenets of good faith and justice in human relations and abused his official duties and authority, by, among others, expressly instigating, authorizing, ordering and causing the filing of the information for rebellion "complexed" against the plaintiff.

xxx

3.3. Defendants Drilon, Trampe, Abesamis and Mananquil filed or caused the filing of the information for rebellion "complexed" with manifest bad faith, deception and duplicity, all in violation of the tenets of good faith and justice in human relations and in gross abuse of their duties and authority as public prosecutors "to see that justice is done." (Canon 6, Rule 6.01, Lawyers' Code of Professional Responsibility).

More particularly, these defendants originally filed or caused the filing of the information ...on 21 February 1990 but, for some mysterious reason, the information was subsequently withdrawn. The initial filing and withdrawal of the information - defendant Chavez admitted these facts during the Supreme Court hearing on 6 March 1990 - were done in total secrecy and without the knowledge of

plaintiff who learned of this incident only after his arrest on 27 February 1990.

Likewise, on or about 27 February 1990, these defendants deliberately misled plaintiff and his lawyers and induced them to believe that the charge of rebellion "complexed" was set to be filed against the plaintiff in the Regional Trial Court of Makati. While plaintiff's attention was diverted to the Regional Trial Court of Makati, these defendants surreptitiously filed or caused the filing of main information for rebellion "complexed" in the Regional Trial Court of Quezon City.

All of the above-named defendants' actuations were meant to conceal from the public in general and the plaintiff and his counsel in particular, the filing of the information and to prevent plaintiff and his lawyers from witnessing the raffle and from questioning the irregularity of the assignment, the validity of the information, the authority of the court to issue the warrant of arrest, the obvious lack of probable cause, and, finally, to prevent plaintiff from posting bail.

x x x

3.5 The defendants' unfounded and malicious persecution of plaintiff, calculated to malign the person and reputation of the plaintiff, a duly elected Senator of the country, has caused and continues to cause plaintiff extreme suffering, mental anguish, moral shock and social humiliation,...

3.6 The reckless and wanton conduct of the defendants who, as public officials, are supposed to be the guardians of the democratic institutions and civil liberties of citizens, in charging, taking cognizance of, and defending a non-existent crime, and in causing the harassment and persecution of the plaintiff, should be strongly condemned...^[8] x x x

On October 9, 1990, the petitioners filed a Motion to Dismiss for failure of the Complaint to state a cause of action. They claimed that there was no allegation of any actionable wrong constituting a violation of any of the legal rights of private respondent. In addition, they put up the defense of good faith and immunity from suit, to wit:

THE COMPLAINT FAILS TO STATE A CAUSE OF ACTION AGAINST DEFENDANTS IN THAT:

- (A) THE FILING OF THE INFORMATION AGAINST PLAINTIFF FOR THE CRIME OF REBELLION WITH MURDER AND FRUSTRATED MURDER WAS INITIATED IN THE HONEST BELIEF THAT IT COULD BE SUSTAINED UNDER THE FIRST PART OF ARTICLE 48 OF THE REVISED PENAL CODE; and
- (B) DEFENDANTS, ACTING IN GOOD FAITH, WITHOUT MALICE AND WITHIN THE SCOPE OF THEIR AUTHORITY, CANNOT BE HELD PERSONALLY

LIABLE BY WAY OF DAMAGES FOR ANY ALLEGED INJURY SUFFERED BY PLAINTIFF.^[9] On October 8, 1991, respondent trial court issued an Order denying the Motion to Dismiss and requiring petitioners to file their answer and to present evidence in support of their defenses in a full-blown trial inasmuch as the defense of good faith and immunity from suit does not appear to be indubitable.^[10] Petitioners' motion for reconsideration was likewise denied.

Before the Court of Appeals, petitioner Trampe, in his own behalf and in behalf of his co-petitioners, filed a petition for certiorari under Rule 65 of the Revised Rules of Court alleging that the respondent court committed grave abuse of discretion in denying their motion to dismiss. On June 29, 1992, respondent appellate court dismissed the petition and the subsequent motion for reconsideration ruling, thus:

We cannot perceive how respondent court could have acted with grave abuse of discretion in denying the motion to dismiss. Before respondent court were two diametrically opposed contentions. Which to believe, respondent court is at a loss. Hence, respondent court had no alternative but to be circumspect in acting upon the motion to dismiss. This respondent court accomplished by requiring petitioners to file their answer where they can raise the failure of the complaint to state a cause of action as an affirmative defense. Indeed the better alternative would be to conduct a full blown trial during which the parties could present their respective evidences to prove their respective cause of action/defense.^[11]

Hence, this instant petition.

In view of the appointment of petitioner Trampe to the judiciary, petitioner Abesamis filed a manifestation stating that he would act as counsel for his own behalf and in behalf of his co-petitioners. In a Resolution dated March 8, 1993, we granted the Manifestation of petitioner Abesamis to substitute for petitioner Trampe as counsel for himself and his co-petitioners. Respondent did not file a motion for reconsideration.

Meanwhile, on February 12, 1993, or almost three (3) years after the filing of the complaint for damages against petitioners, the Regional Trial Court of Makati dismissed with finality the rebellion charges against private respondent^[12].

In their Memorandum,^[13] petitioners raise the following assignment of errors:

I

THE RESPONDENT COURT HAS DECIDED A QUESTION OF SUBSTANCE IN A MANNER NOT IN ACCORD WITH LAW OR WITH THE APPLICABLE