

**GRACE KRISTINE S. MEEHAN, PETITIONER, VS. HON. PAZ
ESPERANZA M. CORTES, IN HER CAPACITY AS PRESIDING JUDGE OF
THE REGIONAL TRIAL COURT OF TAGUIG CITY, BRANCH 271, AND
VICTOR SIX...**

Ponente: LIBREA-LEAGOGO, J.

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LIBREA-LEAGOGO, J.:

Before this Court is a Petition for Certiorari[1] dated 14 February 2015, assailing the Resolutions dated 26 December 2012[2] and 13 January 2014[3] issued by public respondent Judge Paz Esperanza M. Cortes of the Regional Trial Court, National Capital Judicial Region, Branch 271, Taguig City in the case entitled “People of the Philippines v. Victor Sixto Jose Villavicencio,” docketed as Criminal Cases Nos. 149560-TG to 149581-TG, which dismissed the criminal cases for qualified theft against private respondent for lack of probable cause, as well as denied the Motion for Reconsideration, respectively.

We dismiss the Petition outright for it suffers from several fatal infirmities.

Petitioner took a procedural misstep when she filed the instant Petition without the representation of the Office of the Solicitor General.

The authority to represent the State in appeals of criminal cases before the Supreme Court and the CA is solely vested in the Office of the Solicitor General (OSG). Section 35 (1), Chapter 12, Title III, Book IV of the 1987 Administrative Code explicitly provides that the OSG 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. It shall have specific powers and functions to represent the Government and its officers in the Supreme Court and the CA, 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. The OSG is the law office of the Government. To be sure, in criminal cases, the acquittal of the accused or the dismissal of the case against him can only be appealed by the Solicitor General, acting on behalf of the State. The private complainant or the offended party may question such acquittal or dismissal only insofar as the civil liability of the accused is concerned. In a catena of cases, this view has been time and again espoused and maintained by the (Supreme) Court.[4]

Accordingly, jurisprudence holds that if there is a dismissal of a criminal case by the trial court or if there is an acquittal of the accused, it is only the OSG that may bring an appeal on the criminal aspect representing the People. The rationale therefor is rooted in the principle that the party affected by the dismissal of the criminal action is the People and not the petitioners who are mere complaining witnesses. For this reason, the People are therefore deemed as the real parties in interest in the criminal case and, therefore, only the OSG can represent them in criminal proceedings pending in the CA xxx. In view of the corollary principle that every action must be prosecuted or defended in the name of the real party-in-interest who stands to be benefited or injured by the judgment in the suit, or by the party entitled to the avails of the suit, an appeal of the criminal case not filed by the

People as represented by the OSG is perforce dismissible.[5]

The private complainant or the offended party may, however, file an appeal without the intervention of the OSG but only insofar as the civil liability of the accused is concerned. He may also file a special civil action for certiorari even without the intervention of the OSG, but only to the end of preserving his interest in the civil aspect of the case.[6]

Here, it is patently clear that petitioner is not questioning the civil aspect of the criminal cases, but the criminal aspect thereof, considering that she prays for the reversal and setting aside of the assailed Resolutions issued by public respondent and for this Court to direct the trial court to hold private respondent for trial[7] in Criminal Cases Nos. 149560-TG to149581-TG for qualified theft. Being an obvious attempt to meddle into the criminal aspect of the case(s) without the conformity of the OSG, (her) recourse, in view of the above-discussed principles, must necessarily fail.[8]

Further, petitioner did not join the People of the Philippines as a party in her special civil action for certiorari before this Court. (Petitioner) thereby ignored that the People of the Philippines (are) indispensable parties due to (her) objective to set aside the trial court's (Resolution dated 26 December 2012) that concerned the public aspect of Criminal Cases Nos. 149560-TG to149581-TG. The omission (is) fatal and already enough cause for the summary rejection of (her) (P)etition for (C)ertiorari.[9]

(Moreover,) petitioner did not also obtain the consent of the OSG to her instant Petition xxx. At the very least, (she) should have furnished a copy of the petition for certiorari to the OSG prior to the filing thereof, but even that (she) did not do.[10] Although petitioner furnished the public prosecutor[11] a copy of her Petition, the same does not suffice. The authority of the City Prosecutor or his assistant to appear for and represent the People of the Philippines (is) confined only to the proceedings in the trial court.[12]

In any event, it appears that while the Petition was filed in the name of petitioner Grace Kristine S. Meehan, a perusal of the Petition shows that the supposed offended party is Jozu Concept Restaurants Group, Inc. However, no valid board resolution of the corporation was attached to the Petition showing petitioner's authority to sign the Verification and Certification of Non-Forum Shopping and to file the instant Petition. As there is no proof of such authority, the (P)etition is subject to dismissal (as the) (C)ertification was submitted unaccompanied by proof of the signatory's authority.[13] Furthermore, the docket fees paid by petitioner is short of Php1,000.00.[14]

WHEREFORE, premises considered, the Petition is DISMISSED outright.

SO ORDERED.

Lazaro-Javier, and Sadang, JJ., concur.

[1] Rollo, pp. 07-24

[2] Id. at 317-345

[3] Id. at 347-355

[4] Dennis T. Villareal v. Consuelo C. Aliga, G.R. No. 166995, 13 January 2014, citing Bautista v. Cuneta-Pangilinan, G.R. No. 189754, 24 October 2012, 684 SCRA 521

[5] People of the Philippines, et al. v. Philip Piccio, et al., G.R. No. 193681, 06 August 2014

[6] Id.

[7] Rollo, p. 04

[8] People of the Philippines v. Philip Piccio, *supra*

[9] Jowett K. Golangco v. Jone B. Fung, G.R. No. 157952, 08 September 2009

[10] *Id.*

[11] Rollo, p. 19

[12] Jowett K. Golangco v. Jone B. Fung, *supra*

[13] Cf. Cosco Philippines Shipping, Inc. v. Kemper Insurance Company, G.R. No. 179488, 23 April 2012

[14] Rollo, pp. 01 and 588

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