

Title: **Marquez vs. Alejo: A Case on Judicial Review of Fiscal Discretion in the Philippines**

Facts:

This complex legal saga began when private respondents Gavino R. Alejo and Luis Cruz initiated a complaint against petitioners Felimon C. Marquez, Ricardo Suarez, and Anastacio Roxas. Marquez and Suarez held the positions of municipal mayor and treasurer of Obando, Bulacan, respectively, while Roxas faced accusations separately. The charges involved falsification of public documents by public officers and estafa through falsification of a public document.

The Provincial Fiscal of Bulacan, responding to these allegations, conducted an initial investigation and subsequently dismissed the charges due to insufficient evidence for prosecution. Dissatisfied, the private respondents appealed to the Secretary of Justice, prompting a request for a thorough reinvestigation based on perceived inconsistencies in the fiscal's resolution.

In an attempt to halt the reinvestigation, the petitioners took their grievances to the Court of First Instance (CFI) of Bulacan, filing a petition for **certiorari** and **prohibition with preliminary injunction** against the provincial fiscal. Despite initially issuing a temporary restraining order, the CFI eventually dismissed the petition and dissolved its restraining order, prompting the petitioners' appeal. The complexities of the case led to its certification to the Supreme Court (SC) by the Court of Appeals, citing it involves purely legal questions.

Issues:

1. Whether the Secretary of Justice is a necessary and indispensable party in this case.
2. If the Secretary of Justice's order for reinvestigation based on "apparent inconsistency" is valid.
3. The validity and finality of the Provincial Fiscal's dismissal of the charges.
4. Whether the Secretary of Justice's intervention infringed on the fiscal's discretion which is not administrative in nature.
5. If the actions taken against the petitioners were done without due process, thus nullifying any resolutions based on those actions.
6. Whether the respondents used legal processes in an "oppressive and vindictive manner."
7. The legality of the Secretary of Justice's directive for reinvestigation.
8. The correctness of the CFI's decision to dismiss the petitioners' case and dissolve the

temporary restraining order.

Court's Decision:

The Supreme Court, referencing the 1985 Rules on Criminal Procedure superseding the 1964 Rules previously in effect, dismissed the petition. It underscored the Secretary of Justice's power to direct a fiscal to conduct or conduct oneself, a reinvestigation of a case even after an initial resolution for dismissal due to insufficient evidence. This directive aligns with the principle that the control and discretion over criminal prosecutions, including the decision to dismiss or file a case, fundamentally lie with the prosecuting officers, under the oversight of the Secretary of Justice. However, once a case is filed in court, the court gains full jurisdiction, at which point the prosecuting fiscal cannot impose their opinion on the judge.

Doctrine:

- The Secretary of Justice has the authority to order a reinvestigation of a case by the fiscal, even after a resolution of dismissal has been made.
- The directive of the Secretary of Justice to file an information or to move for dismissal of a case based on a reinvestigation's outcome does not overstep the bounds of their authority.

Class Notes:

- **Fiscal Discretion**: Prosecutors have the discretionary power to file or dismiss a case based on the sufficiency of evidence.
- **Certiorari and Prohibition**: Legal remedies aimed at preventing lower courts or officials from exercising functions beyond their jurisdiction.
- **Judicial Review of Fiscal Decisions**: While the fiscal's discretion is acknowledged, their actions are reviewable by the Secretary of Justice and, ultimately, the courts, primarily for adherence to legal procedures rather than questioning merits of discretion itself.
- **Preliminary Injunction**: A provisional remedy issued to prevent possible injustice pending the resolution of the main action.

Historical Background:

This case illuminates the dynamic interplay between prosecutorial discretion and judicial review within the Philippine legal system. The evolution from the 1964 to the 1985 Rules on Criminal Procedure reflects a nuanced balance between ensuring the autonomy of

prosecutors in charge conduct and decision-making, and the supervisory role of the judiciary to avert misuse of legal processes, underscoring the continuous development of procedural law to uphold justice and prevent arbitrariness.