

IN THE MATTER FOR THE PETITION FOR HABEAS CORPUS OF AQUILINO DEL ROSARIO, JR. AND AQUILINO DEL ROSARIO, SR., AQUILINO DEL ROSARIO, JR. AND AQUILINO DEL ROSARIO, SR., PETITIONERS...

G.R. No. L-25710. August 28, 1969

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/893fc7fe62c5/>

FERNANDO, J.:

In this habeas corpus proceeding, the pivotal issue is whether a widow may be considered an offended party within the meaning of the applicable Rules of Court provision, entitled to file a complaint for the murder of her deceased husband?[1] The question raised is thus novel and significant. The Court of First Instance of La Union, the Hon. Jose P. Flores presiding, answered in the negative, hold-ing that such a complaint was "void for not having been signed by the offended party." [2] Hence this appeal to us. For reasons to be here-after made explicit, we reverse. It is our view that the widow possesses the right to file such a complaint as an offended party.

The petition for habeas corpus was filed on July 29, 1965, petitioners being Aquilino del Rosario, Sr. and Aquilino del Rosario, Jr., father and son. It was alleged therein that the latter was confined as of July 11, 1965 and on the date of the filing of such petition still under confinement in the municipal jail of Aringay, La Union, by virtue of a warrant of arrest issued by the municipal court of the same municipality, based on a criminal complaint for murder filed by the widow. Then came the assertion of the nullity of such complaint based on the contention that the widow was not authorized to file the same, she being merely the heir of the offended party but not the offended party herself within the meaning of the above-cited provision of the Rules of Court. Consequently, with the alleged nullity of the above complaint, the warrant of arrest was alleged to be void resulting, in the opinion of the petitioners, in the confinement of Aquilino del Rosario, Jr. being arbitrary and unlawful. Hence his right to be released by virtue of this petition for habeas corpus. There was a motion to intervene as well as an opposition to the petition, dated July 31, 1965, filed on behalf of the widow, Juanita Olidar, maintaining her right to file the complaint and praying that the petition for habeas corpus be denied.

The decision on the habeas corpus proceeding was rendered on October 29, 1965, sustaining the right of petitioners to such a writ. Why the lower court arrived at such a decision was explained by it thus: "The most reasonable interpretation that can be given to the term, offended party, is that it refers to the person, actually injured and whose feeling is offended, to the exclusion of the surviving spouse or other forced heirs. In the present case, where the offended party is physically incapable of filing a complaint in person, the prosecuting officers are the only ones who can present the complaint against the defendant. Juanita Olidar could not validly file the criminal complaint for murder as she is not one of those authorized by law to sign the same. The complaint in the present case should be filed by the chief of police of Aringay or any peace officer or employee of the government charged with the enforcement and execution of the law. As a consequence, the complaint signed by Juanita Olidar is void, and the warrant of arrest issued by virtue thereof is, likewise, void, so that the subsequent arrest and detention of Aquilino del Rosario, Jr. became illegal." [3]

It was likewise stated in the decision: "Under these circum-stances, the petition for the issuance of the writ of habeas corpus is proper because when the Court issued the warrant of arrest it had not acquired any jurisdiction over the defendant, for the complaint is void for not having been signed by the offended party or government official or employee charged with the enforcement of the law violated. Hence, the necessity of another verified complaint to be signed by any peace officer authorized by law."[4]

The matter, as above-noted, was then taken on appeal to us, the widow, as appellant, assailing the holding that the criminal complaint filed by her resulting in the issuance of the warrant of arrest should be considered void, the contention being pressed that under the circumstances the surviving spouse should be considered as an offended party within the meaning of the appropriate Rules of Court provision. To repeat what was stated at the outset, such a contention finds favor with us, and we sustain her right to file such a complaint as an offended party.

1. It may well be that the indivisibility that was once thought to be an inherent attribute in a marital union is now subject to qualifications. As human beings, husband and wife, individually, have rights, in certain cases even as against each other. However much we may postulate their separate identities, we cannot go so far as to hold that the death of either does not vitally affect the interest of the survivor, sufficient in law if such death arose from a criminal offense to give her the character of an offended party. To view it otherwise would be an affront to reason. That is precisely one instance where the unity that marks the relationship of husband and wife calls for the most emphatic affirmation.

More specifically, in the case before us, the injury to the widow cannot be disputed. Her right to consortium was definitely put an end to. The loss of the material support to which she was entitled was equally evident. The suffering she had to endure then as the survivor of the tragedy was unavoidable even if time could thereafter be trusted to assuage the pain. It would show less than full regard then for the realities of the situation not to consider her an offended party within the meaning of the Rules of Court provision. Certainly, it is not to be interpreted in a manner that defies both logic and common sense, not to mention the deeply felt sentiment associated with the relationship of such a close intimacy that unity rather than divisiveness is its distinctive characteristic.

