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SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, Pardo, and *Ynares-Santiago, JJ.*, concur.

SECOND DIVISION

[G.R. No. 141443. August 30, 2000]

IN THE MATTER OF PETITION FOR THE PRIVILEGE OF THE WRIT OF *HABEAS CORPUS*: AZUCENA L. GARCIA, *petitioner.*

SYNOPSIS

Petitioner applied for land registration with the RTC of two parcels of land and attached as annexes in support of her petition were tax declarations, subdivision plan and the technical description of the lots applied for. She later filed an application for administrative reconstitution of TCT No. 308462 with the Land Registration Authority and reproduced, in addition to the same documents she submitted with the registration court, the owner's copy of TCT No. 308462. The same was granted, but was later recalled, upon a finding that the supporting documents submitted by petitioner were all spurious. These became the basis of three informations filed against petitioner for falsification of public documents. The trial court rendered judgment, finding petitioner guilty as charged. The same was affirmed on appeal by the Court of Appeals and meted the same fate with this Court. Entry of judgment was made on April 8, 1999. In this petition, she claimed that the prosecution committed manifest partiality and that the ineffectiveness of her counsel deprived her of the right to counsel.

A petition for a writ of *habeas corpus* exists as a speedy remedy to relieve persons from unlawful restraint or to persons

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deprived of their constitutional rights. It is not available to persons convicted by final judgment or to persons out on bail. It cannot function as a writ of error to examine or pass judgment upon the trial court's appreciation of evidence presented, nor a substitute for lost or dismissed appeal, and cannot be granted by mere allegation of denial of right to counsel without convincing evidence.

SYLLABUS

1. **REMEDIAL LAW; SPECIAL PROCEEDINGS; *HABEAS CORPUS*; PURPOSE.** — The high prerogative writ of habeas corpus was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint. Its object is to inquire into the legality of one's detention, and if found illegal, to order the release of the detainee. However, it is equally well-settled that the writ will not issue where the person in whose behalf the writ is sought is out on bail, or is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order.

2. **ID.; ID.; ID.; NOT AVAILABLE TO PERSONS CONVICTED BY FINAL JUDGMENT OR TO PERSONS OUT ON BAIL.** — In the case at bar, therefore, petitioner can no longer seek relief via a petition for *habeas corpus* having been convicted by final judgment of the crime of falsification of public document and use thereof. Said judgment is already final and executory. Petitioner even discloses that entry of judgment was made on April 8, 1999, or eight (8) months prior to the filing of this petition. The OSG has also pointed out that petitioner is still out on bail.

3. **ID.; ID.; ID.; AVAILABLE TO PERSONS DEPRIVED OF A CONSTITUTIONAL RIGHT.** — Even if we disregard the fact that petitioner is out on bail, the writ prayed for should not be granted. Indeed, we have held that once a deprivation of a constitutional right is shown to exist, the court that rendered the judgment is deemed ousted of jurisdiction and *habeas corpus* is the appropriate remedy to assail the legality of his detention. Petitioner, however, has failed to persuade this Court that the proceedings before the trial court were attended by violations

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of her right to due process, or for that matter, other constitutional rights.

4. ID.; ID.; ID.; CANNOT FUNCTION AS A WRIT OF ERROR. — It is apparent from the arguments advanced by petitioner that the purpose of this petition is to cause this Court to once again re-examine and pass judgment upon the trial court's appreciation of the evidence presented, especially the credibility of Coloyan as a witness. The Decision dated April 20, 1995 of the trial court, the Decision dated October 27, 1998 of the Court of Appeals, affirming the disquisition of the trial court, and the Resolution dated February 6, 1998 of the Third Division of this Court, finding that no reversible error was committed by the trial court, should have impressed upon petitioner that issues relating to the trial court's appreciation of the evidence have already been settled and thus, can no longer be reviewed anew by this Court. As early as the 1913 case of *Trono Felipe v. Director of Prisons*, we have laid down the rule that an application for *habeas corpus* cannot function as a writ of error.

