



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

PHILIPPINE NATIONAL BANK
Petitioner,

G.R. No. 219325

Present:

- versus -

PERALTA, C.J.,
 CAGUIOA,
 CARANDANG,
 ZALAMEDA, and
 GAERLAN, JJ.

ATTY. HENRY S. OAMINAL,
Respondent.

Promulgated:
FEB 17 2021

X-----X

DECISION

GAERLAN, J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, as amended, assailing the Decision² dated June 1, 2015 of the Court of Appeals (CA) in CA-G.R. SP No. 05378-MIN.

The Antecedents

Sometime in November 2001, petitioner Philippine National Bank (petitioner) filed against respondent Atty. Henry S. Oaminal (respondent) a complaint-affidavit for six (6) counts of Estafa and violation of Batas Pambansa Bilang 22 (BP 22) before the Office of the City Prosecutor of Ozamiz City, docketed as I.S. Nos. 01-11-781 to 786.³

In a Joint Resolution⁴ dated January 11, 2002, Prosecutor II Geronimo S. Marave, Jr. (Prosecutor Marave) recommended the filing of charges against

¹ *Rollo*, pp. 21-46.

² *Id.* at 10-18; penned by Associate Justice Henri Jean Paul B. Inting (now a Member of this Court) and concurred in by Associate Justices Edgardo A. Camello and Pablito A. Perez.

³ *Id.* at 11.

⁴ *Id.* at 51-54.

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respondent for violation of BP 22. The complaint for Estafa were, however, dismissed on the ground of insufficiency of evidence.⁵

Accordingly, six (6) Informations⁶ dated February 12, 2002 were filed against respondent before the Municipal Trial Court in Cities (MTCC) of Ozamiz City, raffled to Branch 2 thereof, and docketed as Criminal Case Nos. 5671-MTC to 5676-MTC. The accusatory portions of the Informations read as follows:

Criminal Case No. 5671-MTC

That on November 30, 1999, in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, failing to maintain sufficient funds in or credit with the drawee bank as payment in full upon presentment of the check, did then and there willfully, unlawfully and knowingly make or draw and issue Metrobank, Ozamiz Branch, Check No. 1180025128 dated November 30, 1999 covering the amount of ₱2,398,883.60 in favor of Philippine National Bank, Ozamiz Branch represented herein by EPIFANIA C. ANIMAS which check was issued in payment of accused [sic] obligation from said private offended party but when the check was presented for payment with the drawee bank within 90 days from date thereof, the same was dishonored for the reason: “DRAWN AGAINST INSUFFICIENT FUNDS” (DAIF) and despite due notice of dishonor being made and demands to make good and pay the check, accused failed and continuously fails to make good and pay the holder of the said check the amount due thereon or to deposit the necessary amount to cover the same and also failed to make an arrangement for the payment of the check in full by the drawee within five (5) banking days after receiving the notice of dishonor, to the damage and prejudice of the said offended party, in the aforesaid sum of ₱2,398,883.60, Philippine Currency.

CONTRARY to and in Violation of Batas Pambansa Blg. 22.⁷

Criminal Case No. 5672-MTC

That on February 28, 2001, in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, failing to maintain sufficient funds in or credit with the drawee bank as payment in full upon presentment of the check, did then and there willfully, unlawfully and knowingly make or draw and issue Metrobank, Ozamiz Branch, Check No. 1180041378 dated February 28, 2001 covering the amount of ₱2,000,000.00 in favor of Philippine National Bank, Ozamiz Branch represented herein by EPIFANIA C. ANIMAS which check was issued in payment of accused [sic] obligation from said private offended party but when the check was presented for payment with the drawee bank within 90 days from date thereof, the same was dishonored for the reason: “DRAWN AGAINST INSUFFICIENT FUNDS” (DAIF) and despite due

⁵ Id. at 53.

⁶ Id. at 55-56.