2. A contrary holding, perhaps with due obeisance to what literalness may appear to require, is likely to be attended with deplorable consequences, where, as in this case, the accused is a member of the police force. Under such circumstance, reliance on that portion of the rule empowering any peace officer or any employee of the government or governmental institution in charge of the enforcement or execution of the law violated to file the complaint might in not a few instances prove futile. For one thing, a false sense of camaraderie may paralyze the hand of such officials. Equally, there may be other causes even more in-defensible to ward off the filing of the complaint.

Nor is this to indulge in empty theorizing. Reference is made to this allegation in the motion to intervene and the opposition to the petition filed by the widow: "On July 11, 1965 in the afternoon, the petitioner being a member of the municipal police force of Aringay, La Union, critically shot Orencio Mercado within the said municipality, allegedly with his service pistol which was turned over to the P.C., La Union Command by the Chief of Police of Aringay. That same afternoon the petitioner Aquilino del Rosario, voluntarily surrendered to the authorities as evidenced by a true copy of the entries made in the Municipal Police Blotter for July 11, 1965 * * *. On July 13, 1965, the victim died. No criminal complaint was ever filed before or after his death, either by the P. C. or the Chief of Police. On July 14, 1965, a criminal complaint for Murder, bearing Criminal Case No. 901, was subscribed and filed by Juanita Olidar, surviving spouse of the victim, before the Municipal Court of Aringay."[5]

Such a conspicuous failure on the part of the peace officers to start a criminal prosecution could very well be repeated in the hundreds of municipalities where the alleged assailant is a comrade. At the very least, if not a

failure, there is likely to be a delay in meting out justice to transgressors of the law. There is thus an equally cogent consideration based on the primacy of the principle that public interest demands that a crime should not go unpunished. That bolsters and fortifies the interpretation adopted by us concerning the right of a widow to file a complaint as an offended party.

3. The lower court decision apparently could not ignore the emphasis placed in the memorandum of petitioners, reiterated in their brief as appellees, on what for them is the principle announced in *Guevarra v. Del Rosario*.^[6] According to the opinion of the Court penned by Justice Padilla: "The right of the petitioners to file a complaint charging the commission of a crime is personal. It is so, because as required in section 2, Rule 106, a complaint charging a person with an offense must be subscribed by the offended party. The right being personal, the complaint filed by the petitioners with the respondent court abated upon their death." Petitioner would likewise invoke what for them is an even more explicit declaration found in the concurring opinion of Justice Feria in the same case. Thus: "The Rules of Court do not directly define the meaning of offended party, but from the provision of section 11, Rule 106, of the said Rules, it may clearly be inferred that offended party is the person against whom or against whose property the crime was committed."^[7]

For one thing, the *Guevarra* decision may be distinguished, dealing as it did with the question of whether or not a prosecution for the crime of falsification of public documents could be continued by a son and a brother of petitioners, who apparently died in the meanwhile. The facts are therefore different. Whatever statement, general in character, found expression in the opinion of the Court as well as in the concurrence of Justice Feria should be thus limited to the particular situation that called for such pronouncement. We can even go further. There should be no doubt that our present holding renders untenable the implication apparently yielded by the *Guevarra* decision that a widow may not be considered an offended party within the meaning of the applicable Rules of Court provision.

WHEREFORE, as prayed for, the decision of the lower court of October 29, 1965, granting the petition for the writ of habeas corpus, is reversed and the case ordered remanded to the municipal court of Aringay, La Union, for further proceedings in accordance with law. With costs against petitioners.

Concepcion, C.J., Dizon, Makalintal, Sanchez, Castro, Capistrano, Teehankee and Barredo, JJ., concur.

Zaldivar, J., did not take part.

Reyes, J.B.L., J., on official leave.

[1] Rule 110, Section 2 reads as follows: "Complaint is a sworn written statement charging a person with an offense, subscribed by the offended party, any peace officer or other employee of the government or governmental institution in charge of the enforcement or execution of the law violated."

[2] Decision, Special Proceeding No. 787 of the Court of First Instance of La Union, Record on Appeal, p. 57.

[3] Decision, Record on Appeal, pp. 56-57.

[4] Ibid, p. 57. Petitioner Aquilino del Rosario, Jr. was not however released as shown by this last paragraph of the decision of the lower court: "Because the defendant, Aquilino del Rosario, Jr. has surrendered to the police authorities of Aringay before the complaint of Juanita Olidar was filed, the said accused shall remain in custody of the chief of police, who is ordered to immediately file, upon the receipt of this decision, the necessary and appropriate criminal charges against Aquilino del Rosario, Jr. as a more thorough investigation shall warrant." Ibid, p. 57.

[5] Record on Appeal, pp. 7-8.

[6] 77 Phil. 615, 617 (1946).

[7] Ibid, p. 621.

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.