THOMASITA RODRIGUEZ, PETITIONER, VS. ROLANDO GADIANE & RICARDO RAFOLS JR. RESPONDENTS.

G.R. NO. 152903. July 17, 2006

Ponente: TINGA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-152903/

TINGA, J.:

The Court is called upon to resolve the question of whether a private offended party in a criminal proceeding may file a special civil action for certiorari under Rule 65, assailing an interlocutory order, without the conformity of the public prosecutor.

The facts are simple.

Thomasita Rodriguez (petitioner) was the private complainant in a criminal case filed against Rolando Gadiane and Ricardo Rafols, Jr. (respondents), for violation of Batas Pambansa Bilang 22 (B.P. 22). The Municipal Trial Court (MTC) hearing the complaint had suspended the criminal proceeding on the ground that a prejudicial question was posed in a separate civil case then pending. On 28 February 2001, petitioner filed a petition for certiorari under Rule 65 before the Regional Trial Court (RTC), Branch 12, seeking to set aside the MTC order of suspension. The petition was docketed as Civil Case No. CEB-26195.

Respondents filed a motion to dismiss the petition on the ground that the petition was filed by the private complainant, instead of the government prosecutor representing the People of the Philippines in criminal cases.

In an Order[1] dated 11 December 2001, the RTC dismissed the petition for lack of conformity or signature of the government prosecutor. Petitioner moved for reconsideration but it was denied on 28 February 2002.

From these orders, petitioner filed the instant petition for review.

Petitioner argues that a person aggrieved may file a special civil action for certiorari and that "person" includes the complainant or the offended party.[2] Petitioner cited the cases of De La Rosa v. Court of Appeals[3] and People v. Calo[4] to support her claim that a special action on an order issued by a lower court in a criminal case may be filed by the private offended party.

In their Comment, respondents submit that in all criminal cases, all initiatory pleadings, as well as subsequent proceedings, must be initiated by the government counsel because the injured party is the People of the Philippines and the private complainant is a mere witness to the offense allegedly committed by the accused.[5] Respondents rely on the cases of People v. Dacudao[6] and Metropolitan Bank and Trust Company v. Veridiano II[7] to reiterate their position that a private prosecutor in a criminal case has no authority to act for the People of the Philippines. According to them, it is the government's counsel, the Solicitor General, who appears in criminal cases or incidents before the Supreme Court.

We find merit in the petition.

A special civil action for certiorari may be filed by an aggrieved party alleging grave abuse of discretion

amounting to excess or lack of jurisdiction on the part of the trial court.[8] In a long line of cases, this Court construed the term "aggrieved parties" to include the State and the private offended party or complainant.

As early as in the case of Paredes v. Gopengco,[9] it was held that the offended parties in criminal cases have sufficient interest and personality as "person(s) aggrieved" to file the special civil action of prohibition and certiorari under Sections 1 and 2 of Rule 65. Apropos thereto is the case cited by petitioner, De la Rosa v. Court of Appeals,[10] wherein it was categorically stated that the aggrieved parties are the State and the private offended party or complainant.

It was further held in De la Rosa that the complainant has such an interest in the civil aspect of the case that he may file a special civil action questioning the decision or action of the respondent court on jurisdictional grounds. In so doing, complainant should not bring the action in the name of the People of the Philippines. He should do so and prosecute it in his name as such complainant. In the same vein, the cases of Martinez v. Court of Appeals,[11] Santos v. Court of Appeals,[12] and Chua v. Court of Appeals[13] adhere to the doctrines mentioned above.

The Court has nonetheless recognized that if the criminal case is dismissed by the trial court or if there is an acquittal, the appeal on the criminal aspect of the case must be instituted by the Solicitor General in behalf of the State. The capability of the private complainant to question such dismissal or acquittal is limited only to the civil aspect of the case.[14] This rule is reiterated in the Metrobank case cited by respondent. However, it should be remembered that the order which herein petitioner seeks to assail is not one dismissing the case or acquitting respondents. Hence, there is no limitation to the capacity of the private complainant to seek judicial review of the assailed order.

