



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 13, 2022** which reads as follows:*

“G.R. No. 244682 (ARNEL R. MANGANTI, *petitioner* v. TERESITA V. MANGANTI and JUAN JULIO V. MANGANTI, *respondents*); and G.R. No. 244722 (TERESITA V. MANGANTI and JUAN JULIO V. MANGANTI, *petitioners* v. PEOPLE OF THE PHILIPPINES and ARNEL R. MANGANTI, *respondents*). — Teresita Manganti (Teresita) and Juan Julio Manganti (Juan Julio) were charged with the complex crime of estafa through falsification of a public document under Article 315, paragraph 2(a)¹ and Article 172, paragraph 1² of the Revised Penal Code. The relevant portion of the Information reads:

On December 8, 2014 and thereafter, in the City of Makati, Philippines, accused, conspiring and confederating together, did then and there willfully, unlawfully and feloniously prepare or caused to be prepared a document denominated as Donation Inter Vivos, by causing it to appear that Spouses Arnel V. Manganti and Teresita V. Manganti donated to Juan Julio V. Manganti a parcel of land containing an area of 744 square meters, more or less, located at Paseo de Magallanes, covered by Transfer Certificate of Title No. 225021, when in truth and in fact Arnel V. Amante [sic] did not participate in the execution of the Donation

¹ REV. PEN. CODE, art. 315. *Swindling (estafa)*. – Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

....

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.

² REV. PEN. CODE, art. 172. Falsification by private individual and use of falsified documents. - The penalty of prisión correccional in its medium and maximum periods and a fine of not more than One million pesos (₱1,000,000) shall be imposed upon:

1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document;

2. Any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article; and

3. Any person who shall knowingly introduce in evidence in any judicial proceeding or to the damage of another or who, with the intent to cause such damage, shall use any of the false documents embraced in the next preceding article, or in any of the foregoing subdivisions of this article, shall be punished by the penalty next lower in degree.

Inter Vivos and neither did he sign the same, and after the Donation Inter Vivos was falsified in the manner above set forth, accused caused the notarization of the document before Atty. Virgilio Batalla, a notary public, and accused, with intent to defraud Arnel Amante [sic], did then and there cause the cancellation of TCT No. 225021 by presenting the falsified Donation Inter Vivos with the Registry of Deeds for Makati, thus the issuance of a new Title No. 006-2011004283 under the name of accused Juan Julio Manganti, to the damage and prejudice of Arnel V. Manganti equivalent to the value of his interest.³

Teresita and Arnel Manganti (Arnel) were married on October 3, 1981. They have three children, namely, Emmanuel Manganti (deceased), Maria Monica Manganti, and Juan Julio. Before their separation in August 2012, they acquired several properties, one of which is the parcel of land subject of the Information (Magallanes Property).⁴

On June 11, 2015, Arnel filed a complaint against Teresita and Juan Julio, alleging that the two conspired to forge his signature in a deed of donation to transfer the Magallanes Property in Juan Julio's name. After finding probable cause against Teresita and Juan Julio, the City Prosecutor charged Teresita and Juan Julio with the crime of estafa through falsification of a public document.⁵

On January 6, 2016,⁶ Teresita and Juan Julio filed an Omnibus Motion to: (1) Defer the Issuance of Warrant of Arrest; and (2) Determine Probable Cause and Dismiss the Case.

The Regional Trial Court issued an Omnibus Order⁷ denying the motion for lack of merit. According to the trial court, the grounds raised by Teresita and Juan Julio were matters of evidence more properly passed in trial. The pertinent portion of the dispositive of the Omnibus Order reads:

WHEREFORE, the Omnibus Motion to (1) Defer the Issuance of Warrants of Arrest; and (2) Determine Probable Cause and Dismiss the Case filed by the Prosecution are hereby DENIED for lack of merit.

The Court finds that probable cause exist in this case for the issuance of warrant of arrest, accordingly, let warrants of arrest be issued against accused Teresita V. Manganti and Juan Julio V. Manganti.

....

