Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SOCIAL SECURITY SYSTEM,
Petitioner,

-versus-

MANUEL F. SENO, JR., GEMMA S. SENO, and FERNANDO S. GORROSPE,*
Respondents.

G.R. No. 183478

Present:

PERLAS-BERNABE, *J.*,
Chairperson,
REYES, A., JR.,
HERNANDO,
INTING, and
DELOS SANTOS, *JJ.*

Promulgated:

10 FEB 2020

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DECISION

HERNANDO, *J.*:

This Petition for Review on *Certiorari*[1] seeks to reverse and set aside the March 11, 2008 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 96627 which (a) granted the Amended Petition[3] for *Certiorari* filed by herein respondents Manuel F. Seno, Jr. (Manuel), Fernando S. Gorrospe (Fernando), and Gemma S. Seno (Gemma, collectively respondents); (b) annulled and set aside the May 29, 2006[4] and September 25, 2006[5] Orders of the Regional Trial Court (RTC), Branch 206, Muntinlupa City, in Criminal Case No. 05-853; and (c) granted respondents' Motion to Withdraw

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* Also spelled as "Gorospe" in some parts of the records.
[1] *Rollo*, pp. 8-28.
[2] *Id.* at 29-42; penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Edgardo P. Cruz and Fernanda Lampas Peralta.
[3] CA *rollo*, pp. 56-72.
[4] Records, Volume I, pp. 187-190; penned by Judge Patria A. Manalastas-De Leon.
[5] *Id.* at 224-225.

Information[6] filed in the said criminal case. Petitioner Social Security System (SSS) likewise assails the June 25, 2008 Resolution[7] of the CA which denied its Motion for Reconsideration.[8]

Factual Antecedents

Respondents are members of the Board of Directors of JMA Transport Services Corporation (JMA Transport), a domestic corporation and a duly covered member of SSS with Identification No. 03-9077846-6.[9]

Sometime in 2000, SSS filed an Affidavit-Complaint[10] against respondents together with Ruth De Leon (De Leon), Celso Librando (Librando), and Edgar Froyalde (Froyalde), in their capacities as JMA Transport's Board of Directors before the Prosecutor's Office of Muntinlupa City for failure to remit the social security (SS) contributions of their employees in violation of Section 22(a)[11] in relation to Sections 22(d)[12] and 28(e)[13] and (f)[14] of Republic Act (R.A.) No. 1161, as amended by R.A. No. 8282, otherwise known as the *"Social Security Act of 1997."*

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[6] *Id.* at 155-156.
[7] CA *rollo*, pp. 228-229.
[8] Id. at 217-219.
[9] Records, Volume I, p. 17.
[10] *Id.* at 17-18.
[11] SEC. 22. Remittance of Contributions. – (a) The contribution imposed in the preceding Section shall be remitted to the SSS within the first ten (10) days of each calendar month following the month for which they are applicable or within such time as the Commission may prescribe. Every employer required to deduct and to remit such contributions shall be liable for their payment and if any contribution is not paid to the SSS as herein prescribed, he shall pay besides the contribution a penalty thereon of three percent (3%) per month from the date the contribution falls due until paid. If deemed expedient and advisable by the Commission, the collection and remittance of contributions shall be made quarterly or semi-annually in advance, the contributions payable by the employees to be advanced by their respective employers: *Provided*, That upon separation of an employee, any contribution so paid in advance but not due shall be credited or refunded to his employer.
[12] SEC. 22. Remittance of Contributions. – x x x
x x x x
(d) The last complete record of monthly contributions paid by the employer or the average of the monthly contributions paid during the past three (3) years as of the date of filing of the action for collection shall be presumed to be the monthly contributions payable by and due from the employer to the SSS for each of the unpaid month, unless contradicted and overcome by other evidence: *Provided*, That the SSS shall not be barred from determining and collecting the true and correct contributions due the SSS even after full payment pursuant to this paragraph, nor shall the employer be relieved of his liability under Section Twenty-eight of this Act.
[13] SEC. 28. Penal Clause. – x x x
x x x x
(e) Whoever fails or refuses to comply with the provisions of this Act or with the rules and regulations promulgated by the Commission, shall be punished by a fine of not less than Five thousand pesos (₱5,000.00) nor more than Twenty thousand pesos (₱20,000.00), or imprisonment for not less than six (6) years and one (1) day nor more than twelve (12) years or both, at the discretion of the court: *Provided*, That where the violation consists in failure or refusal to register employees or himself, in case of the covered self-employed, or to deduct contributions from the employees' compensation and remit the same to the SSS, the penalty shall be a fine of not less than Five thousand pesos (₱5,000.00) nor more than Twenty thousand pesos (₱20,000.00) and imprisonment for not less than six (6) years and one (1) day nor more than twelve (12) years.
[14] SEC. 28. Penal Clause. – x x x
x x x x
(f) If the act or omission penalized by this Act be committed by an association, partnership, corporation or any other institution, its managing head, directors or partners shall be liable for the penalties Provided in this Act for the offense.

