

Title:

Consing v. People, G.R. No. 162135, August 23, 2010

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Facts:

Rafael Jose Consing, Jr. (Consing) and his mother, Cecilia de la Cruz (de la Cruz), obtained loans amounting to P18,000,000 from Unicapital Inc. These loans were secured by a real estate mortgage on a parcel of land registered under de la Cruz's name. Unicapital later purchased half of the property for P21,221,500, partly offset by the amount due under the loans. The other half was purchased by Plus Builders, Inc. (Plus Builders).

Unicapital and Plus Builders found that the title to the property was spurious and demanded the return of the amount paid. Consing and de la Cruz ignored this demand. As a result, Consing filed Civil Case No. 1759 in Pasig RTC to enjoin Unicapital from collecting the amount, claiming he acted merely as an agent for his mother. Meanwhile, Unicapital lodged a criminal complaint for estafa through falsification of public documents against Consing and de la Cruz in the Makati City Prosecutor's Office.

Unicapital also filed Civil Case No. 99-1418 in the RTC of Makati to recover the sum of money and damages. On January 27, 2000, the Makati Prosecutor's Office charged Consing and de la Cruz with estafa through falsification of public documents. Consequently, Consing moved to defer his arraignment citing the existence of a prejudicial question due to the pending Pasig and Makati civil cases.

The RTC of Makati acceded to Consing's motion, suspending the criminal proceedings. Conversely, in a similar case filed by Plus Builders in Cavite (Civil Case No. 99-95381), the Cavite RTC denied Consing's motion to defer arraignment, which was later upheld by the Court of Appeals (CA) and the Supreme Court.

The State petitioned in the CA, challenging the Makati RTC's suspension order based on the prior Supreme Court ruling in the Plus Builders case. Initially, the CA dismissed the State's petition. Upon reconsideration, the CA reversed its decision, aligning with the Supreme Court's ruling in the Plus Builders case, determining that no prejudicial question existed that justified suspending the Makati criminal proceedings.

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Issues:

1. Does the existence of civil cases involving similar facts as the criminal cases raise a prejudicial question justifying the suspension of criminal proceedings?
2. Is the ruling in G.R. No. 148193 applicable to the case involving Unicapital and Consing?

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Court's Decision:

1. **Existence of Prejudicial Question**:

The Supreme Court held that the civil cases do not raise a prejudicial question warranting the suspension of the Makati criminal proceedings. The Court referenced its prior ruling in G.R. No. 148193, which clarified that independent civil actions under Article 33 of the Civil Code, such as those for fraud, can proceed independently of the criminal cases. Therefore, the civil cases (Pasig and Manila/Makati) do not impact the determination of Consing's guilt in the criminal cases.

2. **Applicability of G.R. No. 148193**:

The Supreme Court affirmed that the ruling in G.R. No. 148193 was applicable, despite the difference in complainants (Unicapital and Plus Builders). Both civil actions were independently instituted based on fraud and were thus not prejudicial questions affecting the criminal proceedings. The consistency in the nature of the allegations (fraud) necessitated the same legal interpretation regardless of the specific complainant.

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Doctrine:

1. **Independent Civil Actions and Prejudicial Questions**:

- **Article 33 of the Civil Code**: Provides that civil actions for defamation, fraud, and physical injuries may proceed separately from criminal actions without constituting a prejudicial question.

- The mere pendency of civil cases involving questions similar to a criminal case does not justify suspending the criminal proceedings, especially when the civil cases can proceed independently under Article 33.

2. **Applicability of Similar Supreme Court Rulings**:

- When civil and criminal actions arise from identical transactions and involve similar questions, consistent doctrines apply even if the involved parties (complainants) differ. This maintains judicial consistency and fairness.

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Class Notes:

- **Key Elements/Concepts**:
- **Prejudicial Question**: A legal issue between two cases where the resolution of the civil case is necessary to determine the outcome of the criminal case.
- **Independent Civil Action**: A civil case proceeding separately from a related criminal case, specifically allowed under certain Civil Code provisions (Article 33).
- **Estafa through Falsification**: Involving obtaining benefits through deceit by falsifying public documents.

- **Statutes/Provisions**:
- **Article 33, Civil Code of the Philippines**: Allows civil actions for defamation, fraud, and physical injuries to proceed independently of criminal actions.
- **Rule 111, Section 3, Revised Rules on Criminal Procedure**: Lists provisions for independent civil actions related to violations under Articles 32, 33, 34, and 2176 of the Civil Code.

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Historical Background:

This case arose amidst numerous legal reforms and the continuing effort in the Philippines to clarify the interplay between civil and criminal actions. During this period, significant emphasis was placed on protecting the rights of individuals while ensuring that criminal liability was not hindered by the pendency of related civil suits. The similarity in factual and legal issues in civil and criminal cases, as demonstrated here, highlighted the necessity for the judiciary to streamline procedural efficiency and consistency. It illustrated continuing efforts in jurisprudence to balance expediency and fairness in prosecuting fraud and related criminal offenses.