SO ORDERED.⁸

³ *Rollo* (G.R. No. 244682), pp. 32–33, Court of Appeals Decision.

⁴ *Id.* at 13, Petition for Review on Certiorari.

⁵ *Id.* at 31.

⁶ *Id.* at 16.

⁷ *Rollo* (G.R. No. 244722), p. 537. The March 21, 2016 Order in Criminal Case No. 15-4494 was penned by Judge Ronald B. Moreno of Branch 147, Regional Trial Court, Makati City.

⁸ *Id.*

Teresita and Juan Julio filed a motion for reconsideration which was denied in an Order dated May 20, 2016 for raising no new matters for consideration. The Order also directed Teresita and Juan Julio to appear for arraignment where they pleaded not guilty to the crime charged.⁹

On July 25, 2016, Teresita and Juan Julio filed a Rule 65 petition¹⁰ before the Court of Appeals. They argued that the trial court committed grave abuse of discretion when it deferred passing upon the defenses as these were not evidentiary in nature. Hence, no trial was necessary.¹¹ They further averred that there was no probable cause as the elements of the crimes of estafa and falsification of a public document were absent.¹² Lastly, they claimed that if the allegations in the complaint were true, they would be liable only for simple estafa and the absolatory cause under Article 332 of the Revised Penal Code would apply to them.¹³

For its part, the Office of the Solicitor General and Arnel countered that the denial of the Omnibus Motion was well within the trial court's judicial prerogative. They alleged that the factual matters must be threshed out conclusively during trial and not during the preliminary stage of the case. They further claimed that they sufficiently established all the elements of the crimes charged. It was additionally argued that the absolatory cause under Article 332 was not applicable to the complex crime of estafa through falsification of a public document.¹⁴

While finding that there was no grave abuse of discretion, the Court of Appeals held the petition partly meritorious.¹⁵ It found that the facts, as alleged in the Information, only proved the presence of three out of four elements of estafa. One of the elements—that the fraudulent representations constitute the very cause which induced the offended party to part with the property—was not established.¹⁶

However, the Court of Appeals directed the Information to be amended as it found that it sufficiently established all the elements of falsification of a public document.¹⁷ Since the absolatory cause under Article 332 applies only to the crimes of theft, estafa, and malicious mischief, it held that it was not applicable to the case. Lastly, it ruled that the defenses raised by Teresita and Juan Julio were evidentiary in nature and

⁹ Id. at 612 and 614.

¹⁰ *Rollo* (G.R. No. 244682), pp. 32–33.

¹¹ Id. at 32.

¹² Id. at 33.

¹³ Id. at 34.

¹⁴ Id. at 34–35.

¹⁵ Id. at 30–42. The February 28, 2018 Decision in CA-G.R. SP No. 146750 was penned by Associate Justice Pablito A. Perez and concurred in by Associate Justices Ramon M. Bato, Jr. and Ramon A. Cruz of the Eleventh Division, Court of Appeals, Manila.

¹⁶ Id. at 36.

¹⁷ Id. at 37.

best passed upon in a full-blown trial.¹⁸ The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Petition is **PARTLY GRANTED**. The assailed March 21, 2016 Omnibus Order and May 20, 2016 Order of Branch 147, Regional Trial Court of Makati City are **MODIFIED** in that the People of the Philippines is **DIRECTED** to amend the Information in Criminal Case No. 15-4494 to charge only the crime of falsification of public document under Article 172, paragraph 1 of the Revised Penal Code and *not* the complex crime of estafa through falsification of public document.

SO ORDERED.¹⁹ (Emphasis in the original)

Arnel filed a Motion for Reconsideration of the Decision. Teresita and Juan Julio also filed a Motion for Partial Reconsideration, praying for the dismissal of Criminal Case No. 15-4494.

