Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RICO V. DOMINGO,
Petitioner,

- versus -

RAMON GIL SANTOS MACAPAGAL,
Respondent.

G.R. No. 242577

Present:

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

Promulgated:
26 FEB 2020

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DECISION

REYES, A., JR., *J.*:

The Antecedents

This case stemmed from a criminal Complaint[1] for Libel lodged before the Office of the City Prosecutor (OCP)-Quezon City by Rico V. Domingo (petitioner), the sole proprietor of R.V. Domingo and Associates Law Firm, against respondent Ramon Gil Santos Macapagal (respondent), the Vice President for Corporate Affairs and Sustainability and the head of the Brand Protection Department of Unilever Philippines, Inc. (ULP). The case was docketed as N.P.S. No. XV-03-INV-14J-10445 of the Quezon City Prosecutor's Office.[2]

The case's factual backdrop is aptly narrated in the Decision[3] of the Court of Appeals (CA):

On October 25, 2013, petitioner's law firm, through its employee Rowena J. Viacrucis (Viacrusis), received an e-mail sent by respondent's Executive Assistant, reading, to wit:

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1 Not attached to the *rollo*.
2 *Rollo*, p. 138.
3 Id. at pp. 137-155; penned by Associate Justice Stephen C. Cruz, with the concurrence of Associate Justices Rosmari D. Carandang (now a Member of this Court) and Nina G. Antonio-Valenzuela.

Dear Weng,

We are returning the invoices (hard copies to follow) as listed in the attachment pertaining to bills for appearance fees and per diems for the following reason:

Based on the SDAP schedule of fees dated September 10, 2001, under litigation support, the fee is P4,000.00 per appearance at hearings within Metro-Manila plus per diem of P4,000.00 from appearances outside Metro Manila, exclusive of out-of-pocket expenses.

You have been overcharging ULP by billing P6,500.00 for appearance fees and P6,500.00 for per diems. Please bill us the correct amounts.

Thank you.

Rose Aquino – in behalf of Chito Macapagal
EA-VP for Corporate Affairs and Sustainability[4]

Petitioner replied to that e-mail, apparently irked at the charge of overbilling.

This prompted a second letter dated October 30, 2013 from respondent, with the following content and tenor:

Dear Rico,

Subject: Appearance fees

This is in reply to your email dated October 25, 2013 addressed to my EA, Ms. Rose Aquino with copy furnished to me. First of all, at the end of Rose Aquino's email, it was clearly indicated that the email was sent in my behalf. The statement I have made was based on the 2001 SDAP retainership agreement.

Let us confine ourselves on the issue that you have raised so that we can put a closure to this discussion. In refuting our position on overcharging of appearance fees, you claim that the 2001 SDAP agreement on enforcement fees was amended in 2003 which you now claim to be the basis of your charges.

You will recall that you submitted the so called 2003 amendment only when you were asked by Rose as to the basis of you [sic] charges of P6,500.00 per appearance and P6,500.00 per diem.

If as you claim, the 2001 SDAP agreement was amended from P4,000 to P6,500.00, then is it correct to say that the rates of appearance fees with P&G and CPP were likewise increased?

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4 Id. at 139.

> Was the 2003 amendment signed by any officer of ULP, P&G and CPP? For the record, Danny did not sign the 2003 amended agreement. You are of course aware that the SDAP agreed to have a common rate of lawyer's fees and surely any changes would have been discussed during our regular SDAP meetings.
>
> The mere fact that your fees of P6,500.00 were paid did not mean that these were the correct figures. For you to now claim that you forwarded to Danny the 2003 amended agreement and coinciding with the beginning of your charges of P6,500.00 is simply out of line. You must have forgotten that Badette of Legal requested for a copy of the retainership agreement from you several times. In those times, you have consistently given her a copy of the original agreement, the latest being March 2013 which indicated that your rate per appearance of P4,000.00.
>
> You must realize that the manner you have responded have [sic] already escalated the issues to the point of adversely affecting our lawyer-client relationship.
>
> I hope this has clarified our position and that you will reconsider yours.
>
> Yours Truly
>
> RAMON GIL S. MACAPAGAL
> VP for Corporate Affairs and Sustainability
> Unilever Philippines, Inc.[5]

Evidently stung by the foregoing e-mail and letter, petitioner filed before the Office of the City Prosecutor-Quezon City (OCP-Quezon City) a criminal case for Libel against respondent; this was docketed as N.P.S. No. XV-03-INV-14J-10445 before the OCP-Manila.[6]

Finding no probable cause to indict respondent for Libel, the OCP-Quezon City issued a Resolution dated May 11, 2015 dismissing petitioner's complaint for Libel. The dispositive portion of this Resolution reads, to wit:

> In the absence of the essential elements of libel, this Office finds no probable cause to indict respondent of the crime of libel.
>
> WHEREFORE, it is respectfully recommended that the instant cased [sic] be DISMISSED.[7]

Upon petitioner's motion for reconsideration, however, the same office reversed its May 11, 2015 Resolution.[8] This time it decreed as follows:

> Premises considered, the resolution of dismissal is hereby reversed and set aside, and on finding of probable cause, the corresponding

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5 Id. at 140-141.
6 Id. at 141.
7 Id.
8 Id.

