

BY: YSA
TIME: 11:03 AM

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 5, 2019** which reads as follows:*

“G.R. No. 249659 – REYBERT S. SALAO vs. ATTY. MARLON BUAN

The petition is DENIED.

First. Petitioner failed to comply with the requirements of Section 4, Rule 45 of the Rules of Court, viz.:

Section 4. Contents of petition. — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; **(d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition;** and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. (2a) (Emphasis supplied)

Specifically, petitioner did not comply with (d). He did not attach such material portions of the record as would support his petition. What he attached are only the twin Court of Appeals issuances, nothing more.

- over – four (4) pages ...

114-A

Surely, copies of the issuances of the MeTC, the RTC, and the DOJ and also the relevant pleadings below should have also been attached so that the Court will have the opportunity to scrutinize these documents and determine if there is indeed a *prima facie* case of grave abuse of discretion on the part of the Court of Appeals.

For another, the Court of Appeals' dispositions only summarized the parties' respective arguments before it but not those before the MeTC and the RTC. Standing alone, the Court of Appeals dispositions are inadequate for the purpose of ascertaining the parties' respective submissions before the MeTC and the RTC.

Second. In any event, only questions of law should be raised in petitions filed under Rule 45. The Court is not a trier of facts. It will not entertain questions of fact as the factual findings of the appellate courts are final, binding, or conclusive on the parties and upon this Court when supported by substantial evidence.¹

More so in this case where petitioner failed to attach material documents, which would enable the Court to examine whether or not the factual findings in question are supported by substantial evidence on record. At any rate, petitioner has not adduced any special or compelling reason for the Court to review and examine the evidence all over again for the purpose of determining probable cause and the propriety of granting the DOJ's motion to withdraw the Information. Verily, the Court accords respect to the following factual determination of the Court of Appeals, *viz.*:

Thus, compared to the unsupported factual findings of MeTC Branches 120 and 55, the findings made by the RTC was arrived at after looking into the conditions at the time of the shooting incident. It is worth noting that it did not just rely on the findings embodied in the DOJ Resolution but made its own independent evaluation of the evidence on record. Contrary to the argument of respondent-appellant Salao that the RTC touched on evidentiary matters which should be properly threshed out during trial, the latter only made an exhaustive evaluation of the evidence on record, which the MeTC failed to do. In fact, the RTC categorically stated that it only confined itself to the details which are incontrovertible, bolstered as they are by the physical evidence such as the medical certificates, laboratory reports, and photographs of bullet holes on the vehicles in the garage and the house itself where petitioner-appellee resides, which bear mute witnesses to the actual events of that fateful night.

- over -

114-A

¹ *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).

Thus, the RTC did not err in holding that the Orders of MeTC Branches 120 and 55 were issued with grave abuse of discretion amounting to lack or excess of jurisdiction. Grave abuse of discretion exists when there is an arbitrary or despotic exercise of power due to passion, prejudice, or personal hostility; or a whimsical, arbitrary or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. (To reiterate,) in granting or denying the motion to withdraw, the court must judiciously evaluate the evidence in the hands of the prosecution, which the MeTC failed to do in this case.

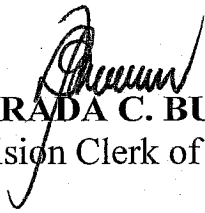

On the contrary, the RTC sufficiently explained its reasons in setting aside the MeTC Order dated 06 April 2017 and Joint Omnibus Order 31 July 2017; in granting petitioner-appellee's Motion to Withdraw Informations in *Criminal Cases Nos. 3217-16* and *3218-16* and in ordering MeTC Branch 55 to desist from conducting further proceedings in said cases. This Court agrees with the RTC's dispositions, as there is insufficient evidence showing that it erred in finding a lack of probable cause, and in granting the withdrawal of the Informations.²

So must it be.

WHEREFORE, the petition is **DENIED**.


SO ORDERED. *Inting, J., additional member per Special Order 2726 dated October 25, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court 
114-A

- over -

² *Rollo*, pp. 35-36.



THE LAW FIRM OF CASAUAY
COLOMA FRANCISCO
ESTRELLADO & ASSOCIATES
Counsel for Petitioner
Suite 300-C Delta Building, West cor.
Quezon Avenues, 1100 Quezon City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 156316)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Respondent
DOJ Agencies Building
Diliman, 1101 Quezon City

The Hon. Presiding Judge
Regional Trial Court, Branch 169
1470 Malabon City
(Spl. Civil Action Case No.
SCA17-005-MAL)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

114-A

UR