

## SECOND DIVISION

[ G.R. SP No. 130079, June 06, 2014 ]

**MARIA LOURDES QUODALA AND VICTORIA A. AVENA,  
PETITIONERS, VS. HON. GENIE G. GAPAS-AGBADA, ACTING  
PRESIDING JUDGE, REGIONAL TRIAL COURT OF PASIG CITY,  
BRANCH 154 AND RENATO CORONADO, RESPONDENTS.**

### D E C I S I O N

**SALAZAR-FERNANDO, J.:**

Before this Court is a Petition for Certiorari<sup>[1]</sup> under Rule 65 of the 1997 Revised Rules of Court seeking to annul and set aside the Orders dated January 29, 2013<sup>[2]</sup> and March 11, 2013<sup>[3]</sup> of the Regional Trial Court, National Capital Judicial Region, Branch 154, Pasig City in Civil Case No. 70777-PSG entitled "Renato Coronado, Plaintiff, versus Ma. Lourdes Quodala and Victoria Avena, Defendants.", the dispositive portions of which read:

January 29, 2013 Order

"Acting on the plaintiff's formal offer of evidence, over the comment thereto by the defendants, plaintiff's Exhibits 'A' to 'K', 'M' and 'N' are admitted.

As agreed by the parties, today's hearing is cancelled and reset to February 26, 2013, at 10:0 (sic) o'clock in the morning, and on March 12, April 2, and April 23, 2013, all at 8:30 o'clock in the morning.

SO ORDERED."

March 11, 2013 Order

"WHEREFORE, the defendants' Motion for Reconsideration is DENIED for lack of merit.

SO ORDERED."

The facts are:

This case stemmed from a complaint<sup>[4]</sup> filed by private respondent Renato Coronado (Coronado for brevity) against petitioners Maria Lourdes Quodala (Quodala for brevity) and Victoria Avena (Avena for brevity) for breach of contract with damages.

During the proceedings below, petitioners objected to the admission of private respondent Coronado's exhibits for the following reasons: a) that all exhibits are mere photocopies; b) that the exhibits offered do not prove the purpose for which they are being offered (Exhibits "A" to "B"); c) that the exhibits are hearsay because the persons who allegedly issued the documents (Exhibits "C" and "D") were not

subjected to cross-examination; and d) that the exhibits are improper in that stage of the trial since the exhibits (Exhibits "C", "D", "E", "H", "I" and "K") are in the nature of rebuttal evidence.<sup>[5]</sup>

On the other hand, private respondent Coronado contends that he filed his Formal Offer of Evidence<sup>[6]</sup> on November 26, 2012. However, despite receipt thereof on November 29, 2012, petitioners did not immediately file an opposition to the Formal Offer. Instead, on January 4, 2013, more than a month after the receipt of the formal offer, petitioners filed an Omnibus Motion<sup>[7]</sup> dated January 3, 2013 and later, their comment to the Formal Offer.

The Omnibus Motion was to recall private respondent Coronado's witnesses Aureo Costales and Arabelle Petilla for cross-examination, defer action on the Formal Offer, and defer reception of petitioners' evidence.

Public respondent judge denied the recall of private respondent Coronado's witnesses as the petitioners were deemed to have waived their right to cross-examine the witnesses for failure of the petitioners' counsel to appear during the November 15, 2012 trial despite notice, while the other motions were technically granted as petitioners were given ten (10) days to file their comment.<sup>[8]</sup>

After the submission of petitioners' comment<sup>[9]</sup> to private respondent Coronado's Formal Offer of Evidence, public respondent judge resolved to admit the same in the assailed Order dated January 29, 2013. With the denial of their Motion for Reconsideration, petitioners come to this Court via a petition for certiorari contending that public respondent judge committed grave abuse of discretion in admitting private respondent Coronado's documentary evidence for being mere photocopies, that they do not prove the purposes for which they are being offered, that the witnesses who identified them were not subjected to cross-examination, and that some were in the nature of rebuttal evidence, hence, improper at that stage of the proceeding.

The petition is devoid of merit.

At the outset, it must be emphasized that certiorari is an extraordinary remedy available only when there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law.<sup>[10]</sup> It is a remedy designed for the correction of errors of jurisdiction, not errors of judgment.<sup>[11]</sup>

Evidently, petitioners assail the order of the lower court admitting private respondent Coronado's Formal Offer of Evidence. This order is an interlocutory order since it did not dispose the case with finality. It did not adjudicate the parties' contentions and determine their rights and liabilities as regards each other.

In the case of Yu vs. Hon. Agnes Reyes-Carpio<sup>[12]</sup> the Supreme Court ruled that:

"When the court has jurisdiction over the case and person of the defendant, any mistake in the application of the law and the appreciation of evidence committed by the court may be corrected only by appeal. The determination made by the trial court regarding the admissibility of evidence is but an exercise of its jurisdiction and whatever fault it may have perpetrated in making such determination is an error of judgment, not jurisdiction. Hence, settled is the rule that rulings of the trial court on