5. ID.; ID.; ID.; NOT A SUBSTITUTE FOR LOST APPEAL. — Significantly, it is not disputed that petitioner appealed the adverse Decision or judgment of conviction dated April 20, 1995 of the RTC of Quezon City to the Court of Appeals; that the Court of Appeals and later this Court affirmed the conviction of the petitioner, and that Entry of Judgment was made on August 8, 1999. The petitioner, therefore, may not validly resort to this present petition for *habeas corpus in lieu* of her lost or dismissed appeal in the said criminal case. The petition of herein petitioner who is out on bail, appears to be patently intended for delay.

APPEARANCES OF COUNSEL

Perfecto V. Fernandez, Jose P. Fernandez and Cristobal P. Fernandez for petitioner.

D E C I S I O N

DE LEON, JR., *J.*:

Azucena L. Garcia petitions this Court to issue a writ of *habeas corpus* in order "to free, relieve and exonerate her

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from the penalty of imprisonment adjudged and imposed upon her, in gross violation of her constitutional rights to due process of law and other fundamental rights"[1] pursuant to an allegedly void judgment rendered on April 20, 1995 by the Regional Trial Court (RTC) of Quezon City, Branch 86, in Criminal Case No. Q-94-53589.

The antecedent facts, as found by the trial court, are as follows:

> On October 27, 1989, herein accused, Azucena Locsin Garcia, filed an application for land registration with the Regional Trial Court of Quezon City (Branch 80) docketed as LRC Case No. 89-007 covering two parcels of land identified as Lots Nos. 822-C-1 and 822-C-2 with an area of 32,350 and 28,750 sq. m., respectively. Appended to said application were the following documents, to wit: (1) Tax Declaration No. 2273 with PIN-21-11773-1 for Lot 822-C-1; (2) Tax Declaration No. 22732 with PIN-21-11773-2 for Lot 822-C-2; (3) Subdivision Plan Psd-19954; (4) Technical Description of Lot 822-C-1; and Technical Description of Lot 822-C-2.
>
> There is no evidence as to the proceedings taken, if any, in the said application for land registration. It would appear, though, as borne out by subsequent events, that said application was abandoned because on May 8, 1991 accused, who is the applicant in the land registration case, filed an application this time for administrative reconstitution of Transfer Certificate of Title No. 308462 with the Land Registration Authority (Exh. "F"). Attached to the application for reconstitution, aside from the documents appended to the previous application for land registration which were reproduced in the former, were the owner's copy of Transfer Certificate of Title No. 308462 (Exh. "N" for the prosecution which is similar to Exh. "2" for the defense) in the name of the accused and Real Property Tax Bill-Receipts (Exhs. "12", "12-A" to "12-G").
>
> On June 7, 1991, at the request of the accused, Edgardo Castro, Deputy Register of Deeds of Quezon City, issued a certification (Exh. "B"; Exh. "1") stating that the original of TCT No. 308462 was among those burned during the fire that razed the Quezon City Hall on June 11, 1988.

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[1] Petition, *Rollo*, p. 3.

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On June 20, 1991 (not 1992 as appearing in the Information in Criminal Case No. Q-94-53589), TCT No. 308462 was ordered reconstituted, along with other TCTs in the names of other applicants, pursuant to Administrative Order No. Q-283(91) signed by Benjamin M. Bustos, Reconstituting Officer of the Land Registration Authority (Exh. "6").

On September 10, 1991, complainant [Antonio de] Zuzuarregui wrote the Quezon City Assessor's Office (Exh. "L") requesting for certification as to the authenticity of Declaration of Real Property No. 2273, Property Index No. 21-11773-1 Piedad Estate (Exh. "L-1") and Declaration of Real Property No. 22732, Property Index No. 21-11773-2, Piedad Estate ("Exh. L-2"), both issued in the name of Domingo R. Locsin and purportedly signed by Jose C. Gonzales, then acting City Assessor of Quezon City, because the lot embraced by the said declarations are allegedly within the boundary of said complainant's property per his TCT No. 181095.