⁷ Id. at 55.

notice of dishonor being made and demands to make good and pay the check, accused failed and continuously fails to make good and pay the holder of the said check the amount due thereon or to deposit the necessary amount to cover the same and also failed to make an arrangement for the payment of the check in full by the drawee within five (5) banking days after receiving the notice of dishonor, to the damage and prejudice of the said offended party, in the aforesaid sum of ₱2,000,000.00, Philippine Currency.

CONTRARY to and in Violation of Batas Pambansa Blg. 22.⁸

Criminal Case No. 5673-MTC

That on November 30, 2000, in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, failing to maintain sufficient funds in or credit with the drawee bank as payment in full upon presentment of the check, did then and there willfully, unlawfully and knowingly make or draw and issue Metrobank, Ozamiz Branch, Check No. 1180041377 dated November 30, 2000 covering the amount of ₱2,000,000.00 in favor of Philippine National Bank, Ozamiz Branch represented herein by EPIFANIA C. ANIMAS which check was issued in payment of accused [sic] obligation from said private offended party but when the check was presented for payment with the drawee bank within 90 days from date thereof, the same was dishonored for the reason: “DRAWN AGAINST INSUFFICIENT FUNDS” (DAIF) and despite due notice of dishonor being made and demands to make good and pay the check, accused failed and continuously fails to make good and pay the holder of the said check the amount due thereon or to deposit the necessary amount to cover the same and also failed to make an arrangement for the payment of the check in full by the drawee within five (5) banking days after receiving the notice of dishonor, to the damage and prejudice of the said offended party, in the aforesaid sum of ₱2,000,000.00, Philippine Currency.

CONTRARY to and in Violation of Batas Pambansa Blg. 22.⁹

Criminal Case No. 5674-MTC

That on August 31, 2000, in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, failing to maintain sufficient funds in or credit with the drawee bank as payment in full upon presentment of the check, did then and there willfully, unlawfully and knowingly make or draw and issue Metrobank, Ozamiz Branch, Check No. 1180041376 dated August 31, 2000 covering the amount of ₱2,000,000.00 in favor of Philippine National Bank, Ozamiz Branch represented herein by EPIFANIA C. ANIMAS which check was issued in payment of accused [sic] obligation from said private offended party but when the check was presented for payment with the drawee bank within 90 days from date thereof, the same was dishonored for the reason: “DRAWN AGAINST INSUFFICIENT FUNDS” (DAIF) and despite due notice of dishonor being made and demands to make good and pay the

⁸ Id. at 57.

⁹ Id. at 59.

check, accused failed and continuously fails to make good and pay the holder of the said check the amount due thereon or to deposit the necessary amount to cover the same and also failed to make an arrangement for the payment of the check in full by the drawee within five (5) banking days after receiving the notice of dishonor, to the damage and prejudice of the said offended party, in the aforesaid sum of ₱2,000,000.00, Philippine Currency.

CONTRARY to and in Violation of Batas Pambansa Blg. 22.¹⁰

Criminal Case No. 5675-MTC

That on May 31, 2000, in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, failing to maintain sufficient funds in or credit with the drawee bank as payment in full upon presentment of the check, did then and there willfully, unlawfully and knowingly make or draw and issue Metrobank, Ozamiz Branch, Check No. 1180041375 dated May 31, 2000 covering the amount of ₱2,000,000.00 in favor of Philippine National Bank, Ozamiz Branch represented herein by EPIFANIA C. ANIMAS which check was issued in payment of accused [sic] obligation from said private offended party but when the check was presented for payment with the drawee bank within 90 days from date thereof, the same was dishonored for the reason: "DRAWN AGAINST INSUFFICIENT FUNDS" (DAIF) and despite due notice of dishonor being made and demands to make good and pay the check, accused failed and continuously fails to make good and pay the holder of the said check the amount due thereon or to deposit the necessary amount to cover the same and also failed to make an arrangement for the payment of the check in full by the drawee within five (5) banking days after receiving the notice of dishonor, to the damage and prejudice of the said offended party, in the aforesaid sum of ₱2,000,000.00, Philippine Currency.