> information for Libel is to be filed against respondent Ramon Gil S. Macapagal.
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> Bail recommended: as stated in the information.[9]

Accordingly, on July 27, 2015, the OCP-Quezon City filed in court an Information for Libel against respondent; this was docketed as Criminal Case No. R-QZN-15-07104-CR of Branch 101 of the Regional Trial Court (RTC) of Quezon City.

After studying the records, the RTC Judge, Honorable Evangeline C. Castillo-Marigomen, issued an Order finding probable cause for the issuance of a warrant of arrest against respondent. However, upon a motion for reconsideration by respondent, the same RTC judge issued another Order dated March 7, 2016, this time dismissing the Information for Libel, *viz.*:

> WHEREFORE, the instant motion is hereby **GRANTED**. The criminal Information for libel against the accused is **DISMISSED**.
>
> SO ORDERED.[10]

Petitioner filed a motion for reconsideration of this Order, and when this was denied, petitioner sought out an appeal before the CA, whereat it was docketed as CA-G.R. SP No. 148471.[11] In this appeal, petitioner contended that the RTC judge committed grave abuse of discretion amounting to lack or excess of jurisdiction because she usurped the executive function when after finding probable cause for the issuance of a warrant of arrest against respondent, she conducted a new preliminary investigation and dismissed the criminal case.[12] Petitioner also claimed that the RTC judge erred in reversing the findings of the OCP-Quezon City to the effect that respondent's e-mail and letter were defamatory.

Respondent, in the interim, filed a petition for review before the Department of Justice (DOJ) assailing the Resolution of the OCP-Quezon City which, as stated, found probable cause to indict him for Libel. On April 25, 2016, the DOJ issued a Resolution granting respondent's petition. The dispositive portion of the DOJ's Resolution reads:

> **WHEREFORE**, premises considered, the Assailed Resolution dated 27 July 2015 is **REVERSED** and **SET ASIDE**. The City Prosecutor of Quezon City is hereby directed to **cause the withdrawal** of the Information for Libel filed against Petitioner Ramon Gil S. Macapagal before the Regional Trial Court of Quezon City, and to **report the action**

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9 Id.
10 *Rollo*, p. 143.
11 Id.
12 *Rollo*, p. 145.

> **taken** to this Department within ten (10) days from receipt of this Resolution.
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> SO ORDERED.[13]

Petitioner moved for reconsideration of the DOJ's Resolution, but this was denied. From this denial, petitioner appealed to the CA, where his appeal was docketed as CA-G.R. SP No. 147342.[14]

Initially, the appellate court rendered a Decision dismissing the petition in CA-G.R. SP 147342, essentially on the ground that the petition had been rendered moot and academic by the subsequent filing of an Information for Libel in the RTC of Quezon City. Upon a motion for reconsideration, however, the CA, this time declared that Her Honor went beyond the scope of her authority when she dismissed the Information for Libel for lack of probable cause.[15] The appellate court also held that Her Honor's ratiocination that the subject e-mail was in the nature of a private communication delved into the substantive aspect of the case, which, according to the CA, was best ventilated in a full-blown trial on the merits.[16]

For this reason, the CA annulled and set aside the questioned Orders[17] of the RTC judge. Nonetheless, upon respondent's motion for partial reconsideration, the CA rendered an Amended Decision, this time overturning its previous ruling. The CA thus in effect reinstated the RTC's Orders, to wit:

> **WHEREFORE**, premises considered, private respondent's Motion for Partial Reconsideration is hereby **GRANTED**. Accordingly, the petition in **CA-G.R. SP No. 148471** is **DISMISSED** and the Orders of public respondent Judge dated March 7, 2016 and September 5, 2016 are **REINSTATED**.
>
> The Manifestation filed [sic] private respondent Macapagal dated October 12, 2017 is merely noted.
>
> **SO ORDERED**.[18]

Petitioner filed a motion for reconsideration of this Amended Decision, but this was denied by the CA in a Resolution[19] dated September 12, 2018. Hence, this petition for review on *certiorari* with a prayer for preliminary injunction.