In its complaint, SSS averred that after inspecting the account of JMA Transport, it discovered that the company was delinquent in its payment of contributions for the period September 1997 to July 1999. As of August 31, 1999, the amount due was ₱838,488.13 inclusive of the 3% penalty per month.[15]

As a result thereof, a Letter of Introduction[16] dated December 16, 1998 was served to JMA Transport to monitor its compliance with the Social Security Act of 1997 and to inspect its SSS records. This was followed by a Billing Letter[17] dated August 25, 1999 and a Demand Letter[18] dated September 16, 1999 informing the company of its outstanding obligation and demanding to pay it within 10 days from receipt of the demand. However, JMA Transport failed to settle its obligations which prompted SSS to file the said Complaint before the Office of the City Prosecutor (OCP) of Muntinlupa City.

During the preliminary investigation, respondents proposed to pay in installment JMA Transport's outstanding obligation. Manuel issued 24 postdated checks in the total amount of ₱609,370.50 as payment of JMA Transport's obligation inclusive of the penalty charges. SSS, in turn, accepted the postdated checks. Thus, the Complaint was provisionally withdrawn in view of the settlement between the parties.

However, when two of the postdated checks were dishonored by the drawee-bank, SSS notified JMA Transport to replace the said checks and to pay its obligation. However, the company did not heed the demand.

Consequently, SSS filed another Complaint-Affidavit[19] against respondents for violation of Section 22(a) in relation to Sections 22(d) and 28(e) of R.A. No. 1161, as amended by R.A. No. 8282. SSS alleged that JMA Transport had unpaid obligations in the aggregate amount of ₱4,903,267.52 which included the obligations subject of the first complaint plus delinquent SS contributions from August 1999 to June 2004 in the amount of ₱2,200,470.26 and penalty thereon in the amount of ₱2,702,797.26.

Manuel refuted SSS' claims and alleged that JMA Transport had already ceased operations in July 1999. Therefore, he and the other respondents should not be held liable for the SS contributions after July 1999. He further averred that the delinquent contributions as of July 1999 had been settled by the two postdated checks he issued to SSS and that the remaining obligation of the company pertained only to the penalty charges in the amount of ₱50,780.82. Furthermore, Manuel asserted that he should not have been

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[15] Records, Volume I, p. 17; The Affidavit-Complaint stated that JMA Transport failed to remit SS contributions in the amount of ₱641,478.20 while the penalty due was ₱197,009.93.
[16] *Id.* at 21.
[17] *Id.* at 22.
[18] *Id.* at 23.
[19] *Id.* at 30-31.

held responsible for the dishonor of the checks as this was brought about by the drawee-bank's merger with another bank.

Fernando and Gemma, on the other hand, denied any participation in the alleged violation of the Social Security Act of 1997. They asserted that as directors of JMA Transport, they never handled matters relating to the SS contributions of the employees. They also corroborated the contentions of respondent Manuel with respect to the cessation of business operations of JMA Transport effective July 1999 as well as the payments of the delinquent contributions and penalty charges that were the subjects of the previous complaint.

SSS thereafter submitted its Reply[20] maintaining that it assessed JMA Transport the additional SS contributions on the presumption that the company was still in operation since the records of the SSS did not show that it has ceased business operations.

After the preliminary investigation, the OCP, through Assistant City Prosecutor (ACP) Elisa Sarmiento-Flores, found probable cause against respondents, Librando and Froyalde, for the complained violations.[21] As a result thereof, the corresponding Information[22] was filed against them before the trial court and the case was docketed as Criminal Case No. 05-853.