CONTRARY to and in Violation of Batas Pambansa Blg. 22.¹¹

Criminal Case No. 5676-MTC

That on February 28, 2000 in the City of Ozamiz, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, failing to maintain sufficient funds in or credit with the drawee bank as payment in full upon presentment of the check, did then and there willfully, unlawfully and knowingly make or draw and issue Metrobank, Ozamiz Branch, Check No. 1180025129 dated February 28, 2000 covering the amount of ₱2,398,883.60 in favor of Philippine National Bank, Ozamiz Branch represented herein by EPIFANIA C. ANIMAS which check was issued in payment of accused [sic] obligation from said private offended party but when the check was presented for payment with the drawee bank within 90 days from date thereof, the same was dishonored for the reason: "DRAWN AGAINST INSUFFICIENT FUNDS" (DAIF) and despite due notice of dishonor being made and demands to make good and pay the check, accused failed and continuously fails to make good and pay the holder of the said check the amount due thereon or to deposit the necessary

¹⁰ Id. at 61.

¹¹ Id. at 63.

amount to cover the same and also failed to make an arrangement for the payment of the check in full by the drawee within five (5) banking days after receiving the notice of dishonor, to the damage and prejudice of the said offended party, in the aforesaid sum of ₱2,398,883.60, Philippine Currency.

CONTRARY to and in Violation of Batas Pambansa Blg. 22.¹²

Thereafter, respondent filed a Motion for Reinvestigation with the Department of Justice (DOJ).¹³ This prompted Regional State Prosecutor Antonio B. Arellano (RSP Arellano) to issue Regional Order No. 02-023 dated April 16, 2002, directing Prosecutor Marave to inhibit himself from the case and to forward to his office the entire records thereof. Thereafter, the case was assigned to Prosecutor Carlos M. Rubin (Prosecutor Rubin). Pending the resolution of the Motion for Reinvestigation, the Informations were provisionally withdrawn upon the instance of respondent and Prosecutor Rubin.¹⁴

It appears, however, that notwithstanding the directive in Regional Order No. 02-023, Prosecutor Marave did not stand down. On June 11, 2002, he re-filed the Informations with the MTCC.¹⁵ This prompted respondent to file a Motion to Quash the same. Said motion was granted by the MTCC in its Order¹⁶ dated August 14, 2002. The trial court ratiocinated that since Prosecutor Marave had already been stripped of his authority, the Informations that he filed are mere scraps of paper that are devoid of any legal effect.

Meanwhile, per DOJ Department Order No. 271¹⁷ dated August 6, 2002, State Prosecutor Roberto A. Lao (State Prosecutor Lao) was designated as the Acting City Prosecutor in charge of I.S. Nos. 01-11-781 to 786.

On November 12, 2002, State Prosecutor Lao finally issued a Resolution¹⁸ declaring that, indeed, formal criminal charges for violation of BP 22 must be filed against respondent. Resultantly, on even date, State Prosecutor sent a letter¹⁹ to the Clerk of Court of the MTCC of Ozamiz City, manifesting his intention to re-file the six (6) Informations signed by Prosecutor Marave. Thus, Criminal Case Nos. 5671-MTC to 5676-MTC were reinstated.

¹² Id. at 65.

¹³ Id. at 11.

¹⁴ Id. at 24-25.

¹⁵ Id. at 25.

¹⁶ Id. at 67; rendered by Judge Rio Concepcion Achas.

¹⁷ Id. at 68.

¹⁸ Id. at 69-76.

¹⁹ Id. at 77.