In denying both, the Court of Appeals reiterated that it found no grave abuse of discretion on the part of the trial court. It also mentioned that there was nothing in its records to show that Teresita and Juan Julio had been arraigned as to prevent the amendment of the Information.²⁰

Arnel then filed this Petition for Review on Certiorari, docketed as G.R. No. 244682.²¹ He assails the Court of Appeals' Decision directing the prosecution to amend the Information to charge the crime of falsification of a public document instead of the complex crime of estafa through falsification of a public document.²² He avers that the filing of the Information, the subsequent issuance of an arrest warrant, and the arraignment of Teresita and Juan Julio rendered a Rule 65 petition moot.²³ He posits that the Court of Appeals committed reversible error in modifying the Omnibus Order.²⁴ He also argues that the factual determination of the presence of the third element of estafa must be left to the discretion of the court during trial.²⁵ Therefore, he prays that the Court of Appeals' Decision and Resolution be reversed and set aside.²⁶

¹⁸ Id. at 38.

¹⁹ Id. at 41.

²⁰ Id. at 44-46. The February 7, 2019 Resolution was penned by Associate Justice Pablito A. Perez, and concurred in by Associate Justices Ramon M. Bato, Jr. and Ramon A. Cruz of the Eleventh Division, Court of Appeals, Manila.

²¹ Id. at 10-28.

²² Id. at 18.

²³ Id. at 18-19.

²⁴ Id. at 21.

²⁵ Id. at 22.

²⁶ Id. at 26.

On April 5, 2019, Teresita and Juan Julio filed a Petition for Review on Certiorari, likewise assailing the Court of Appeals' Decision.²⁷ Their Petition was docketed as G.R. No. 244722.

Teresita and Juan Julio argue that the Court of Appeals partly erred in finding probable cause for the crime of falsification²⁸ as it was based only on Arnel's bare allegations.²⁹ They claim that since no other credible evidence was presented by Arnel to support his claim, the complaint must be dismissed.³⁰

Teresita and Juan Julio also argue that Arnel "was unable to rebut the presumption of regularity accorded to the Deed of Donation Inter Vivos, which is enough to negate the existence of probable cause."³¹

Teresita and Juan Julio further allege that the Court of Appeals partly erred in not ordering the dismissal of the case despite the clear lack of jurisdiction.³² Since the Court of Appeals has ruled that the proper case to be filed against them is falsification, which is punishable by *prison correccional*, jurisdiction lies with the Metropolitan Trial Court.³³ They point out that in *Atienza v. People*,³⁴ the Court "dismissed a falsification case tried by a Regional Trial Court considering that it had no jurisdiction over the crime charged."³⁵

Moreover, they claim that to remand the case to the Regional Trial Court "would be circuitous and contrary to the constitutional policy of the speedy resolution of disputes."³⁶

Through a June 3, 2019 Resolution, this Court required Teresita and Juan Julio to file their Comment in G.R. No. 244682.³⁷

On June 19, 2019, this Court ordered the consolidation of G.R. Nos. 244682 and 244722. Respondents in G.R. No. 244722 were also ordered to file their Comment.³⁸

²⁷ *Rollo* (G.R. No. 244722), pp. 31–71.

²⁸ *Id.* at 54–59.

²⁹ *Id.* at 56–57.

³⁰ *Id.* at 56–57.

³¹ *Id.* at 58.

³² *Id.* at 59–63.

³³ *Id.* at 60–62.

³⁴ 726 Phil. 570 (2014) [Per J. Perlas-Bernabe, Second Division].

³⁵ *Rollo* (G.R. No. 244722), p. 62.

³⁶ *Id.* at 63.

³⁷ *Rollo* (G.R. No. 244682), pp. 167–168.

³⁸ *Rollo* (G.R. No. 244722), pp. 943–944.

Teresita and Juan Julio filed their Comment in G.R. No. 244682 on September 4, 2019, essentially repeating the arguments in their Petition for Review docketed as G.R. No. 244722.