In reply to the above letter, Q.C. City Assessor Constantino P. Rosas wrote Zuzuarregui on September 11, 1991 stating that no such records (Declarations of Real Property Nos. 2273 and 22732) exist in their office and the same appear to be spurious (Exhs. "J" and "J-1").

Meanwhile, on September 23, 1991, accused, thru counsel, filed a Motion to Withdraw her application for land registration with the RTC Q.C. (Br. 80) which was granted by the court in its Order dated September 25, 1991 (Exhs. "I" & "11").

On October 4, 1991, Zuzuarregui wrote another letter this time to Mrs. Brigida Llave, Technical Records Section of the Bureau of Lands, NCR, Q.C. (Exh. "C") requesting for certification as to the authenticity of the documents attached to the letter, namely Annex "1" — xerox copy of Plan Psd-19954 of Lot 822-C in the name of Domingo R. Locsin; Annex "2" — xerox copy of the technical description of Lot 822-C-1, Psd-19954, also in the name of Domingo R. Locsin (Exh. "C-2"); and Annex "3" — xerox copy of the technical description of Lot 822-C-2, Psd-19954, likewise in the name of Domingo R. Locsin (Exh. "C-3", all of which were appended to and used in support of the above-mentioned application for administrative reconstitution. Said xerox copies of the plan and technical descriptions were respectively referred to Brigida Llave of the Technical Records Section and Engr. Elpidio de Lara of the Technical Services Section of the Bureau of Lands, for their Comments (Exh. "C-1").

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In Llave's reply of October 7, 1991 (Exh. "E"), she stated that the alleged plan, Psd-19954, is non-existing in their files and called attention to the fact that she has no signature over her stamped name "Brigida R. Llave" on said plan. De Lara, for his part, in an inter-office memorandum dated October 14, 1991 (Exh. "D"), disputed the authenticity of the technical descriptions (Annexes "2" and "3" to the letter of Zuzuarregui) by stating that the signatures thereon are not his (T.S.N., April 1, 1994, p. 10.)

Based on the above developments tending to discredit the authenticity and credibility of the documents presented by the accused in support of her application for reconstitution with the LRA, on complaint of Zuzuarregui, Benjamin Bustos caused a review of his previous order giving due course to the reconstitution of TCT No. 308462 and on the basis of his findings, recalled and set aside, said previous order as far as TCT No. 308462 is concerned in a Supplemental Order dated October 8, 1991. From said Supplemental Order, herein accused interposed an appeal to the LRA Administrator.

On or about November 11, 1991, Zuzuarregui instituted a criminal complaint with the Fiscal's Office of Quezon City charging the herein accused of falsifying the technical descriptions and tax declarations all issued in the name of Domingo R. Locsin, father of the accused. Said complaint was dismissed in an order dated May 15, 1992. On July 16, 1992, Zuzuarregui filed a Motion for Reconsideration of the Order dismissal (Exh. "14").

x x x x x x x x x

Meanwhile, on August 14, 1992, Samuel C. Cleofe, Register of Deeds of Quezon City, in his reply to a letter from herein complainant Zuzuarregui, stated that per verification from their Control Log Book, TCT No. 308462 is not shown as among those filed in their office (Exh. "A").

On September 18, 1992, Zuzuarregui's Motion for Reconsideration of the order dismissing his criminal complaint against the accused was granted in a resolution issued by Asst. City Prosecutor Dimaranan Vidal (Exh. "15"). Accordingly, herein accused was formally charged with three counts of falsification of public documents in three separate criminal informations filed with the RTC of Quezon City and docketed as Criminal Cases Nos. 36490-92, the first being for falsification of technical description of land and the other two being for falsification of Declarations of Real Property (Exhs. "13"; "13-B" and 13-C").

