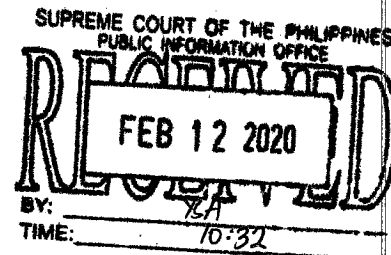




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila  
SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **22 January 2020** which reads as follows:

“**G.R. No. 249693 (Lolita Ongjoco v. Narcisa Noguera-Soriano)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the June 25, 2019<sup>2</sup> and September 26, 2019<sup>3</sup> Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 160377 for failure of petitioner Lolita Ongjoco (petitioner) to sufficiently show that the CA committed any reversible error in dismissing her petition for *certiorari*.<sup>4</sup>

As correctly ruled by the CA, a motion for reconsideration is a condition *sine qua non* for the filing of a *certiorari* petition, the purpose of which is to grant an opportunity for the court to correct any actual or perceived error attributed to it by re-examination of the legal and factual circumstances of the case.<sup>5</sup> While there are admitted exceptions to this rule,<sup>6</sup> petitioner failed to establish that the present case falls under any of those exceptions. The CA was also correct in ruling<sup>7</sup> that the trial court committed no grave abuse of discretion when it granted<sup>8</sup> respondent Narcisa Noguera-Soriano’s (respondent) demurrer to evidence.<sup>9</sup> Settled is the rule that in determining whether to grant or deny a demurrer to evidence, the court is required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict of guilt.<sup>10</sup> In granting the demurrer to evidence, the trial court ruled, based on its own evaluation of the prosecution evidence, that there was no *prima facie* case against respondent for the crime charged. Absent any showing of grave abuse of discretion on the part of the trial court, the granting of the demurrer to evidence amounted to an acquittal of respondent which may no

<sup>1</sup> Rollo, pp. 9-17.

<sup>2</sup> Id. at 20-28. Penned by Associate Justice Stephen C. Cruz with Associate Justices Ruben Reynaldo G. Roxas and Tita Marilyn Payoyo-Viliordon, concurring.

<sup>3</sup> Id. at 37-39.

<sup>4</sup> Not attached to the rollo.

<sup>5</sup> *Republic v. Bayao*, 710 Phil. 279, 287 (2013). See also *rollo*, pp. 23-24.

<sup>6</sup> *Republic v. Bayao*, id. at 287-288.

<sup>7</sup> See *rollo*, p. 27.

<sup>8</sup> Not attached to the rollo.

<sup>9</sup> Not attached to the rollo.

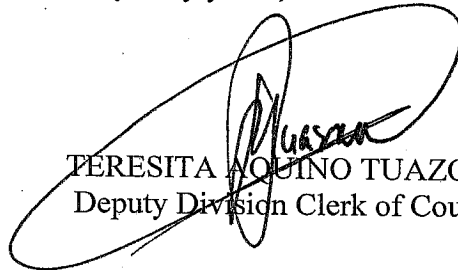
<sup>10</sup> See *Spouses Coronel v. Solis-Quesada*, G.R. No. 237465, October 7, 2019.

A-14

longer be reversed by this Court without violating the right against double jeopardy of the accused.<sup>11</sup>

**SO ORDERED.** (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *Utib, 2/4*

ATTY. DANNY F. VILLANUEVA (reg)  
Counsel for Accused  
Unit 204, Eagle Court Condominium  
Matalino Street, Brgy. Central  
Quezon City

HON. CLETO R. VILLACORTA III (reg)  
Presiding Judge  
4<sup>th</sup> Floor, Quezon Hall of Justice  
Elliptical Road, Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

OSCAR L. ONGJOCO (reg)  
Representative of Petitioner  
Lot 51, Blk. 8, Phase D, Francisco Homes  
Mulawin, San Jose del Monte  
Bulacan

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 229  
Quezon City  
(Crim. Case No. R-QZN-17-03263-CR)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. SP No. 160377

*Please notify the Court of any change in your address.*  
GR249693. 1/22/2020(145)URES

<sup>11</sup> See *People v. Ting*, G.R. No. 221505, December 5, 2018.