

Title: People of the Philippines vs. Rafael Jose Consing, Jr.

Facts: In February 1997, Rafael Jose Consing, Jr. (respondent) and his mother, Cecilia de la Cruz, represented to Plus Builders, Inc. (PBI) that they owned a 42,443 square meter lot in Imus, Cavite, covered by TCT No. 687599. They claimed to have acquired the lot from Juanito Tan Teng and Po Willie Yu. PBI, relying on these representations, purchased the lot. However, in April 1999, PBI discovered that the respondent and his mother did not have a valid title to the lot. TCT No. 191408, on which TCT No. 687599 was based, was not on file with the Register of Deeds, and Tan Teng and Yu never sold the lot to the respondent and his mother.

In August 1999, Tan Teng and Yu ousted PBI from the lot. Respondent and his mother refused to return the amount of PHP 13,369,641.79 paid by PBI.

Respondent filed an action for Injunctive Relief (Civil Case No. SCA 1759) on July 22, 1999, with the RTC of Pasig City, claiming he was merely an agent for his mother. Subsequently, PBI filed a complaint for Damages and Attachment (Civil Case No. 99-95381) on October 13, 1999, with the RTC of Manila. Respondent moved to dismiss it, citing forum shopping and pendency of the first civil case.

On January 21, 2000, a criminal case for estafa through falsification of public document was filed against the respondent and his mother in the RTC of Imus, Cavite. Respondent moved to defer arraignment, citing prejudicial questions due to the pending civil cases. His motion and subsequent motion for reconsideration were denied.

Respondent then filed a petition for certiorari with the Court of Appeals (CA-G.R. SP No. 63712), seeking to restrain the criminal proceedings. The Court of Appeals issued a temporary restraining order on March 19, 2001, and later, on May 31, 2001, ruled in favor of the respondent, permanently enjoining the RTC from proceeding with the criminal case until the civil cases were resolved.

Issues:

1. Whether the pendency of Civil Case Nos. SCA 1759 and 99-95381 constitutes a prejudicial question justifying the suspension of the criminal case for estafa through falsification of public document against the respondent.

Court's Decision:

1. **Prejudicial Question Analysis**: The Supreme Court focused on the concept of a prejudicial question, which arises in a case the resolution of which is a logical antecedent to the issue involved, with cognizance belonging to another tribunal. For a civil action to be considered prejudicial to a criminal case, it must meet three requisites: (a) the civil case involves facts intimately related to those in the criminal case, (b) resolving the civil action's issues would determine the guilt or innocence of the accused, and (c) jurisdiction over the question lies with another tribunal.

2. **Intimacy of Facts**: The Supreme Court found no prejudicial question in the pending civil cases. The civil case for Injunctive Relief sought to establish whether the respondent acted merely as an agent for his mother, a determination irrelevant to the criminal liability in the estafa case. The civil case for Damages and Attachment involved questions about PBI's right to damages, detached from establishing the respondent's guilt in the criminal action.

3. **Independent Civil Action**: The Court observed that both civil and criminal actions could independently proceed according to the law. Civil Case No. 99-95381 constituted an independent civil action under Article 33 of the Civil Code for fraud, which signals that civil proceedings due to fraud do not necessitate suspension of related criminal cases.

Doctrine: The Supreme Court reiterated that for a prejudicial question to justify suspending a criminal case, the pending civil case must have issues that are determinative of the criminal case and are lodged with a different tribunal. Additionally, Article 33 of the Civil Code allows independent civil actions for fraud, defamation, and physical injuries, which proceed separately from the criminal case.

Class Notes:

- **Prejudicial Question**: Requisites include intimate relation of facts, determinative of guilt or innocence, and jurisdiction belonging to another tribunal.
- **Independent Civil Action**: Under Article 33 of the Civil Code, such actions proceed separately from criminal cases.
- **Estafa and Falsification**: Estafa elements include deceit and damage, while falsification involves making false statements in public documents.

Historical Background: This case highlights issues of fraudulent real estate transactions and the legal concept of prejudicial questions in the Philippines. In the late 1990s, cases of land ownership disputes were common, reflecting weaknesses in property registration and titling

systems. This decision underscores the judiciary's role in delineating civil and criminal proceedings while ensuring that fraudulent acts are punished and civil damages are recoverable independently.