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In the meantime, upon request of certain Miguel V. Sison, Jr., Officer in Charge, Director IV, Office of the Executive Secretary, Presidential Action Center, Malacañang, the National Bureau of Investigation conducted an examination of both the specimen and questioned signatures of Vicente Coloyan, former Register of Deeds of Quezon City, the questioned signatures being those appearing on TCT No. 308462. On March 9, 1993, Director Epimaco Velasco of the NBI wrote Miguel V. Sison, Jr. (Exh. "3") transmitting copy of their findings contained in a Questioned Document Report No. 151-393, dated March 9, 1993 (Exh. "4") signed by Rogelio G. Azores, Document Examiner IV of the NBI (Exh. "4-B"), as approved by Arcadio A. Ramos, Chief of the Questioned Document Division (Exh. "4-C") and noted by Manuel C. Roura, Deputy Director, Technical Services (Exh. "4-D"). The conclusion arrived at as per the Report is that the questioned and standard signatures of Vicenter [*sic*] Coloyan were written by one and the same person.

On October 13, 1993, in response to a request of Rogelio Azores who rendered the above Questioned Document Report, Quezon City Assosor [*sic*] Constantino P. Rosas issued a Certification (Exh. "K") to the effect that Tax Declarations Nos. 22731 for Lot 822-C-1 Piedad Estate and 22732 for Lot 822-C-2 "Piedad Estate, both in the name of Domingo R. Locsin, do not appear in their Office Tax Map, Property Index System as well as in the Assessment Roll.

On April 15, 1994, Assistant Quezon City Assessor Benjamin Kasala issued still another Certification to the effect that per assessment records of their office, there is no property whether land or improvement registered for taxation purposes in the name of accused Garcia (Exh. "M").

Meanwhile, Criminal Cases Nos. 36490-92 for falsification of public documents filed by the herein complainant against the herein accused were raffled to Branch 85 of this Court then presided by the Honorable Benjamin P. Abesamis and subsequently by the Honorable Judge Mariano M. Umali. In a decision penned by the latter, dated May 17, 1994, the herein accused was acquitted of all the above charges on reasonable doubt (Exh. "16-C").

On June 9, 1994, in the course of the trial of the present case, counsel for the accused, Atty. Ciriaco O. Atienza, wrote the Land Registration Authority (Exh. "9") requesting, among others, clarification on the finality of an order of reconstitution, apparently referring to

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the order of August 20, 1991 by Reconstituting Officer Bustos (Exh. "6", *supra.*) which was later set aside in a Supplemental Order of the same officer dated October 8, 1991 x x x

On August 5, 1994, herein complainant wrote another letter-request this time addressed to Mr. Ernesto Erive, Land Management Services Chief of Surveys Division, Bureau of Lands (Exh. "V"), for the latter to certify as to the authenticity of the technical description of Lot 822-C-2, Psd-19954, in the name of Domingo Locsin attached to the letter-request which was one of the documents submitted by the accused in support of her application for administrative reconstitution. In reply thereto, Erive wrote Zuzuarregui on August 18, 1994 (Exh. "U") informing the latter that their office (Department of Environment and Natural resources, National Capital Region) has no record of Lot 822-C-2, Psd-19954 and, hence, said technical description was not prepared by their office.

On September 30, 1994, the LRA Administrator Reynaldo Maulit came out with a Resolution (Exh. "20") on the appeal interposed by the accused affirming the finality of LRA Administrative Reconstitution Order No. Q-283(91) dated August 20, 1991 directing the Register of Deeds of Quezon City to reconstitute, among others, the original of TCT No. 308462 in the name of petitioner-appellant Azucena L. Garcia, accused herein and, therefore, the Supplemental Order dated October 8, 1991 could not have validly amended the aforestated order of August 20, 1991. It added, however, that the reconstitution does not confirm nor adjudicate ownership over the property subject thereof citing the case of *Serra, Serra vs. Court of Appeals*, 195 SCRA 482 (Exh. "S").[2]