In their Comment, Teresita and Juan Julio aver that Arnel is not the proper party to file a petition for review since only the Office of the Solicitor General can file an appeal in criminal proceedings.³⁹ They also argue that Arnel's petition should be denied because he was not able to allege any reversible error on the part of the Court of Appeals. Since the element of false pretense to induce "the offended party to part with his property" is lacking, the Information should be amended accordingly.⁴⁰

In addition, they aver that when a petition for certiorari is granted, the amendment of an information should follow as a matter of course.⁴¹ Since the amended Information would charge Teresita and Juan Julio with falsification of public documents, the Regional Trial Court would no longer have jurisdiction over the case.⁴²

On September 24, 2019, the Office of the Solicitor General filed its Comment in G.R. No. 244722.⁴³ It posits that the Court of Appeals erred when it substituted its finding of probable cause of falsification only, and not the complex crime of estafa through falsification of public documents.⁴⁴

It also points out that the Court of Appeals has no jurisdiction to "disturb the findings of the prosecutor" and to reverse the trial court's Omnibus Order in the absence of grave abuse of discretion.⁴⁵ In any case, the accused had been arraigned, thus, the Information can no longer be amended.⁴⁶

Further, it claims that the determination of whether all the elements of the crime charged are present is evidentiary in nature, and is best determined in a full-blown trial.⁴⁷

The Office of the Solicitor General also argues that even if the Information would be amended to charge falsification, the Regional Trial Court retains its jurisdiction because of the allegations in the Information.⁴⁸

³⁹ Comment on G.R. No. 244682, pp. 23–27.

⁴⁰ Id. at 27–31.

⁴¹ Id. at 32–33.

⁴² Id. at 33–37.

⁴³ *Rollo* (G.R. No. 244682), pp. 185–202.

⁴⁴ Id. at 191–193.

⁴⁵ Id. at 192–193.

⁴⁶ Id. at 194–195.

⁴⁷ Id. at 193.

⁴⁸ Id. at 195–196.

On September 26, 2019, Arnel filed his Comment in G.R. No. 244722.⁴⁹ Arnel raised that “the filing of the Information and consequent issuance by Branch 147, RTC-Makati of a warrant of arrest”⁵⁰ should have mooted the Petition for Certiorari before the Court of Appeals.

Arnel highlights that Teresita and Juan Julio were already arraigned, thus, the amendment of the Information cannot be allowed lest they be placed in double jeopardy.⁵¹

The other arguments raised by Arnel in his Comment are the same arguments stated in the Petition for Review docketed as G.R. No. 244682.

Subsequently, Arnel filed a Motion for Leave of Court to File and Admit Reply with Reply (To the Comment on the Petition for Review on Certiorari dated 3 April 2019) in G.R. No. 244682.⁵²

There, Arnel rebuts that the rule that only the Office of the Solicitor General can file an appeal in criminal proceedings is not absolute.⁵³

He reiterates that the Court of Appeals erred in ordering the amendment of the Information and, thus, the trial court did not lose jurisdiction over the case.⁵⁴

Lastly, he claims the question on whether all the elements of estafa are present is best determined by the presentation of evidence during trial.⁵⁵

Based on the arguments of the parties in these consolidated Petitions, the issues for resolution are: (1) whether or not Arnel R. Manganti is the proper party to file a Petition for Review; and (2) whether or not the Court of Appeals erred in ordering the amendment of the Information.

The petition in G.R. No. 244682 is **GRANTED**. The petition in G.R. No. 244722 is **DENIED**.

First, we address the issue on whether Arnel is the proper party to file the Petition for Review.

⁴⁹ Id. at 208–235.

⁵⁰ Id. at 216.

⁵¹ Id. at 225.

⁵² Id. at 236–263.

⁵³ Id. at 238–243.

⁵⁴ Id. at 238–251.

⁵⁵ Id. at 255–256.

Under Section 35 of the Administrative Code of 1987, the Office of the Solicitor General is mandated to represent the government in all criminal proceedings before the Court of Appeals and the Supreme Court:

SECTION 35. *Powers and Functions.* — The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:

- (1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party.

....

At first glance, private complainant Arnel would appear to have no personality to file a petition for review before the Court.