On the other hand, the complaint against De Leon was dismissed because she was no longer in the employ of JMA Transport when it failed to remit the SS contributions.

Meantime, aggrieved with the OCP's findings, respondents promptly filed a Petition for Review[23] before the Department of Justice (DOJ).

Ruling of the Department of Justice

In its January 31, 2006 Resolution,[24] the DOJ reversed the findings of the investigating prosecutor and ordered the withdrawal of the Information. It held that JMA Transport could not be held liable for the SS contributions after July 1999 because it already had ceased its business operations as of said month. Furthermore, the company's unpaid delinquent SS contributions plus penalty charges in the amount of ₱609,370.50 had already been settled by Manuel who had issued postdated checks. The DOJ ruled that the dishonor by the drawee-bank of the checks due to its merger with another bank did not constitute breach of the agreement on the part of Manuel so as to warrant the revival of the complaint. The *fallo* of the DOJ Resolution reads:

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[20] Records, Volume II, pp. 300-301.
[21] Records, Volume I, pp. 7-10.
[22] *Id.* at 1.
[23] *Id.* at 133-143.
[24] *Id.* at 157-160.

> WHEREFORE, the assailed resolution is REVERSED AND SET ASIDE. The City Prosecutor of Muntinlupa City is hereby directed to cause the withdrawal of the information for violation of the Social Security Law earlier filed against Manuel Seno, Jr., Celso Librando, Edgar Froyalde, Fernando Gorrospe, and Gemma Seno and to report the action taken thereon within ten (10) days from receipt hereof.
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> SO ORDERED.[25]

The SSS moved for reconsideration[26] but it was denied by the DOJ in a Resolution[27] promulgated on March 20, 2006.

Ruling of the Regional Trial Court

Meanwhile, on February 17, 2006, the prosecution filed a Motion to Withdraw Information[28] with the trial court in accordance with the DOJ Resolution. During the hearing of the said motion, private prosecutor Atty. Henry L. Tendido manifested that SSS had a pending Motion for Reconsideration[29] with the DOJ.

In its May 29, 2006 Order[30] (May Order), the trial court denied the motion. It held that based on the three Franchise Verifications issued by the Land Transportation Franchising and Regulatory Board (LTFRB) that were attached to SSS' Reply-Affidavit[31] dated December 8, 2004, JMA Transport was in active status either from August 13, 2003 or June 4, 2004 until March 31, 2006. It therefore showed that from July 1999 onwards, it was still in continuous business operation contrary to respondents' claim.

Respondents then filed a Motion for Reconsideration[32] before the trial court. They argued that they did not refute the Franchise Verifications purportedly issued by the LTFRB as these were not attached to SSS' Reply-Affidavit. The Reply-Affidavit likewise made no mention of the same evidence or, at the very least, as to whether JMA Transport remained in active status.

Furthermore, respondents averred that assuming JMA Transport violated the Social Security Act of 1997, it should be the corporate officers and not the members of the Board of Directors who should be indicted for the offenses charged. Also, the SS contributions had already been duly paid pursuant to the previous amicable settlement between SSS and JMA Transport. The only remaining unpaid obligation was the penalty charges based on the unpaid contributions.

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[25] *Id.* at 159.
[26] *Id.* at 164-170.
[27] *Id.* at 185.
[28] *Id.* at 155-156.
[29] *Id.* at 164-170.
[30] *Id.* at 187-190.
[31] Records, Volume II, pp. 300-301.
[32] Records, Volume I, pp. 192-198.