Thus, petitioner was charged in Criminal Case No. Q-94-53589 with falsifying the entries in Transfer Certificate of Title (TCT) No. 308462, forging the signature therein of Vicente N. Coloyan, and introducing or using said TCT in support of her application for reconstitution of title. Similarly, in Criminal Case Nos. Q-94-53590 and Q-94-53591, petitioner was charged with falsifying the entries in Declaration of Real Property Nos. 22731 and 22732, respectively, forging the signatures therein of Jose C. Gonzales, and introducing or using the same in support of her application before the Land Registration Administration (LRA).

[2] Annex "A" of the Petition, *Rollo*, pp. 46-54.

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In its Decision dated April 20, 1995, the trial court found petitioner guilty of three (3) counts of falsification of public documents. Petitioner appealed to the Court of Appeals. The appellate court, and subsequently this Court, affirmed petitioner's conviction. Entry of judgment was made on April 8, 1999.

In the instant petition, petitioner only questions the validity of the judgment rendered in Criminal Case No. Q-94-53589. She contends that where proceedings were attended by violations of the constitutional rights of the accused, the judgment of conviction is void thereby warranting relief by the extraordinary legal remedy of *habeas corpus*. Hence, in her case, the fundamental unfairness of the judgment, when viewed in light of the record, renders the same subject to attack for being violative of her right to due process of law. Petitioner explains that this fundamental unfairness stems from the omission and failure of the trial court, the prosecution and the defense counsel "to formally project into the evidentiary stream the evidence decisive on the merits of the case, consisting of official determinations and findings[3] on the genuineness and authenticity

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[3] Petitioner theorizes that:

Thus, in the proceeding on the Administrative Reconstitution of the original of TCT No. 308462, leading to the issuance of TCT RT No. 102572 (308462) in the name of Azucena L. Garcia, there was a series of four (4) official acts, each importing or presupposing an official determination or finding that Vicente Coloyan's signature on the owner's copy of TCT [No.] 308462 was true, genuine and authentic, to wit:

1. Indorsement or referral by Register of Deeds [Samuel] Cleofe to LRA Reconstituting Officer Bustos (R.A. 6732 AND LRA CIRCULAR 13).
2. Reconstitution Order of Aug. 20, 1991 issued by LRA Reconstituting Officer Bustos. (ANNEX "D").
3. Reconstitution Order of Sept 30, 1994 issued on review or appeal by LRA Administrator Maulit (ANNEX "E").
4. Reconstitution of the original of TCT No. 308462 by Q.C. Register of Deeds Cleofe, with issuance of TCT No. RT 102572 (308462) in the name of Azucena L Garcia. (ANNEX "H").

Petitioner further states that:

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of Vicente Coloyan's signature on the owner's copy of TCT No. 308462, which underlay the different official acts of office holders participating in the proceeding on administrative reconstitution of the original of said [TCT] No. 308462 of the Q.C. Register of Deeds."[4]

Petitioner explains that the disquisition of the trial judge was totally silent on the official findings and determinations that Coloyan's signature on the owner's copy of the TCT No. 308462 was genuine. Instead, the trial judge merely relied on the testimony of Coloyan that the signature appearing on the photocopy of TCT No. 308462 is not his. Petitioner points out that the unfairness of such reliance becomes apparent when official determinations and findings as to the genuineness of Coloyan's signature on TCT No. 308462 are considered.

Petitioner then alleges that the prosecution failed to call the attention of the trial court to these official determinations and findings which constituted exculpatory evidence in her favor. Petitioner further faults the prosecution in willfully presenting Coloyan as a witness to disclaim his signature notwithstanding indications in the record that he was hired and was possibly a corrupt witness. She maintains that "the prosecution should have exerted their best efforts to safeguard the trial process

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Additionally, the NBI Certificate with findings on Questioned (Owner's Copy of TCT No. 308462) is an official act stating an expert finding that the questioned signature of V. Coloyan is genuine. (ANNEX "K") See also ANNEXES "I" and "J".

