

PEDRO III FORTICH-CELDRAN, JESUS, MANUEL, MIGUEL AND VICENTE, ALL SURNAMED FORTICH-CELDRAN, SANTIAGO CATANE AND ABELARDO CECILIO, PETITIONERS, VS. IGNACIO A. CELDRAN AND HON. CO...

G.R. No. L-22677. February 28, 1967

Ponente: BENGZON, J.P., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c2e0c9d3b970/>

BENGZON, J.P., J.:

A suit for annulment of an extrajudicial partition of properties and for accounting was filed on February 3, 1954 in the Court of First Instance of Cebu (Civil Case No. 3397-R).

Appearing therein as plaintiffs were: Jose, Francis-co, Pedro, Jr., Ignacio, all surnamed Abuton-Celdran (children of the deceased Pedro Celdran by the first nup-tial) and, as the administratrix of Francisco Celdran (another brother), Modesta Rodriguez. Defendants were: Pablo Celdran (child of the deceased by the first marriage who refused to join as plaintiff), Josefa Vda. de Celdran (spouse of the deceased by the second marriage), Manuel, Antonio, Pedro III, Jesus, Vicente and Miguel, all surnamed Fortich-Celdran (children of the deceased by the second nuptial).

After the defendants answered on May 28, 1954, a motion to withdraw as co-plaintiff was filed on May 24, 1957. It was signed "Ignacio Celdran". This motion has been marked as Exh. B-Josefa.

Subsequently, with leave of court, the plaintiffs (excluding Ignacio) filed an amended complaint implead-ing Ignacio Celdran as defendant. Ignacio Celdran filed an answer and, later, on February 16, 1959, an amended answer with counterclaim and cross-claim.

After trial but before judgment, Ignacio Celdran had the document Exh. B-Josefa (the motion to withdraw) examined by the Police Department of Cebu City. The po-lice were of the view that the same (signature therein) was falsified. Alleging newly discovered evidence, Igna-cio Celdran asked for new trial, which the court denied.

All the parties, except Ignacio Celdran, thereafter entered on May 6, 1959 into an amicable settlement, re-cognizing as valid the aforementioned extrajudicial par-tition.

Regarding Ignacio Celdran, the court rendered judg-ment on July 19, 1961, declaring the same extrajudicial partition as valid for having been ratified by him (Ignacio). Specifically, the court found among other things that Ignacio signed the motion to withdraw (Exh. B-Josefa) after he received P10,000 of the agreed P20,000 and two residential lots to be given to him in return for his aforesaid ratification of the partition.

Said decision was later amended to require Pedro III, Antonio, Jesus, Miguel and Vicente, all surnamed Fortich--Celdran, to pay Ignacio the balance of the P20,000 aforestated and to deliver to him the promised two parcels of land.

Ignacio Celdran appealed therefrom to the Court of Appeals. And said appeal was docketed as CA-G.R. No.

30499-R, shown in the record before Us as still pending.

Now on March 22, 1963, at the instance of Ignacio Celdran, an information for falsification of a public document - that is, Exh. B-Josefa or the abovementioned motion to withdraw in the civil case - was filed by the City Fiscal of Ozamis in the Court of First Instance of Misamis Occidental. Accused therein were: Pedro III, An-tonio, Manuel, Vicente, Miguel, and Jesus, all surnamed Celdran (defendants in the civil case); Santiago Catane, as subscribing officer; Abelardo Cecilio, as the person who filed the motion.

As private complainant, however, Ignacio Celdran, on December 12, 1962, moved before trial to suspend the proceedings in the criminal case on the ground of pre-judicial question. The reason given in support thereof was that the alleged falsification of the same document is at issue in the civil case pending in the Court of Appeals.

Declaring that there was no pre-judicial question, the Court of First Instance of Misamis Occidental denied on January 28, 1963 the motion to suspend the prosecution. It ruled that the alleged forgery was not an is-sue in the civil case.

Assailing the above ruling, Ignacio Celdran filed in the Court of Appeals on February 21, 1963, a petition for certiorari with preliminary injunction (CA-G.R. No. 31909-R) to enjoin the CFI of Misamis Occidental and the City Fiscal of Ozamis from proceeding with the prosecution of the criminal case.

