

LUCILO U. GARCIA, PETITIONER, VS. THE COURT OF APPEALS, HON. FILEMON H. MENDOZA, AS PRESIDING JUDGE OF THE MUNICIPAL COURT OF THE CAPITAL OF BATANGAS AND SPOUSES LUIS OLMOS AND ...

G.R. No. L-31115. February 24, 1978

Ponente: MUÑOZ PALMA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/145a58b213fa/>

MUÑOZ PALMA, J.:

The sole issue posed in this Petition for Review is whether or not Civil Case No. 1223 pending before the Court of First Instance of Batangas raises a prejudicial question which is to be decided before Criminal Case No. 1286 may be tried and resolved by the municipal court of Batangas, Batangas, presided by Judge Filemon H. Mendoza.

Briefly stated, the facts which led to the filing of this Petition are as follows:

In Criminal Case No. 1286 of the municipal court of Batangas, Batangas, an Information dated November 7, 1968, was filed against Lucilo Garcia Y Untalan accusing the latter of estafa, alleging that the accused received in trust as a deposit from the complainant, Mrs. Anastacia Olmos, the sum of P8,000 with obligation to return the same should her husband not consent to her purchasing a residential lot from L. U. Garcia Realty, Inc.; that the accused failed to return said amount to Mrs. Olmos and converted the same for his own purpose in spite of her demands for the return of said amount because of the refusal of her husband to approve the transaction.

A motion for suspension of a criminal action was filed by Lucilo Garcia claiming that he had filed Civil Case No. 1223 before the Court of First Instance of Batangas for "specific performance and damages" against Spouses Luis and Anastacia Olmos in connection with their purchase of a residential lot which case raises a prejudicial question to be decided before the criminal action may proceed. This motion of the accused was denied by municipal judge Filemon H. Mendoza on March 12, 1969.

Lucilo Garcia filed a petition for certiorari and/or prohibition with the Court of Appeals docketed therein as C.A. G.R. No. 43141-R, but in a decision promulgated on August 9, 1969, the Court of Appeals through its special fifth division, affirmed the order of the municipal court of Batangas. It is that decision which is now the subject of this Petition for review.

On November 25, 1977, private respondent-spouses Olmos through their counsel, Atty. Jesus Mantalbo, filed a motion to dismiss this Petition on the ground that the same had become moot with the termination of Civil Case No. 1223 for "Specific Performance and Damages."

Complying with Our Resolution on January 13, 1978, petitioner's counsel, Atty. Ponciano M. Mortera, filed his comment dated January 1978, wherein it was admitted that Civil Case No. 1223 was decided adversely against the petitioner herein, Lucilo Garcia; that said decision of the trial court was appealed to the Court of Appeals under C.A. G.R. No. 69742-R, and on October 4, 1977, plaintiff-appellant, Lucilo Garcia, filed a "Motion to Withdraw Appeal" which was granted by the Appellate Court in its resolution of October 6, 1977.

IN VIEW OF THE FOREGOING, We find private respondents' "Motion to Dismiss" to be in order, and We hereby dismiss this Petition for review, without pronouncement as to costs.

So Ordered.

Teehankee, (Chairman), Makasiar, Fernandez, and Guerrero, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.