In its September 25, 2006 Order[33] (September Order), and by way of action on the motion for reconsideration, the trial court did not order the grant or denial thereof; rather, it directed the public prosecutor to conduct a reinvestigation for the purpose of receiving respondents' controverting evidence with respect to the Franchise Verifications, in this wise:

> It would appear that the issue here is not simply whether or not there is probable cause against the accused, but whether or not the accused were able to avail of the full opportunity to defend themselves during the preliminary investigation.
>
> The Court is inclined to give the accused the benefit of the doubt. Considering the circumstance that prevented the accused from fully controverting the complaint against them, the Court believes that it would serve the greater interest of justice if the case would be reinvestigated to give the accused the chance to present evidence in avoidance of prosecution.
>
> WHEREFORE, by way of action on the accused's Motion for Reconsideration, the Court deems it appropriate to direct the Public Prosecutor to conduct reinvestigation for the purpose of receiving the accused's controverting evidence on the matter of the Franchise Verifications, and to conclude the reinvestigation with dispatch.
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> SO ORDERED.[34]

Ruling of the Court of Appeals

Respondents filed an Amended Petition[35] for *Certiorari* with prayer for the issuance of a temporary restraining order (TRO) and/or writ of preliminary injunction before the CA. They asserted that the trial court gravely abused its discretion when it issued the assailed May and September Orders denying the withdrawal of the Information filed against them and directing the conduct of reinvestigation, respectively.

Meantime, in its March 29, 2007 Resolution,[36] the CA merely noted respondents' prayer for issuance of a TRO and/or preliminary injunction but directed the trial court to observe judicial courtesy.

On March 11, 2008, the CA rendered its Decision[37] granting respondents' petition on the basis that the trial court gravely abused its discretion in issuing the assailed May and September Orders. It held that the trial court went beyond the records of the case when it based its May Order on Franchise Verifications that were not attached to or even mentioned in SSS' Reply-Affidavit. Anent the September Order, the CA ruled that the act of directing the public prosecution to conduct a reinvestigation brushed aside

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[33] *Id.* at 224-225.
[34] *Id.* at 225.
[35] CA *rollo*, pp. 56-72.
[36] Id. at 160-161.
[37] *Rollo*, pp. 29-42.

respondents' arguments in their motion for reconsideration and infringed on their constitutional rights.

SSS moved for reconsideration.[38] The CA, however, denied it in its Resolution[39] dated June 25, 2008.

Hence, the instant Petition for Review on *Certiorari*.

Issue

The sole issue to be resolved in this petition is whether the CA committed a reversible error when it ruled that the RTC gravely abused its discretion in the issuance of the assailed May and September Orders.

Our Ruling

SSS maintains that the CA committed grave error in the apprehension of facts when it held that the RTC gravely abused its discretion in issuing the assailed May and September Orders. It points out that, contrary to the findings of the CA, the trial court did not go beyond the records of the case when it issued the May Order. The Franchise Verifications which would prove that JMA Transport was still in operation after the year 1999 were actually attached to its Reply-Affidavit and numbered accordingly. Anent the September Order, SSS posits the view that the RTC's order to conduct reinvestigation will not prejudice the rights of respondents.

On the other hand, respondents insist that the Franchise Verifications were not appended to SSS' Reply-Affidavit. In fact, their copy of the Reply-Affidavit contained no attachment of the Franchise Verifications. Thus, the trial court gravely abused its discretion when it issued the assailed May Order because it based its ruling on purported documents which were not presented as evidence. Respondents likewise aver that the RTC similarly acted in grave abuse of discretion in issuing the assailed September Order. Respondents claim that instead of resolving their motion for reconsideration, the trial court directed the conduct of reinvestigation which they did not pray for.

The Court finds the petition partly meritorious.

It is a settled rule that only questions of law may be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court. This Court is not a trier of facts. Hence, it will not entertain questions of facts as it is bound by the findings of fact made by the CA when supported by substantial evidence.[40]

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[38] Id. at 217-219.
[39] CA *rollo*, pp. 228-229.
[40] *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).

There are, however, exceptions to the rule wherein the Court may pass upon and review the findings of fact by the CA. These instances are enumerated in *Medina v. Asistio, Jr.*,[41] to wit:

> (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.[42] (Citations omitted)

The instant case falls under the exceptions since the findings of the Court of Appeals are contrary to those of the RTC, and is based on the supposed absence of evidence, *i.e.*, the Franchise Verifications, but is contracted by the evidence on record. True, the issues of whether the Franchise Verifications were indeed attached to the Reply-Affidavit filed by SSS so as to prove that JMA Transport was still in operation after 1999, and whether the RTC gravely abused its discretion in directing the prosecution to conduct reinvestigation for the purpose of admitting respondents' controverting evidence against the same are both factual in nature. The Court observes that the findings of the CA were premised mainly on the Franchise Verifications which were allegedly not found in the records. However, upon our review of the records, We find that the said Franchise Verifications were actually appended to the Reply of SSS contrary to the observation of the appellate court.[43] Hence, it is only proper to give due course to the instant petition.