On February 18, 1964 the Court of Appeals decided said petition for certiorari, ordering the suspension of the criminal case due to pre-judicial question.

Pedro III, Jesus, Manuel, Miguel and Vicente, all surnamed Fortich-Celdran; Santiago Catane and Abelardo Cecilio - accused in the criminal suit and respondents in the petition for certiorari - appealed to Us from the decision of the Court of Appeals dated February 18, 1964.

Appellants would contend that there is no pre-judicial question involved. The record shows that, as aforesaid, the Court of First Instance ruled that Ignacio Celdran ratified the partition agreement; among the reasons cited by the trial court for said ruling is that Ignacio Celdran received P10,000 and signed the motion to withdraw as plaintiff in the suit. Disputing this, Celdran assigned as error in his appeal the finding that he signed the aforementioned motion (Exh. B-Josefa) and maintains that the same is a forgery. Since ratification is principal issue in the civil action pending appeal in the Court of Appeals, and the falsification or genuineness of the motion to withdraw - presented and marked as evidence in said civil case - is among the questions involved in said issue, it follows that the civil action poses a pre-judicial question to the criminal prosecution for alleged falsification of the same document, the motion to withdraw (Exh. B-Josefa).

Presented as evidence of ratification in the civil action is the motion to withdraw; its authenticity is assailed in the same civil action. The resolution of this point in the civil case will in a sense be determinative of the guilt or innocence of the accused in the criminal suit pending in another tribunal. As such, it is a pre-judicial question which should first be decided before the prosecution can proceed in the criminal case.

A pre-judicial question is one that arises in a case, the resolution of which is a logical antecedent to the issue involved therein, and the cognizance of which pertains to another tribunal; that is, it is determinative of the case before the court and jurisdiction to pass upon the same is lodged in another tribunal.[1]

It should be mentioned here also that an administrative case filed in this Court against Santiago Catane upon the same charge was held by Us in abeyance, thus:

"As it appears that the genuineness of the document allegedly forged by respondent attorneys in Administrative Case No. 77 (Richard Ignacio Celdran vs. Santiago Catane, etc., et al.) is necessarily involved in Civil Case

No. R-3397 of the Cebu Court of First Instance, action on the herein complaint is withheld until that litigation has finally been decided. Complainant Cel-dran shall inform the Court about such decision." (Supreme Court minute resolution of April 27, 1962 in Adm. Case No. 77, Richard Ignacio Celdran vs. Santiago Catane, etc., et al.)

Regarding the procedural question on Ignacio Cel-dran's right as private offended party to file thru counsel a motion to suspend the criminal case, the same exists where, as herein, the Fiscal, who had direction and control of the prosecution, did not object to the filing of said motion. And its filing in this case complied with Sec. 5 of Rule 111 of the Rules of Court which provides:

"SEC. 5. Suspension by reason of pre-judicial question. - A petition for the suspension of the criminal action based upon the pendency of a pre-judicial question in a civil case, may only be presented by any party before or during the trial of the criminal action."

Denial of the motion to suspend the prosecution was therefore attended with grave abuse of discretion; and the issue having been squarely and definitely presented before the trial court, a motion for reconsideration, which would but raise the same points, was not necessary. Neither was appeal the remedy available, since the order denying suspension is interlocutory and thus not yet appealable.

WHEREFORE, the decision of the Court of Appeals under review - ordering suspension of Criminal Case No. 5719, People v. Pedro Fortich-Celdran, et al. pending before the Court of First Instance of Misamis Occidental, until after Civil Case No. CA-G.R. No. 30499-R, Pedro A. Celdran, et al. vs. Pedro Fortich-Celdran III, et al., shall have been decided - is hereby affirmed, with costs against appellant.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalintal, Zaldivar, Sanchez, and Castro, JJ., concur.

[1] People v. Aragon, 94 Phil. 357; Merced v. Diez, G.R. No. L-15315, Aug. 26, 1960; Mendiola v. Macadaeg, G.R. No. L-16874, Feb. 27, 1961; Zapanta v. Montesa, G.R. No. L-14534, Feb. 28, 1962.

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.