*Morillo v. People*⁵⁶ settled a similar issue. In *Morillo*, the private complainant filed a Petition for Review to question the decision of the Court of Appeals ordering the dismissal of a criminal case for violation of BP 22 due to lack of jurisdiction. There, this Court held:

There have been instances, however, where the Court permitted an offended party to file an appeal without the intervention of the OSG, such as when the offended party questions the civil aspect of a decision of a lower court, when there is denial of due process of law to the prosecution and the State or its agents refuse to act on the case to the prejudice of the State and the private offended party, **when there is grave error committed by the judge**, or when the interest of substantial justice so requires.⁵⁷ (Emphasis supplied, citations omitted)

In this case, we cannot ignore the grave error committed by the Court of Appeals when it ordered the amendment of the Information. Thus, the exception to the general rule must be applied. Petitioner Arnel R. Manganti properly filed the Petition for Review in G.R. No. 244682.

As to the main issue in these consolidated cases, we find that the Court of Appeals erred in directing the amendment of the Information.

⁵⁶ 775 Phil. 192 (2015) [Per J. Peralta, Third Division].

⁵⁷ *Id.* at 210–211.

The petition filed before the Court of Appeals was a petition for certiorari under Rule 65. The issue that should have been resolved by the Court of Appeals was whether there was grave abuse of discretion on the part of the trial court when it denied Teresita and Juan Julio's Omnibus Motion to: (1) Defer the Issuance of Warrant of Arrest; and (2) Determine Probable Cause and Dismiss the Case.

A review of the Court of Appeals' Decision shows that it found no grave abuse of discretion. However, the Court of Appeals went further and delved into what appears to be an executive determination of probable cause. The Court of Appeals ruled that not all elements of estafa through falsification of public document were present and ordered the amendment of the Information. Clearly, the Court of Appeals erred in this respect. In the absence of any finding of grave abuse of discretion on the part of the trial court, the petition should have been dismissed.

*Tupaz v. The Office of the Deputy Ombudsman for the Visayas*⁵⁸ extensively discussed the executive determination of probable cause and the issuance of a writ of certiorari to correct any grave abuse of discretion:

The determination of probable cause is an executive, not a judicial, function. It is generally not for a court to disturb the conclusion made by a public prosecutor. This is grounded on the basic principle of separation of powers. However, "grave abuse of discretion taints a public prosecutor's resolution if he [or she] arbitrarily disregards the jurisprudential parameters of probable cause." In such cases, consistent with the principle of checks and balances among the three (3) branches of government, a writ of *certiorari* may be issued to undo the prosecutor's iniquitous determination. In *Lim v. Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices*:

As a general rule, a public prosecutor's determination of probable cause — that is, one made for the purpose of filing an Information in court — is essentially an executive function and, therefore, generally lies beyond the pale of judicial scrutiny. The exception to this rule is when such determination is tainted with grave abuse of discretion and perforce becomes correctible through the extraordinary writ of *certiorari*. *The rationale behind the general rule rests on the principle of separation of powers, dictating that the determination of probable cause for the purpose of indicting a suspect is properly an executive function, while the exception hinges on the limiting principle of checks and balances, whereby the judiciary, through a special civil action of certiorari, has been tasked by the present Constitution to determine whether or not grave abuse of discretion has been*

⁵⁸ G.R. Nos. 212491-92, March 6, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65150>> [Per J. Leonen, Third Division].

committed amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government. It is fundamental that the concept of grave abuse of discretion transcends mere judgmental error as it properly pertains to a jurisdictional aberration. While defying precise definition, grave abuse of discretion generally refers to a capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction. Corollarily, the abuse of discretion must be patent and gross so as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law. To note, the underlying principle behind the courts' power to review a public prosecutor's determination of probable cause is to ensure that the latter acts within the permissible bounds of his authority or does not gravely abuse the same. This manner of judicial review is a constitutionally-enshrined form of check and balance which underpins the very core of our system of government.⁵⁹ (Emphasis in the original, citations omitted)

Assuming there was no error on the part of the Court of Appeals, the amendment—formal or substantial—of the Information cannot be allowed without leave of court since Teresita and Juan Julio were already arraigned.