The other case cited by petitioner, Dacudao, warrants some elaboration. The Court therein did question the fact that the special civil action assailing the grant of bail was filed not by the representatives of the People, but by the private prosecutor. However, the doctrinal value of such statement is doubtful, considering that the Court nonetheless gave cognizance to the special civil action, "in the interest of a speedy determination of the case," among others. Moreover, it should be appreciated that the order assailed in Dacudao, which pertained to the grant of bail, intimately concerned the criminal aspect of the case and had no discernible relation to its civil aspect.

In this case, there is no doubt that petitioner maintains an interest in the litigation of the civil aspect of the case against respondents. Section 1(b), Rule 111 of the 2000 Rules of Criminal Procedure states that the criminal action for violation of B.P. 22 shall be deemed to include the corresponding civil action. Hence, the possible conviction of respondents would concurrently provide a judgment for damages in favor of petitioner. The suspension of the criminal case which petitioner decries would necessarily cause delay in the resolution of the civil aspect of the said case which precisely is the interest and concern of petitioner. Such interest warrants protection from the courts. Significantly, under the present Rules of Court,[15] complainants in B.P. 22 cases have to pay filing fees upon the commencement of such cases in court to protect their interest.

The basic postulates concerning the capacity of a private complainant in the criminal case to seek judicial relief from adverse orders by the trial court were eloquently elucidated in People v. Santiago.[16] The elucidation deserves iteration as a proper closing.

> It is well-settled that in criminal cases where the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability. Thus, in the prosecution of the offense, the complainant's role is limited to that of a witness for the prosecution. If a criminal case is dismissed by the trial court or if there is an acquittal, an appeal therefrom on the criminal aspect may be undertaken only by the State through the Solicitor General. Only the Solicitor General may represent the People of the Philippines on appeal. The private offended party or complainant may not take such appeal. However, the said offended party or complainant may appeal the civil aspect despite the acquittal of the accused.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> In a special civil action for certiorari filed under Section 1, Rule 65 of the Rules of Court wherein it is alleged that the trial court committed a grave abuse of discretion amounting to lack of jurisdiction or on other jurisdictional grounds, the rules state that the petition may be filed by the person aggrieved. In such case, the aggrieved parties are the State and the private offended party or complainant. The complainant has an interest in the civil aspect of the case so he may file such special civil action questioning the decision or action of the respondent court on jurisdictional grounds. In so doing, complainant should not bring the action in the name of the People of the Philippines. The action may be prosecuted in name of said complainant.[17] (Emphasis supplied)

WHEREFORE, the petition is GRANTED. The assailed orders of the Regional Trial Court, Branch 12, Cebu City, dated December 11, 2001 and February 28, 2002, are SET ASIDE. Civil Case No. CEB-26195 is REINSTATED. Costs against respondents.

SO ORDERED.

Quisumbing, (Chairman), Carpio, Carpio-Morales, and Velasco, Jr. JJ., concur.

---

[1] Rollo, p. 23, issued by Judge Aproniano B. Taypin.

[2] Id. at 14.

[3] 323 Phil. 596, 606 (1996).

[4] G.R. No. 88531, 18 June 1990, 186 SCRA 620, 624.

[5] Rollo, p. 44.

[6]G.R. No. 81389, 21 February 1989, 170 SCRA 489.

[7]412 Phil. 795 (2001).

[8] Rules of Court, Rule 65, Sec. 1.

[9] 140 Phil. 81, 93 (1969); See People v. Calo, G.R. No. 88531, 18 June 1990, 186 SCRA 620, 624.

[10] Supra note 3.

[11] 377 Phil. 642 (1999).

[12] G.R. No. 127899, 2 December 1999.

[13] G.R. No. 150793, 19 November 2004, 443 SCRA 259.

[14] Rules of Court, Rule 110, Sec. 16.

[15] Rules of Court, Rule 111, Sec. 1(b).

x x x x

Upon filing of the aforesaid joint criminal and civil actions, the offended party shall pay in full the filing fees based on the amount of the check involved, which shall be considered as the actual damages claimed. Where the complain or information also seeks to recover liquidated, moral, nominal, temperate or exemplary damages, the offended party shall pay additional filing fees based on the amounts alleged therein. If the amounts are not so alleged but any of these damages are subsequently awarded by the court, the filing fees are based on the amount awarded shall constitute a first lien on the judgment.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

x x x x

[16] G.R. No. 80778, 20 June 1989, 174 SCRA 143.

[17]Id. at 153-154.

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.