Respondent's first recourse to the CA

On December 2, 2002, respondent filed an Omnibus Motion and/or Petition²⁰ seeking, *inter alia*, the dismissal of the criminal cases allegedly because there was no judicial determination of probable cause.²¹ Respondent posited that the trial court merely relied on State Prosecutor Lao's findings when it allowed the reinstatement of the criminal cases.²² The said Omnibus Motion and/or Petition was denied by the MTCC in an Order²³ dated January 6, 2003.

Undaunted, respondent filed a Petition for *Certiorari* with the Regional Trial Court (RTC) of Ozamiz City, docketed as Sp. Civil Case No. 02-03. On May 7, 2004, the RTC issued an Order²⁴ dismissing the petition.

Respondent then filed a petition for review with the CA, docketed as CA-G.R. SP No. 86534. By virtue of the CA's Resolution²⁵ dated March 27, 2008, and upon the instance of respondent, the petition was withdrawn. As evidenced by Entry of Judgment²⁶ dated January 19, 2009, the said CA Resolution had already become final and executory.

Respondent's second recourse to the CA, which is the subject of the instant controversy

On September 6, 2007, respondent filed with the MTCC a Motion to Dismiss²⁷ the re-filed six (6) Informations, arguing that the same are not valid because they only bear the signature of Prosecutor Marave. Thus, the said Informations they do not bear the signature of the person who was authorized to sign the same.²⁸ Respondent postured that since the Informations had already been quashed by the MTCC in its earlier Order dated August 14, 2002, the criminal cases had no leg to stand on.²⁹ The trial court denied this motion in an Order dated November 14, 2007. Respondent's Motion for Reconsideration was likewise denied by the MTCC in its January 10, 2008 Order.³⁰

²⁰ Id. at 159-181.

²¹ Id. at 180.

²² Id. at 171.

²³ Id. at 182.

²⁴ Id. at 78-81; rendered by Judge Ma. Nimfa Penaco-Sitaca.

²⁵ Id. at 82-83; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Jane Aurora C. Lantion and Edgardo T. Lloren.

²⁶ Id. at 84.

²⁷ Id. at 183-186.

²⁸ Id. at 184.

²⁹ Id.

³⁰ Id. at 27-28.

On March 17, 2008, respondent then availed of the provisions of Rule 65 of the Rules of Court, filing a Petition for *Certiorari*, Prohibition and *Mandamus*³¹ with Regional Trial Court (RTC) of Ozamiz City, docketed as Special Civil Case No. 03-08 and raffled to Branch 15 thereof. The said petition was, however, denied by the RTC in its Decision³² dated August 8, 2011.

Respondent then filed an Omnibus Motion for Reconsideration and Voluntary Inhibition with the RTC. His motion voluntary inhibition was granted. The case was raffled to Branch 35 of the RTC of Ozamiz City which, in turn, denied his motion for reconsideration in an Order³³ dated December 18, 2012.

Aggrieved, respondent elevated the case to the CA through a Notice of Appeal.³⁴

On June 1, 2015, the CA rendered the herein assailed Decision³⁵ finding merit in respondent's asseverations. The CA held that the trial court never acquired jurisdiction over the criminal cases because they were signed by an officer who was not authorized to do so.

Thus, the court *a quo* disposed as follows:

WHEREFORE, the instant appeal is GRANTED. The Decision of the Regional Trial Court dated August 8, 2011 is SET ASIDE. The proceedings before the Municipal Trial Court in Cities is DECLARED NULL AND VOID for having been conducted without jurisdiction.

SO ORDERED.³⁶

Hence, the present recourse.

The Issues

Excoriating the judgment of the appellate court, petitioner argues in the affirmative of the following issues:

³¹ Id. at 187-217.

³² Id. at 218-224; rendered by Judge Edmundo P. Pintac.

³³ Id. at 225-232; rendered by Judge Sylvia A. Singidas-Machacon.

³⁴ Id. at 233-234.

³⁵ Id. at 10-18.

³⁶ Id. at 18.