Rule 110, Section 14 of the Rules of Criminal Procedure provides:

SECTION 14. *Amendment or substitution.* — A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused shall not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial.

It must be pointed out that the Court of Appeals was never informed by Teresita and Juan Julio of the fact that they had been arraigned prior to the filing of the petition for certiorari before the Court of Appeals.

⁵⁹ Id.

The records of this case show that Teresita and Juan Julio were arraigned on May 27, 2016.⁶⁰ The Petition for Certiorari was filed on July 26, 2016.

In their Petition for Certiorari filed before the Court of Appeals, the Statement of Antecedent Proceedings stated only the following dates for the month of May:

2.7. On May 25, 2016, the petitioners received a copy of the assailed Order dated 20 May 2016 from public respondent court *a quo*, with grave abuse of discretion, denying the petitioners' Joint Motion for Reconsideration. Petitioners had sixty (60) days therefrom, or until 24 July 2016, within which to file the instant Petition.

1.8. Hence the Instant Petition.⁶¹

Similarly, in their Memorandum filed before the Court of Appeals, Teresita and Juan Julio did not state the fact of their arraignment. They merely stated:

56. On 25 May 2016, petitioners received a copy of the assailed Order dated 20 May 2016 from public respondent judge, Hon. Ronald B. Moreno ("Judge Moreno"), the Presiding Judge of the Regional Trial Court of Makati City, Branch 147 (the "court *a quo*"), which denied their Joint Motion for Reconsideration.

STATEMENT OF ANTECEDENT PROCEEDINGS

57. Aggrieved, petitioners filed the instant Petition for Certiorari on 25 July 2016 with the Honorable Court.⁶²

In both pleadings filed before the Court of Appeals, Teresita and Juan Julio did not state that they were arraigned on May 27, 2016.

Even the Court of Appeals took notice of the lack of information as regards the arraignment of Teresita and Juan Julio. In resolving the Motions for Partial Reconsideration filed before it stated:

The pleadings before this Court are bereft of any indication that petitioners were already arraigned. A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. It is only after such amendment is made that the parties may then have recourse to invoke the proper relief.⁶³

⁶⁰ *Rollo* (G.R. No. 244722), pp. 614.

⁶¹ *Id.* at 637.

⁶² *Id.* at 778.

⁶³ *Id.* at 27.

Counsels for Teresita and Juan Julio are reminded of their duty “to do no falsehood nor consent to the doing of any in court.” Canon 10 of the Code of Professional Responsibility provides:

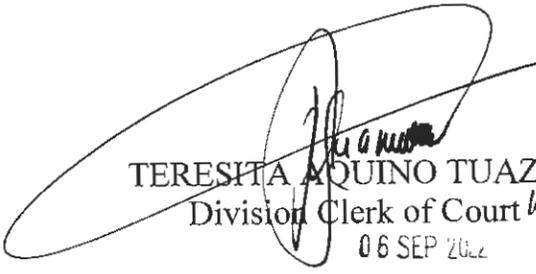
Rule 10.01—A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

In this case, the Court of Appeals appears to have been misled by the counsel for Teresita and Juan Julio for it was never informed of their prior arraignment. It thus appeared to the Court of Appeals that the Information could still be amended without leave of court. In this light, counsels for Teresita and Juan Julio are warned that a repetition of the same or similar act will be dealt with more severely.

WHEREFORE, in view of the foregoing, the Petition in G.R. No. 244682 is **GRANTED**. The Petition in G.R. No. 244722 is **DENIED**. The Court of Appeals’ February 28, 2018 Decision and February 7, 2019 Resolution in CA-G.R. SP No. 146750 are **REVERSED and SET ASIDE**. The Omnibus Order dated March 21, 2016 and Order dated May 20, 2016, in Criminal Case No. 15-4494, of Branch 147, Regional Trial Court of Makati City are **AFFIRMED**.

SO ORDERED.” (Lazaro-Javier, J., *on official leave.*)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *by 9/6*
06 SEP 2022

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HON. PRESIDING JUDGE (reg)
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(Crim. Case No. 15-4494)

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