After a thorough examination of the records of the case, We find that the trial court did not abuse its discretion in issuing the May Order. There was no gross misapprehension of facts on the part of the trial court with respect to the assailed May Order.

In *Crespo v. Mogul*,[44] the Supreme Court held that once a complaint or information is already filed in court, any disposition of the case such as its dismissal or its continuation rests on the sound discretion of the court. It is the best and sole judge on what to do with the case before it. Thus, when a motion to dismiss the case is filed by the public prosecutor, it should be addressed to

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[41] *Medina v. Asistio,* 269 Phil. 225 (1990).
[42] Id. at 232.
[43] Records, Volume II, pp. 303-305.
[44] 235 Phil. 465, 476 (1987).

the court who has the option to grant or deny the same.[45] The court should be mindful not to infringe on the substantial rights of the accused or the right of the People to due process of law.[46]

Moreover, in *Santos v. Orda, Jr.*,[47] this Court emphasized that the above rule likewise applies to a motion to withdraw Information or to dismiss the case filed before the court, like in the case at bar, even before or after arraignment of the accused. The grant or denial of the same is left to the trial court's exclusive judicial discretion. Hence, it should not merely rely on the findings of the public prosecutor or the Secretary of Justice that no crime was committed or that the evidence in the possession of the public prosecutor is insufficient to support a judgment of conviction of the accused. Instead, the trial court has to make its own independent assessment of the merits of the case as well as the evidence of the prosecution. **Its independent assessment must be based on the affidavits and counter-affidavits, documents, or evidence appended to the Information, the records of the public prosecutor which the court may order the latter to produce before the court, or any evidence already adduced before the court by the accused at the time the motion is filed by the public prosecutor.**

In issuing the assailed May Order, the trial court correctly found that there was factual basis in the allegation that JMA Transport was in fact in continuous business operations. In denying the motion to withdraw Information filed by the city prosecutor, the trial court relevantly ruled that:

> A review of the record shows that the accused in this case are all directors of JMA Transport Corporation (JMA), a covered member of SSS with Identification Number 03-9077846 and is reportedly delinquent in the remittance of SS contributions for the period September 1997 to July 1999. During the preliminary investigation, JMA proposed to pay their delinquencies by installment with postdated checks which was accepted by SSS. Nevertheless, it was discovered in 2004 that JMA had failed to complete the installment payment and the company even remained in active status, but despite written and oral demands to pay their delinquencies or to replace the checks, JMA failed to do so.
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> Concerning the continued business operation of JMA, SSS submitted three (3) Franchise Verifications issued by the Land Transportation Franchising and Regulatory Board (LTFRB) for JMA Transport Service Corporation. These documents, which were attached to complainant's reply-affidavit dated December 8, 2004, clearly show that JMA remained in active status either from August 13, 2003 or June 4, 2004 until March 31, 2006, despite the accused's claim that the business was retired in July 1999. Notably, accused [Seno] did not refute these Franchise Verifications in his rejoinder-affidavit dated December 21, 2004, while the other accused opted not to file any rejoinder-affidavits.

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[45] *Santos v. Orda, Jr.*, 481 Phil. 93, 105-106 (2004), citing *Crespo v. Mogul, id.*
[46] *Santos v. Orda, Jr., id.* at 106, citing *Odin Security Agency, Inc. v. Sandiganbayan*, 417 Phil. 673, 680 (2001).
[47] *Id.* at 105-108.

> After careful consideration of the evidence submitted in this case, the Court believes that there exists probable cause against the accused for the offense charged. Hence, the case should be maintained.[48]

We find that, contrary to the conclusion reached by the CA, the three Franchise Verifications[49] were actually appended to SSS' Reply-Affidavit. These verifications were even mentioned in the April 8, 2005 Resolution[50] of ACP Elisa Sarmiento-Flores who initially recommended the filing of the Information against respondents.[51] Interestingly, all that respondents have advanced was a mere bare and unsubstantiated assertion that they were not furnished copies of the same. Hence, their negative self-serving assertion carries no weight at all especially since it was not supported by any evidence to prove the same. Verily, the trial court did not gravely abuse its discretion in issuing the May Order. Its independent assessment with respect to the issue whether JMA Transport was still in operation after the year 1999 was duly based on the evidence adduced before the court.