1. The [CA] (Twenty-Second Division) erred when it declared the [I]nformations filed against [respondent] on 12 November 2002 were void, even though the validity of the same [I]nformations was already and finally upheld by prior judgment in a previous case docketed as Sp. Civil Case No. 02-03, which involved the same parties and subject matter[;]
2. The [CA] (Twenty-Second Division) erred when it nullified the [I]nformations filed against [respondent] on 12 November 2002, even if they were re-filed by and with the prior written authority or approval of the Acting City Prosecutor of Ozamiz City[; and]
3. The [CA] (Twenty-Second Division) erred when it annulled the jurisdiction of the trial court in the criminal cases below, notwithstanding [respondent]'s active participation in the actual proceedings.³⁷

The Ruling of the Court

The petition is impressed with merit.

The defect in the authority of the public prosecutor to file an Information is waivable, as in the instant case.

In rendering the assailed Decision, the CA, citing the cases of *Cudia v. Court of Appeals*,³⁸ *Romualdez v. Sandiganbayan*,³⁹ and *People v. Garfin*,⁴⁰ ratiocinated that the MTCC's jurisdiction over the criminal cases did not attach because no new Information was filed by the proper officer vested with the authority to do so. The infirmity in the Informations caused by Prosecutor Marave's lack of authority cannot be cured by silence, acquiescence or express consent, the appellate court said. Accordingly, the entire proceedings before the MTCC were null and void.⁴¹

We disagree.

³⁷ Id. at 31.

³⁸ 348 Phil. 190 (1998).

³⁹ 434 Phil. 670 (2002).

⁴⁰ 470 Phil. 211, (2004).

⁴¹ *Rollo*, pp. 16-17.

An information is an accusation in writing charging a person with an offense, subscribed by the prosecutor and filed with the court.⁴² The due recognition of the constitutional right of an accused to be informed of the nature and cause of the accusation through the criminal complaint or information is decisive of whether his prosecution for a crime stands or not.⁴³ In deference to the constitutional right of an accused to be informed of the nature and the cause of the accusation against him,⁴⁴ “[a] complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.”⁴⁵

In a litany of cases,⁴⁶ it has been held that in order for an Information to be valid, it must possess the prior written authority or approval of the provincial or city fiscal or chief state prosecutor, as the case may be. However, this rule has already been expressly and unequivocally abandoned by this Court in the recent case of *Villa Gomez v. People*⁴⁷ (*Villa Gomez*).

In *Villa Gomez*, this Court held that the lack of authority of the prosecutor to file an Information does not go into the jurisdiction of the court over the subject matter. Rather, the lack of authority merely affects the personality or *locus standi* of the said prosecutor. Moreover, *Villa Gomez* declared that defects on the authority of the prosecutor who filed the Information are waivable. Thus:

x x x Even assuming for the sake of argument that such prior authority, approval or signature is required, this Court in its recent *en banc* ruling in *People v. Solar* where all prosecutors were “instructed to state with sufficient particularity not just the acts complained of or the acts constituting the offense, but also the aggravating circumstances, whether qualifying or generic, as well as any other attendant circumstances, that would impact the penalty to be imposed on the accused should a verdict of conviction be reached,” held that failure of the accused to question the insufficiency of an Information as to the averment of aggravating circumstances with specific constitutes a waivable defect. Logically, if the constitutional right to be informed of the nature and cause of the accusation may be waived by the accused, then it is with more reason that the absence of the requirement pertaining to a handling prosecutor’s duty to secure a

⁴² REVISED RULES OF CRIMINAL PROCEDURE, Rule 110, Section 4.

⁴³ *People v. Manansala*, 708 Phil. 66, 68 (2013).

⁴⁴ *Miguel v. Sandiganbayan*, 690 Phil. 147, 155-156 (2012). Citing Section 6, Rule 110 of the Revised Rules of Criminal Procedure.

⁴⁵ REVISED RULES OF CRIMINAL PROCEDURE, Rule 110, Section 6.