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13 Id. at 144.
14 Id.
15 *Rollo*, p. 154.
16 Id.
17 Id.
18 *Rollo*, p. 168.
19 Id. at 171-177.

The Issues and the Arguments of the Parties

The several issues highlighted in this petition can be subsumed into two:

First, whether Her Honor committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the Libel case against respondent.

Second, whether respondent is guilty of Libel in addressing the e-mail and letter to petitioner wherein he challenged what he believed was petitioner's overcharging of legal fees.

In the present case, petitioner seeks the correction *via certiorari* of the act of the RTC judge who, after finding probable cause for the issuance of a warrant of arrest for respondent, purportedly conducted another preliminary investigation and thereafter dismissed the criminal case. Petitioner takes the view that this was erroneous because the evidence on record clearly showed that respondent was actuated with malice when he wrote and published the libelous e-mail and letter, because respondent was impelled by the desire to cast aspersion on petitioner's integrity and reputation.[20]

It is asserted that the contents of respondent's e-mail and letter were false and defamatory, and caused damage and injury against petitioner, who makes a living by rendering legal service to his clients, among whom is the ULP. Petitioner insists that every defamatory imputation is presumed to be malicious even if it be true, if no good intention and justifiable motive for making it is shown, as in this case.[21]

Petitioner also contends that this Court ought to grant his application for a preliminary injunction in order to protect his established right to lodge a criminal complaint for Libel, which he alleges was momentarily thwarted by the orders of the trial court; that his petition has shown that he will suffer irreparable damage and injury should his right to seek redress from the libelous utterances of respondent be prevented.

Taking issue with petitioner, respondent maintains that this petition clearly raises questions of fact which are beyond the Supreme Court's power of judicial review; that the questions put forth by petitioner are not mere questions of law, because petitioner seeks to reverse or overturn the uniform determination by both the RTC and the CA that there is no probable cause to indict him (respondent) for Libel. Likewise, respondent contends that petitioner had failed to file a notice of appeal within the 15-day reglementary

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20 Id. at 65.

21 Id., citing *Victorio v. CA*, 255 Phil. 630, 638 (1989).

period from the time he received the Order of the RTC dismissing the case for lack of probable cause.[22] This to the mind of respondent, shows that petitioner intended the petition for *certiorari* as a substitute for a lost appeal.

Finally, respondent insists that the written statements in his e-mail and in his letter that petitioner claimed to be libelous are not in fact defamatory, for the simple reason that the e-mail and the letter were sent not in order to cast a slur on petitioner, but simply to call the latter's attention to his firm's erroneous overbilling, quite independently of the fact that it was respondent's legal and moral duty as an officer to protect the interests of ULP.

The Ruling of the Court

The petition is devoid of merit. However, before going into the two issues as posited, the Court must draw attention to the mode of appeal utilized by petitioner in elevating his case to the CA.

According to the records, petitioner received on September 22, 2016 a copy of the September 5, 2016 Order of the RTC affirming its earlier Decision dismissing the information for lack of probable cause. Instead, however, of filing a Notice of Appeal within 15 days from September 22, 2016, or on or before October 7, 2016, petitioner filed a petition for *certiorari* on November 21, 2016, which was more than a month after he had lost the period to file said Notice of Appeal.

In an appeal to the CA, whether under Rule 42 of the Rules of Court, or *via certiorari* under Rule 45 of the same rules, the mode depends primarily on the Decision or Order being appealed from. If it is a final judgment, then the appeal must be filed within 15 days from receipt of the same. Or if it is an appeal against an interlocutory order, a petition for *certiorari* may be resorted to under the ultimate paragraph of Section 1, Rule 41 of the Rules of Court, by virtue of which the aggrieved party may institute an appropriate special civil action under Rule 65.[23]

Here, it was error for petitioner to treat the dismissal as an interlocutory order, because it was in fact a final judgment. In *Commissioner of Internal Revenue v. Court of Tax Appeals, et al.*,[24] this Court ruled —

> A "final" judgment or order is one that finally disposes of a case, leaving nothing more to be done by the Court in respect thereto, *e.g.*, an adjudication on the merits which, on the basis of the evidence presented at the trial, declares categorically what the rights and obligations of the parties are and which party is in the right; or a judgment or order that dismisses an action on the ground, for instance, of *res judicata* or prescription. **Once rendered,**

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22 *Rollo*, p. 899.