However, with respect to the assailed September Order, We are one with the findings of the appellate court. To recall, the trial court did not deny or grant the motion for reconsideration; instead, it merely directed the public prosecutor to conduct a reinvestigation and to receive respondents' evidence that would controvert the Franchise Verifications, and to conclude the same thereafter. The trial court's directive was erroneous.

It was already unnecessary for the trial court to direct the prosecution to conduct the reinvestigation. What it should have done was to order the parties to submit additional evidence and to admit the same if so warranted during the hearing conducted for the purpose. Notably, the Information was already filed before the trial court. Therefore, it is the best and sole judge to determine the proper disposition of the case, which includes whether to grant or to deny the motion to withdraw the Information filed by the prosecution.

Verily, to direct the prosecution to reinvestigate the case for the purpose of admitting additional evidence would clearly undermine the power of the trial court to adjudicate the case before it. Its directive gave the impression that the trial court might rely on the findings of the prosecution on whether respondents' motion for reconsideration of the assailed May Order denying the withdrawal of Information should be granted or not. This should not be

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[48] Records, Volume I, pp. 189-190.
[49] Records, Volume II, pp. 303-305.
[50] Id. at 231-234.
[51] The Memorandum states:

> In the REPLY-AFFIDAVIT of complainant, the SSS stated that sometime in 2004, it discovered that respondents failed to complete the installment payments and that the company remained in an active status. In fact, the SSS was able to secure a copy of a Franchise Verification from the Land Transportation Franchising and Regulatory Board is attached in the records. Hence, a billing statement was sent to respondents, but despite receipt of the same, they failed to settle their obligation with the SSS. Complainant further argued that R.A. 8282 does not distinguish what criminal action for violation of SSS Law should be filed. x x x (*Id.* at 233.)

the case, for to do so would amount to an implied circumvention of a trial court judge's role to independently assess the cases already filed before him/her based on the evidence submitted by the parties concerned.

At any rate, the records do not show that respondents prayed for the conduct of a reinvestigation in their motion for reconsideration. Jurisprudence dictates that the courts cannot grant a relief not prayed for in the pleadings or in excess of what is being sought by a party to a case.[52] The Court explained the rationale for this rule in *Bucal v. Bucal,*[53] citing *Development Bank of the Philippines v. Teston*[54] as follows:

> It is well-settled that courts cannot grant a relief not prayed for in the pleadings or in excess of what is being sought by a party to a case. The rationale for the rule was explained in *Development Bank of the Philippines v. Teston, viz.*:
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> > Due process considerations justify this requirement. It is improper to enter an order which exceeds the scope of relief sought by the pleadings, absent notice which affords the opposing party an opportunity to be heard with respect to the proposed relief. The fundamental purpose of the requirement that allegations of a complaint must provide the measure of recovery is to prevent surprise to the defendant.
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> For the same reason, this protection against surprises granted to defendants should also be available to petitioners. Verily, both parties to a suit are entitled to due process against unforeseen and arbitrary judgments. The very essence of due process is "the sporting idea of fair play" which forbids the grant of relief on matters where a party to the suit was not given an opportunity to be heard. (Citations omitted)

Evidently, the trial court gravely abused its discretion when it issued the assailed September Order. In doing so, SSS' right to due process was violated when it ordered the conduct of a reinvestigation that was not at the start prayed for by the respondents.

WHEREFORE, the petition is **PARTLY GRANTED**. The March 11, 2008 Decision of the Court of Appeals in CA-G.R. SP No. 96627 is **AFFIRMED** only insofar as it declared the September 25, 2006 Order of the Regional Trial Court, Branch 206 of Muntinlupa City, in Criminal Case No. 05-853 **NULL and VOID**.

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[52] *Diona v. Balangue*, 701 Phil. 19, 31 (2013).
[53] 760 Phil. 912, 921-922 (2015).
[54] 569 Phil. 137, 144 (2008).

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

ANDRES B. REYES, JR.
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

ATTESTATION

I attest 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.

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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