

**ARTURO M. AMORANTO, PETITIONER, VS. DANILO M. AMORANTO,  
FOR HIMSELF AND AS REPRESENTATIVE OF HIS BROTHERS AND  
SISTERS, NAMELY, JOSE M. AMORANTO JR., NESTOR M. AMORANTO,  
ANGELITA...**

Ponente: YBAÑEZ, J.

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**YBAÑEZ, J.:**

This Court notes the following procedural infirmities attendant to the filing of the instant petition, viz:

(1) The timeliness of the petition cannot be determined since petitioner did not state the dates he received a copy of the following Orders sought to be annulled in the petition:

- a) Order denying the Motion for Reconsideration;
- b) Order denying the Second Motion for Reconsideration; and
- c) Order denying the Motion to Inhibit;

(2) Copy of the assailed Order denying the Motion for Reconsideration and the Second Motion for Reconsideration are not attached to the petition;

(3) There is no affidavit of service;

(4) The annexes to the petition are not marked;

(5) The origin of the petition is a criminal case but the People of the Philippines has not been impleaded as party respondent, and no copy of the petition was furnished the Office of the Solicitor General (OSG);

(6) The IBP number of counsel is not current; and

(7) The following pertinent documents are not attached to the petition:

- a) Order dated January 28, 2014;
- b) Motion for Reconsideration;
- c) Second Motion for Reconsideration; and
- d) Motion to Recuse.

In view of the aforementioned procedural defects, and considering, more importantly, that only the OSG can bring or defend actions on behalf of the Republic or represent the People or the State in criminal proceedings on appeal, we find the instant petition fatally defective.

Section 35(1), Chapter 12, Title III, Book IV of the Administrative Code of 1987 states that:

SEC. 35. Powers and Functions. — The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers. When authorized by the President or head of the office concerned, it shall also represent government owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of lawyers. It shall have the following specific powers and functions:

(1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party.

In the case of *People vs. Santiago*[1], the Supreme Court further elucidated that:

“It is well-settled that in criminal cases where the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability. Thus, in the prosecution of the offense, the complainant's role is limited to that of a witness for the prosecution. If a criminal case is dismissed by the trial court or if there is an acquittal, an appeal therefrom on the criminal aspect may be undertaken only by the State through the Solicitor General. Only the Solicitor General may represent the People of the Philippines on appeal. The private offended party or complainant may not take such appeal. However, the said offended party or complainant may appeal the civil aspect despite the acquittal of the accused.

In a special civil action for certiorari filed under Section 1, Rule 65 of the Rules of Court wherein it is alleged that the trial court committed a grave abuse of discretion amounting to lack of jurisdiction or on other jurisdictional grounds, the rules state that the petition may be filed by the person aggrieved. In such case, the aggrieved parties are the State and the private offended party or complainant. The complainant has an interest in the civil aspect of the case so he may file such special civil action questioning the decision or action of the respondent court on jurisdictional grounds. In so doing, complainant should not bring the action in the name of the People of the Philippines. The action may be prosecuted in name of said complainant.”[2] (Emphasis supplied)

While there may be rare occasions when the offended party may be allowed to pursue the criminal action on his own behalf, as when there is a denial of due process[3], this exceptional circumstance does not obtain in the present case.

WHEREFORE, the instant petition is hereby DISMISSED outright.

**SO ORDERED.**

Dimaampao, (Chairperson) and Sadang, JJ., concur.

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[1] G.R. No. 80778, 20 June 1989, 174 SCRA 143.

[2] *Ibid.* at 153-154.

[3] *Merciales vs. Court of Appeals*, G. R. No. 124171, March 18, 2002, 379 SCRA 345.

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