23 See *Santos v. People, et al.*, 585 Phil. 337, 355 (2008).

24 765 Phil. 140 (2015). (Emphasis ours)

> **the task of the Court is ended, as far as deciding the controversy or determining the rights and liabilities of the litigants is concerned.** Nothing more remains to be done by the Court except to await the parties' next move x x x and ultimately, of course, to cause the execution of the judgment once it becomes "*final*" or, to use the established and more distinctive term, "final and executory."
>
> x x x x
>
> Conversely, an order that does not finally dispose of the case, and does not end the Court's task of adjudicating the parties' contentions and determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the Court, is "interlocutory," *e.g.*, an order denying a motion to dismiss under Rule 16 of the Rules x x x. Unlike a "final" judgment or order, which is appealable, as above pointed out, an "interlocutory" order may not be questioned on appeal except only as part of an appeal that may eventually be taken from the final judgment rendered in the case. (Emphasis supplied)

The dismissal of the criminal Information for Libel in this case, was a final judgment because it finally disposed of the case. With the dismissal of the Information, the trial court's task was ended as far as deciding the controversy was concerned. There was nothing left to be done by the trial court.

Quite independently of the foregoing, the Court agrees with the CA that the Orders dated March 7, 2016 and September 5, 2016, issued respectively by the RTC judge constituted a valid exercise of her judicial authority and jurisdiction.

It bears stressing that mere error, if any, in the substantive discussion of an Order, neither provides nor furnishes sufficient grounds to sustain a *certiorari* proceeding before the Supreme Tribunal. *Certiorari* being an extraordinary writ, will lie only where it is clearly shown that the lower body or tribunal had acted with grave abuse of discretion, or where the power is exercised in a grossly arbitrary and despotic manner. Even thus assuming that Her Honor erred or made a mistake in finding that there was no probable cause to indict respondent for Libel, such mistake does not amount to a grave abuse of discretion or lack or excess of jurisdiction.

The Court finds that petitioner miserably failed to properly substantiate his claim that grave abuse attended the proceedings before the RTC. It is significant to note that Her Honor acted only after respondent's motion for reconsideration was filed, and, only after her re-evaluation of the case, which apparently convinced her that the evidence was not insufficient to establish probable cause. Her Honor's dismissal of the case was clearly an exercise of her judicial duty under Rule 112, Section 5(a) of the Rules of Court which mandates that she conduct judicial determination of probable cause before she

issues a warrant of arrest.

It goes without saying that both law and jurisprudence grant unto Her Honor the power to reverse her original ruling, where necessary to avoid a miscarriage of justice. In fact, the power to amend and control its process and orders is an inherent power of the court. Thus Section 5(g) of Rule 135 of the Rules of Court states —

> SEC. 5. *Inherent powers of courts.* – Every court shall have power:
>
> x x x x
>
> (g) To amend and control its process and orders so as to make them conformable to law and justice;

Of course, the inherent powers of a court to amend and control its processes and orders so as to make them conformable to law and justice include the court's right and power to reverse itself, especially when in its honest opinion, it has committed error or mistake in judgment, and where to adhere to the decision will cause injustice or injury to a party litigant.[25] Every court has the power and the corresponding duty to review, amend or reverse its findings and conclusions whenever its attention is seasonably called to any error or defect it might have committed.[26] The interest of justice is always paramount and genuine efforts must be exerted to attain it, way beyond a judge's pride or disinclination to admit that he or she committed a possible mistake.

Over and above all, however, one over-arching fact cannot and must not be overlooked, or lost sight of: The Order of dismissal dated March 7, 2016 of the Libel case issued by the Honorable Evangeline C. Castillo-Marigomen in Criminal Case No. R-QZN-15-07104-CR, Branch 101 of the RTC of Quezon City was effectively a judgment on the merits, and amounts to *res judicata*. At this juncture, it may not be amiss to state that after a scrupulous review of the records, we are convinced that the Honorable Evangeline C. Castillo-Marigomen did not at all act erroneously or injudiciously in ordering the dismissal of the criminal information for Libel in Criminal Case No. R-QZN-15-07104-CR of Branch 101 of the Regional Trial Court of Quezon City. For indeed, while the words used by respondent in the e-mail and in the letter in question were a bit infelicitous or impolitic, they were by no means scurrilous, vituperative, insulting, or opprobrious or abusive.

WHEREFORE, the Court **DENIES** the Petition. The Amended Decision dated May 10, 2018 of the Court of Appeals is hereby **AFFIRMED**.

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25 *Tocao v. CA*, 417 Phil. 794, 795 (2001).

26 *Herce, Jr. v. Municipality of Cabuyao, Laguna*, 541 Phil. 318, 322 (2007).

SO ORDERED.

ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

RAMON PAUL L. HERNANDO
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-BERNABLE
Senior Associate Justice
Chairperson, Second Division

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