

****Title:**** Cantimbuhan vs. Cruz Jr.

****Facts:****

This case revolves around an appeal challenging the disallowance of senior law students Nelson B. Malana and Robert V. Lucila from acting as private prosecutors in two criminal cases (Nos. 58549 and 58550) for less serious physical injuries, filed in the Municipal Court of Parañaque, Metro Manila, against Patrolmen Danilo San Antonio and Rodolfo Diaz, respectively. The complaints were initiated by Romulo Cantimbuhan on April 6, 1979. Malana and Lucila, who were required to render legal aid as part of their curriculum at U.P. College of Law, filed their appearances as friends of Cantimbuhan in August 1979. Respondent Fiscal Leodegario C. Quilatan opposed their appearances, which led to the respondent Judge Nicanor J. Cruz, Jr., issuing orders on August 16 and September 4, 1979, that disallowed their participation as private prosecutors. These orders were based on the argument that allowing non-members of the bar might undermine the requirement for court appearances to be conducted by members of the Integrated Bar of the Philippines or those who have paid professional taxes.

The petitioners sought to challenge these orders through a petition for certiorari, mandamus, and prohibition based on Section 34, Rule 138 of the Rules of Court, which they argued was violated by the judge's orders. They contended this section permitted their participation in municipal courts as friends of the litigant. A temporary restraining order was issued by the Supreme Court on November 8, 1979, halting further proceedings in the criminal cases pending the resolution of this petition.

****Issues:****

1. Whether Section 34, Rule 138 of the Rules of Court allows senior law students to appear as private prosecutors or as friends of the litigant party in municipal courts.
2. Whether the fiscal's approval is necessary for someone to enter an appearance as a private prosecutor.
3. Whether the disallowance of senior law students acting as private prosecutors contradicts the Rules of Court and amounts to grave abuse of discretion amounting to lack of jurisdiction.

****Court's Decision:****

The Supreme Court found merit in the petition, holding that according to Section 34, Rule 138 of the Rules of Court, a party in a municipal court may conduct their litigation personally, with the aid of an agent, friend, or attorney. It referenced the case of Laput vs.

Bernabe as precedent where a law student was permitted to represent the accused in municipal court, arguing similarly that if a non-lawyer could appear in defense, they should likewise be allowed to appear as a private prosecutor under the supervision and control of the fiscal, without needing the fiscal's permission to participate.

The Court clarified that in the contested criminal cases, since Cantimbuhan did not waive or reserve the civil action impliedly included in the criminal cases, he had a vested interest in its prosecution and could not be deprived of the right to assistance by a non-lawyer friend. Therefore, the Supreme Court set aside the trial judge's orders that disallowed the appearances of Malana and Lucila, ordering their allowance to appear and intervene as friends of Cantimbuhan.

****Doctrine:****

This case established or reiterated the doctrine that in municipal courts, a litigant could conduct their litigation personally or with the aid of a friend, agent, or attorney, reinforcing the applicability of Section 34, Rule 138 of the Rules of Court in such instances.

****Class Notes:****

- A party in a municipal court can conduct their litigation with the aid of an agent or friend, not necessarily an attorney, according to Section 34, Rule 138 of the Rules of Court.
- The fiscal's permission is not required for an individual to participate as a private prosecutor in municipal courts.
- Senior law students can represent parties in municipal courts as part of their legal aid curriculum, as per the principle established in Cantimbuhan vs. Cruz.

****Historical Background:****

This case underscores the ongoing consideration in Philippine jurisprudence regarding the role of legal education and the participation of law students in actual cases as part of their learning. It also highlights the balance that needs to be struck between ensuring competent legal representation and facilitating access to legal aid through various means, including the involvement of law students under the supervision of licensed attorneys.