The cumulative force and effect of five (5) official acts occurring on seriatim, each importing as a matter of legal duty, an official determination that Vicente Coloyan's signature on the owner's copy of TCT No. 308462 is GENUINE AND AUTHENTIC, CONSTITUTES Preponderance of Evidence on the pivotal, question of GENUINENESS of Coloyan's signature, and certainly, more than sufficient to offset and overcome the non-official assertions of V. Coloyan, a private person at the time of testifying.

Such quantum of evidence injects the penetrating acid of "reasonable doubt" which completely erodes and negates the validity of the judgment of conviction of petitioner.

[4] Petition, *Rollo*, p. 4.

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against this type of witness, who from all reasonable indicators is a paid and perjured witness."[5]

Petitioner likewise claims that she was denied due process of law by reason of her being represented by ineffective counsel. Petitioner illustrates that her counsel failed to formally offer in evidence exhibits, consisting of the official acts of the Register of Deeds of Quezon City and officials of the LRA,[6] for the specific purpose of proving the genuineness of Coloyan's signature. Petitioner's counsel also took no steps to bar Coloyan from being presented as a witness for the prosecution and was not especially alert to the danger or risk of a perjured witness. In this regard, petitioner maintains that her counsel could have asked for a deferment of the trial to give him time to make a full investigation of the circumstances attending the presentation of Coloyan as a witness.

Petitioner concludes that the foregoing arguments and precedents warrant the grant of preliminary injunctive relief in the form of a *status quo* order, and, after consideration of the merits of the case, a writ of *habeas corpus* annulling the judgment of conviction rendered against her.

The Office of the Solicitor General (OSG), on the other hand, states that the writ of *habeas corpus* is a remedy available to a person who is illegally imprisoned or restrained of his liberty. Consequently, a person discharged or out on bail, like petitioner, is not entitled to the writ.

Furthermore, the ground invoked by petitioner pertains to the appreciation of evidence, a matter which falls within the exclusive discretion and prerogative of the trial court. The OSG stresses that a writ of *habeas corpus* can issue only for want of jurisdiction of the sentencing court, and cannot function as a writ of error. As such, the writ will not lie to correct alleged mistakes of fact or of law committed by a court in the exercise of its functions. The OSG also points out that the ground invoked

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[5] Petition, *Rollo*, p. 16.

[6] See Note 3.

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by petitioner is one which has been considered, passed upon and found to be without merit not only by the Court of Appeals but by this Court as well. The OSG is of the view that the instant petition is merely intended to delay the administration of justice.

We deny the petition.

The high prerogative writ of *habeas corpus* was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint.[7] Its object is to inquire into the legality of one's detention, and if found illegal, to order the release of the detainee.[8] However, it is equally well-settled that the writ will not issue where the person in whose behalf the writ is sought is out on bail,[9] or is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order.[10] In the case at bar, therefore, petitioner can no longer seek relief via a petition for *habeas corpus* having been convicted by final judgment of the crime of falsification of public document and use thereof. Said judgment is already final and executory. Petitioner even discloses that entry of judgment was made on April 8, 1999, or eight (8) months prior to the filing of this petition. The OSG has also pointed out that petitioner is still out on bail. To this petitioner merely replied that:

> For purposes of *habeas corpus,* "RESTRAINT" is not confined to imprisonment or actual physical custody. Recent federal jurisprudence has extended this to accused under final conviction, who are out on bail, and to convicts on parole. Such jurisprudence is part of Anglo-American jueisprudence (*sic*), which is highly persuasive in this jurisdiction because our law on *Habeas Corpus* is of Anglo-American origin.[11]

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[7] *Velasco v. Court of Appeals,* 245 SCRA 677, 679 (1995).

[8] *Umil v. Ramos,* 202 SCRA 251, 260 (1991).