⁴⁶ *Abugotal v. Hon. Tiro*, 160 Phil. 884 (1975); *People v. Hon. Montesa, Jr.*, 318 Phil. 764 (1995); *Joaquin, Jr. v. Hon. Dylon*, 361 Phil. 900 (1999); *Abdula v. Hon. Guiani*, 382 Phil. 757 (2000); *Turingan v. Hon. Garfin*, 549 Phil. 903 (2007); *Quisay v. People*, 778 Phil. 481 (2016); *Maximo v. Villapando, Jr.*, 809 Phil. 843 (2017).

⁴⁷ G.R. No. 216824, November 10, 2020.

prior written authority or approval from the provincial, city or chief state prosecutor in the filing of an Information may also be waived.

Consistent with the foregoing observations, if some grounds for the quashal of an Information with serious constitutional implications may be waived, it is with more reason that the ground on securing a prior written approval or authority from the provincial, city or chief state prosecutor, which has nothing to do with the Bill of Rights or with the trial court's jurisdiction to take cognizance of a case, can also be waived by the accused.⁴⁸ (Emphasis and citations omitted; underscoring Ours.)

Here, the records show that respondent raised the validity of the subject Informations signed by Prosecutor Marave to the CA on two separate occasions.

Respondent first sought the appellate court's intercession through a petition for review which was docketed as CA-G.R. SP No. 86534. For reasons unknown to this Court, he withdrew the said petition. Through Entry of Judgment⁴⁹ dated January 19, 2009, the questioned May 7, 2004 Order⁵⁰ of the RTC – a judgment on the merits which affirmed the MTCC's reinstatement of the criminal cases filed by virtue of Prosecutor Marave's Informations – attained finality.

Respondent's second recourse, CA-G.R. SP No. 05378-MIN, was filed by virtue of an appeal which, as plainly evident in the instant Rule 45 petition, was successful.

This Court finds that respondent's withdrawal of his petition in CA-G.R. SP No. 86534 already constitutes a waiver of whatever defects the Informations against him may have had, to the extent that his appeal to the CA in CA-G.R. SP No. 05378-MIN should already be barred by the principles of immutability of judgments and *res judicata*.

Where an appellant withdraws his appeal, he must face the consequences of his withdrawal, such as the Decision of the court *a quo* becoming final and executory.⁵¹ The effects of the finality of a judgment was briefly discussed by this Court in *Taisei Shimizu Joint Venture v. Commission on Audit*,⁵² thus:

When a court or tribunal having jurisdiction over an action renders judgment and the same becomes final and executory, *res judicata* sets

⁴⁸ Id.

⁴⁹ *Rollo*, p. 84.

⁵⁰ Id. at 78-81.

⁵¹ *Southwestern University v. Hon. Salvador*, 179 Phil. 252 (1979).

⁵² G.R. No. 238671, June 2, 2020.

in *Norkis Trading Corp. v. Buenavista* explains:

x x x *Res judicata* is defined as a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment. Under this doctrine, an existing final judgment or decree rendered on the merits, and without fraud or collusion, by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit. To state simply, a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on all points and matters determined in the former suit.

Res judicata has two aspects: bar by prior judgment and conclusiveness of judgment as provided under Section 47 (b) and (c), Rule 39, respectively, of the Rules of Court. Under the doctrine of conclusiveness of judgment, facts and issues actually and directly resolved in a former suit cannot be raised in any future case between the same parties, even if the latter suit may involve a different cause of action.

Res judicata and immutability of final judgments are closely intertwined. Jurisprudence teaches:

The settled and firmly established rule is that a decision that has acquired finality becomes immutable and unalterable. This quality of immutability precludes the modification of the judgment, even if the modification is meant to correct erroneous conclusions of fact and law. The orderly administration of justice requires that, at the risk of occasional errors, the judgments/resolutions of a court must reach a point of finality set by the law. The noble purpose is to write *fnis* to disputes once and for all. This is a fundamental principle in our justice system, without which no end to litigations will take place. Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act that violates such principle must immediately be struck down. Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of courts, but extends as well to those of all other tribunals exercising adjudicatory powers.⁵³ (Emphasis and citations omitted.)

