

THE PEOPLE OF THE PHILIPPINES, ET AL., PETITIONERS, VS. THE HON. JUDGE JULIO VILLAMOR, ET AL., RESPONDENTS.

G.R. No. 13530. February 28, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for certiorari which seeks to enjoin respondent court from allowing the accused in Criminal Case No. 40865 to present evidence on the existence or execution of certain document of sale on the ground that the same presents a prejudicial question which must first be decided in a civil case then pending before the Court of Appeals.

On October 30, 1956, Eduardo S. Puzon filed a complaint against Petra A. Querubin before the Court of First Instance of Manila to declare as inexistent and null and void certain document allegedly executed by Puzon in favor of Querubin, which was later amended on December 4, 1956. After issues were joined, trial was held and on May 10, 1957 the trial court rendered decision holding that the deed of sale alleged in the complaint was indeed fictitious, inexistent and null and void, and condemning Petra Querubin to pay the sum of P10,000.00, with corresponding interest thereon, and the further sum of P2,000.00 as attorney's fees, with costs. In due time, Querubin took the case to the Court of Appeals wherein it was docketed as CA-G. R. No. 21018-R.

While said case was pending appeal, the City Fiscal of Manila filed an information for false testimony against Petra Querubin on the strength of a complaint filed by Eduardo S. Puzon alleging therein that she falsely testified that Puzon executed a document of sale of certain mineral claim and later filed and recorded the same with the office of the Mining Recorder of Naga City knowing that said allegations were not true. This charge having been given due course, the Court of First Instance of Manila set the case for trial during which the people, represented by a private prosecutor, started to present its evidence. After the prosecution had rested its case, the defense started to present its evidence to disprove some of the points covered by the prosecution among which was the issue relative to the existence or nonexistence of the alleged document of sale involved in the civil case. And it was in the course of the presentation of said evidence that the private prosecutor filed a motion to suspend the trial on the ground that the issue on which the defense was presenting evidence partakes of the nature of prejudicial question which cannot be done inasmuch as the same is one of the issues involved in the civil case pending between the same parties which was appealed to the Court of Appeals. Counsel for the defense objected to this motion contending that such issue cannot be considered prejudicial since the two cases cover different questions and issues or do not overlap and that even if they cover the same issues the defense cannot be prevented from presenting evidence relative to the matter because the same constitutes an indispensable element that is necessary to establish the innocence of defendant. After counsel for both parties had argued orally and submitted memoranda in support of their contentions, the court on December 3, 1957 issued an order denying the motion and setting a new date for the continuation of the hearing. His motion for reconsideration having been denied, the private prosecutor interposed the present petition for certiorari.

We find no merit in the contention that the issue relative to the execution or non-existence of the alleged deed of

sale of certain mineral claim is a prejudicial question that is involved in the civil case pending between the same parties before the Court of Appeals which was at the time still pending determination, and that for that reason the continuation of the hearing of the criminal case for false testimony should be suspended until said case shall have been finally terminated. It should be observed that the criminal case of false testimony preferred against respondent Querubin on the strength of a complaint filed by petitioner Eduardo S. Puzon imputes to the accused, among other things, that she testified falsely that Puzon executed the alleged document of sale knowing it to be false and that she later filed and registered the same with the office of the Mining Recorder of Naga City when the truth was that such document never existed and no such document was ever filed and registered by said accused with the office of said mining recorder thereby having committed the crime of false testimony. And in order to substantiate said imputation the prosecution presented evidence tending to show that it was not true that Puzon ever executed the alleged deed of sale covering the mineral claim in question, or that if said document ever existed it is fictitious or null and void. As a matter of fact, during the hearing held in connection with this incident, the private prosecutor has admitted in open court that he really presented evidence to show the non-existence or non-execution of the document in question as may be seen from the following portion of the record:

"COURT:

You have presented evidence to show that those were not really the truth—no document and no registration . . .

ATTY. FALQUI:

Yes, your Honor.

COURT:

How can they prove their side of the case if we don't allow them to prove that there was such a document? If we put a stop to all their evidence, then they cannot prove their innocence. Nonetheless, since you don't agree, I will give you a chance. How long do you want? (Tsn. p. 24, 10/23/57)"

Even therefore if we concede that the issue relative to the existence or validity of the deed of sale in question is also involved in the civil case pending before the Court of Appeals, the same cannot be considered prejudicial in the sense that the trial of the criminal case should be suspended until the civil case has been finally terminated, considering that the prosecution has presented evidence thereon and the defendant has evinced a desire to disprove it by presenting her own evidence, it being her constitutional prerogative to have her case terminated with the least possible delay. As the trial court has observed: "How can they prove their side of the case if you don't allow them to prove that there was such a document? If we put a stop to all their evidence, then they cannot prove their innocence." Indeed, after the prosecution had presented evidence tending to prove the imputation contained in the charge preferred against the accused, it would be most unfair if the latter should be deprived of an opportunity to disprove it and establish her innocence. In any event, we find it improper for the prosecution to ask for the suspension of the trial after having lodged the alleged imputation against the accused and presented its evidence, for if in its opinion the issue which is now raised is prejudicial in character it should not have filed the charge in the first place but should have waited for such a time until the Court of Appeals shall have finally disposed of the civil case. The attitude of complainant Puzon in filing this charge against Petra Querubin immediately after the civil case between them has been taken to the Court of Appeals cannot be taken in any other light than to cause her harassment or prejudice.

Wherefore, petition is denied. The case is remanded to the lower court for further proceedings. Costs against petitioner Eduardo S. Puzon.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, Dizon, and De Leon, JJ., concur.

Barrera, J., concurs in the result.

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