[9] *Zacarias v. Cruz,* 30 SCRA 728, 729 (1969).

[10] Section 4, Rule 102 of the Rules of Court.

[11] Counter Comment, *Rollo,* p. 139.

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Even if we disregard the fact that petitioner is out on bail, the writ prayed for should not be granted. Indeed, we have held that once a deprivation of a constitutional right is shown to exist, the court that rendered the judgment is deemed ousted of jurisdiction and *habeas corpus* is the appropriate remedy to assail the legality of his detention.[12] Petitioner, however, has failed to persuade this Court that the proceedings before the trial court were attended by violations of her right to due process, or for that matter, other constitutional rights.

It is apparent from the arguments advanced by petitioner that the purpose of this petition is to cause this Court to once again re-examine and pass judgment upon the trial court's appreciation of the evidence presented, especially the credibility of Coloyan as a witness. The Decision dated April 20, 1995 of the Court of Appeals, affirming the disquisition of the Court of Appeals, and the Resolution dated October 27, 1998 of the Third Division of this Court, finding that no reversible error was committed by the trial court, should have impressed upon petitioner that issues relating to the trial court's appreciation of the evidence have already been settled and thus, can no longer be reviewed anew by this Court. As early as the 1913 case of *Trono Felipe v. Director of Prisons,*[13] we have laid down the rule that an application for *habeas corpus* cannot function as a writ of error. We explained therein that:

But the writ of *habeas corpus* is not a remedy for the correction of such errors.[14] Court cannot, in *habeas corpus* proceedings, review the record in a criminal case after judgment of conviction has been rendered, and the defendants have entered on the execution of the sentence imposed, to ascertain whether the facts found by the trial court were in accordance with the evidence disclosed by the record, or to pass upon the correctness of conclusions of law by the trial

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[12] *Supra.* note 10 at 427.

[13] 24 Phil. 121 (1913).

[14] The trial court convicted appellants with the crime of abducting a virgin with her consent despite their allegation that the victim was over 18 years old at the time the alleged crime was committed.

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court based on the facts thus found. Under the statute, a commitment in due form based on a final judgment convicting and sentencing a defendant in a criminal case is conclusive evidence of the legality of his detention under such commitment, unless it appears that the court which pronounced the judgment was without jurisdiction or exceeded its jurisdiction in imposing the penalty. Mere errors of fact or law, which did not have the effect of depriving the trial court of its jurisdiction over the cause and the person of the defendant, if corrected at all, must be corrected on appeal in the form and manner prescribed by law.[15]

As to the charge that the prosecution committed "manifest prosecutorial misconduct," we find the same bereft of merit. First, the existence of exculpatory evidence is a matter of defense. As such, it is principally the duty of the accused, not the prosecution, to bring its existence to the attention of the court. Second, whether the Orders of Reconstitution issued by the reconstitution officer and the LRA administrator on August 20, 1991 and September 30, 1994, respectively, as well as the reconstituted TCT No. 308462 constitute sufficient evidence to exonerate petitioner from criminal liability, involves appreciation and weighing of evidence, and for reasons already stated, this Court is proscribed from again considering. Even petitioner's accusation that Coloyan was a paid and perjured witness was not supported by evidence.

Similarly, apart from her bare allegations, petitioner offered no convincing evidence to substantiate her claim that the ineffectiveness of her counsel deprived her of her right to counsel. We specifically note that petitioner's own documentary evidence in support of the instant petition actually belies her allegation that her counsel failed to adduce exculpatory evidence.

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[15] *Supra*. note 13 at 123-124; reiterated in *Ngo Yao Tit v. Sheriff of Manila,* 27 Phil. 378 (1914); *Paguntalan v. Director of Prisons,* 57 Phil. 140 (1932); *Pomeroy v. Director of Prisons,* 107 Phil. 50 (1960); *Cuenca v. Superintendent of the Correctional Institution for Women*, 3 SCRA 897 (1961); *Sotto v. Director of Prisons,* 5 SCRA 293 (1962); *Republic v. Yatco,* 6 SCRA 352 (1962); *Culanag v. Director of Prisons*, 17 SCRA 429 (1966); and *Galvez v. Court of Appeals,* 237 SCRA 685 (1994).