Indeed, the CA transgressed the limits of its authority when it made a pronouncement that starkly departs from a matter that is already the subject of a prior judgment which had long attained finality. The moment respondent

⁵³ Id.

withdrew his petition in CA-G.R. SP No. 86534, he had already waived his right to question the propriety of the subject Informations.

At any rate, the subject Informations are valid, being bereft of any defects as would deprive the MTCC of its jurisdiction over the criminal cases against respondent.

Although the subject Informations only bear the signature of Prosecutor Marave, the same were re-filed under the direction of State Prosecutor Lao. While respondent does not dispute State Prosecutor Lao's designation as the prosecutor in charge of the case, he argues that in order for the criminal cases to be revived, new Informations bearing State Prosecutor Lao's signature should have been filed with the MTCC.

Respondent's position is untenable.

It bears stressing that when State Prosecutor Lao was given authority over I.S. Nos. 01-11-781 to 786, he was designated as Acting City Prosecutor of Ozamiz City.⁵⁴

In *Villa Gomez*, this Court declared that "the authority of a handling prosecutor need not be shown in the face of the Information itself if it is duly established that the provincial, city or chief state prosecutor approved the underlying Resolution recommending the indictment."⁵⁵

Here, State Prosecutor Lao himself, as Acting City Prosecutor, ordered the reinstatement of the subject Informations. This act is already sufficient to vest upon the trial court jurisdiction over the subject matter of the criminal cases. To require State Prosecutor Lao to refile the exact same Informations, the only difference being the signatures appearing thereon, would be, as *Villa Gomez* stressed, "to impose a redundant and pointless requirement on the Prosecution."⁵⁶

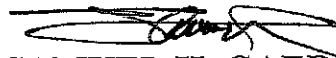
WHEREFORE, the petition is **GRANTED**. The assailed Decision dated June 1, 2015 of the Court of Appeals in in CA-G.R. SP No. 05378-MIN is hereby **REVERSED** and **SET ASIDE**. The Municipal Trial Court in Cities of Ozamiz City, Branch 2, is **DIRECTED** to **RESUME** its proceedings in Criminal Case Nos. 5671-MTC to 5676-MTC with deliberate dispatch.

⁵⁴ *Rollo*, p. 68.


⁵⁵ *Villa Gomez v. People*, supra note 47.

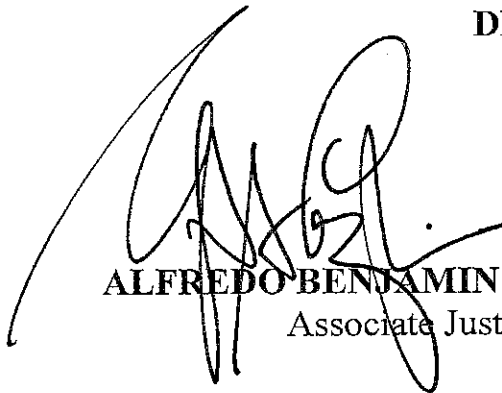
⁵⁶ *Id.*

SO ORDERED.

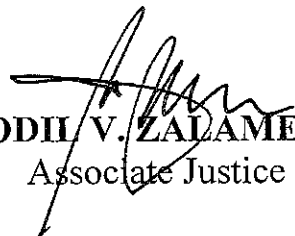

SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice

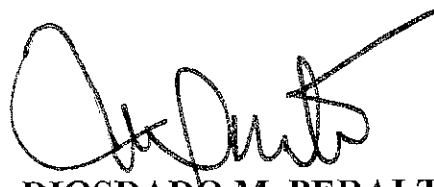

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Chief Justice