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Petitioner's Formal Offer of Exhibits before the trial court shows that among the evidence offered by her counsel were the following:

Exhibit(s)	*Description(s)*	*Purpose(s)*
x x x	x x x	x x x
3, 4 and 4-A 4-B, 4-C and 4-D	(a) NBI Director's Letter dated March 9, 1993, (Exh. 3) transmitting to Hon. Miguel V. Sison, Jr. the NBI Questioned Documents Report No. 151-393 (b) Questioned NBI Documents Report No. 151-391 dated March 9, 1993	(1) To prove that the NBI examined TCT No. 308462 and the signature of Vicente N. Coloyan (2) To prove that the NBI findings is that the signature of Vicente N. Coloyan appearing on (*sic*) TCT No. 308462 is written by one and the same Vicente N. Coloyan, Acting Register of Deeds, whose standard signatures appear on various titles on file with the Registry of Deeds, Quezon City 3) to prove that this Questioned Documents Report No. 151-393 submitted by Document Examiner Rogelio G. Azores was approved by NBI

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		(4) *To prove that TCT No. 308462 is genuine, not falsified*
xxx	x x x	x x x
6	Adm. Reconstitution Order No. Q-283 (91) issued on August 20, 1991 by Land Registration Authority LRA) through Reconstitution Officer, Atty. Benjamin Busto	(1) To prove that the LRA approved the Administrative Reconstitution of the Accused's TCT No. 308462 for Lot 822-C-1 and Lot 822-C-2, Piedad Estate (2) To prove that this Adm. Reconstitution Order had already acquired finality when the reconstitution of TCT No. 308462 was recalled by Atty. Busto (3) *To prove that TCT No. 308462 is genuine, not falsified*[16] (Italics supplied)

It appears, however, that these documents were among the official acts repeatedly cited by petitioner as presupposing official determination and findings that Coloyan's signature on TCT No. 308462 was genuine and, therefore, allegedly constituted evidence exempting petitioner from criminal liability. Petitioner faulted her counsel in Criminal Case No. Q-94-53589 for being ineffective in that her counsel allegedly failed to formally offer

[16] Annex "B" of the Petition, *Rollo*, pp. 69-71.

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in evidence the said documents but the record shows that her counsel did not fail to do so.

Significantly, it is not disputed that petitioner appealed the adverse Decision or judgment of conviction dated April 20, 1995 of the RTC of Quezon City to the Court of Appeals; that the Court of Appeals and later this Court affirmed the conviction of the petitioner; and that Entry of Judgment was made on August 8, 1999. The petitioner, therefore, may not validly resort to this present petition for *habeas corpus* in lieu of her lost or dismissed appeal in the said criminal case. The petition of herein petitioner who is out on bail, appears to be patently intended for delay.

WHEREFORE, petitioner Azucena L. Garcia, having failed to establish sufficient cause to warrant issuance of a writ of *habeas corpus*, the instant petition is hereby *DENIED.*

SO ORDERED.

Bellosillo (Chairman), Mendoza, Quisumbing, and *Buena, JJ.*, concur.

FIRST DIVISION

[G.R. No. 143016. August 30, 2000]

MR. & MRS. RONNIE DAR, MR. & MRS. RANDY ANGELES, MR. & MRS. JOY CONSTANTINO and MR. & MRS. LIBERTY CRUZ, *petitioners, vs.* **HON. ROSE MARIE ALONZO-LEGASTO, in her capacity as the Presiding Judge in the Metropolitan Trial Court of Metro Manila, Branch 41, Quezon City and NENITA CO BAUTISTA represented by VICTORIO A. BAUTISTA,** *respondents.*