

**SPOUSES PEDRO SANTIAGO AND LIWANAG SANTIAGO,
PETITIONERS, VS. THE PEOPLE OF THE PHILIPPINES, CRISELDA
MAS, ATTY. LORENZO O. NAVARRO, JR. AND JESSE LANTORIA,
RESPONDENTS.**

G.R. No. 169365. November 25, 2008

Ponente: BRION, J.

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BRION, J.:

These are consolidated petitions for review under Rule 45 of the 1997 Rules of Court of the Decisions of the Court of Appeals (CA) issued in CA-G.R. CR No. 21847 and CA-G.R. CR No. 45932, to wit:

(1)

Decision dated March 9, 2005[1] issued by the Twelfth Division of the CA in CA-G.R. CR No. 21847 which reversed and set aside, on appeal, the order dated October 9, 1997 issued by Hon. Jaime N. Salazar, Jr. (Judge Salazar) of the Regional Trial Court (RTC), Branch 103, Quezon City, in Criminal Case Nos. Q-96-64931, Q-96-64932, Q-96-64934 and Q-96-64935 that granted the Motion to Withdraw the Informations for murder, frustrated murder and illegal possession of firearms;[2] and

(2)

Decision dated May 14, 1998[3] issued by the Special Sixteenth Division of the CA in CA-G.R. CR No. 45932 which granted the petition for certiorari and annulled the order dated October 6, 1997 issued by Hon. Oscar Leviste of the RTC, Branch 97, Quezon City that granted the Motion to Withdraw the Information in Criminal Case No. 96-64933 for illegal possession of firearms and ammunitions against Pedro S. Santiago and Liwanag P. Santiago (petitioners-spouses).

The records of these consolidated cases show the developments described below.

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In the Minute Resolution dated November 21, 2005, we required respondents[4] People of the Philippines and Criselda Mas to file their Comment. The Office of the Solicitor General (OSG), representing the People of the Philippines, filed its Comment as required, and prayed for the dismissal of the petition on the ground that the CA was correct in its findings and conclusions that no independent assessment of the evidence was made by Judge Salazar before he dismissed the criminal cases before him.[5]

The petitioners-spouses thereafter filed a Reply[6] to the OSG's Comment; they claimed that they erred in including the OSG as a party respondent, and stated that the respondents are actually Atty. Navarro, Lantoria and Mas.[7]

In the Minute Resolution dated September 6, 2006, we required Atty. Navarro as counsel for respondent Mas to

show cause why he failed to file a comment in compliance with the order of the Court. On March 25, 2007, however, Atty. Navarro's widow (Mrs. Trinidad P. Navarro), through counsel and by way of a special appearance,[8] informed this Court that Atty. Navarro died on March 31, 2004.[9]

In our Minute Resolution of June 6, 2007, we reflected that we were waiting for the comments of respondents Lantoria and Mas. The Resolution was sent with attached copy of the petition at the addresses[10]furnished us by the petitioners-spouses.[11] On September 3, 2007, copies of our Minute Resolution dated June 6, 2007, along with the copies of the petition for review, were returned to this Court unserved with the notations - "RTS party refused to accept. No such person at the said address" and "[p]lease indicate house number, street and barangay/geographical area." Subsequent verification made by the Court on the whereabouts of the two respondents from the petitioners-spouses, as well as from Mrs. Trinidad Navarro, proved unsuccessful.[12]

G.R. No. 169669

In the Minute Resolution dated September 6, 2006, the Court required the respondents to file their Comment. No comment was filed in light of Atty. Navarro's death while copies of the petitions could not be served on respondents Lantoria and Mas. In a Minute Resolution dated November 26, 2007, the Court resolved:

...to GRANT petitioners' prayer for them to be spared from further ascertaining the whereabouts of said respondents; however, should Mrs. Trinidad Navarro fail to inform the Court of the correct address of respondents Jesse Lantoria and Criselda Mas, the petitions will be dismissed as against them . . . [Underscoring supplied]

Mrs. Trinidad P. Navarro also failed to comply and submit the correct and present addresses of respondents Lantoria and Mas. On July 7, 2008, we resolved to issue a show cause order against her to explain why she should not be penalized for her failure to comply with the Court's directive.

Discussion and Ruling

A facial examination of the petitions shows that respondents Lantoria and Mas were never served copies of the petitions. Copies of G.R. No. 169365 sent on October 10, 2005 were addressed to the OSG and to Atty. Navarro as addressees as shown from Registry Receipt Nos. 7104 and 7105.[13] Similarly, a copy of G.R. No. 169669 was sent on November 2, 2005 to Atty. Navarro as the sole addressee under Registry Receipt No. 8602.[14] In both instances, Atty. Navarro was already dead when the petitions were sent at his address.

The petitioners-spouses and their counsel, Atty. Rolando P. Quimbo, admitted that they were aware of Atty. Navarro's death at the time copies of the petitions were sent to him at his residence. According to them, this was done for the purpose of expediency.[15] However, the facts on hand reveal that the whereabouts of Lantoria and Mas had been unknown all along and this was the reason why only Atty. Navarro's address was given to this Court. Thus, in their Compliance (Re: Address of Parties), they admitted that even when Atty. Navarro was still alive, the petitioners had already exerted their utmost effort in locating the whereabouts of Lantoria and Mas.[16]

With the death of Atty. Navarro, the lawyer-client relationship he had with Lantoria and Mas was terminated. Service of the petitions should also have been made directly on the respondents under the procedures laid down in Section 7, Rule 13 of the Rules.[17] As matters now stand, neither Lantoria nor Mas was ever served a copy of the petitions, actually or constructively, while the petitioners-spouses openly profess that they have no way of securing or finding out the addresses of Lantoria and Mas. Mrs. Trinidad P. Navarro, on the other hand, is not a party to the consolidated cases and had fulfilled her obligation to this Court when she informed us that her husband had died.

In light of these developments, we RESOLVE to DENY the consolidated petitions pursuant to Section 5, Rule 45

and Section 5(d), Rule 56 of the Rules of Court for the petitioners-spouses' failure to submit the required proof of service and their continued failure to effect service on the respondents. The "show cause" order issued to Mrs. Natividad P. Navarro is hereby CANCELLED.

SO ORDERED.

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

[1] G.R. No. 169669 rollo, pp. 131-139; penned by Associate Justice Lucenito N. Tagle (ret.) with Associate Justice Martin S. Villarama, Jr. and Associate Justice Regalado E. Maambong, concurring.

[2] Together with Oscar Lucañas and Alberto Lucañas who were the petitioners' co-respondents before the Department of Justice.

[3] G.R. No. 169669 rollo, pp. 35-47; penned by Associate Justice Eduardo G. Montenegro (ret.) with Associate Justice Salvador J. Valdez, Jr. (ret.) and Associate Justice Martin S. Villarama, Jr., concurring.

[4] As stated in petitioners-spouses Motion for Extension of Time to File Petition for Certiorari under Rule 45 in the petition docketed as G.R. No. 169365.

[5] G.R. No. 169365 rollo, pp. 164-183.

[6] Id., pp. 204-225; Minute Resolution dated June 7, 2006.

[7] The petitioners-spouses clarified as follows: "... However, it should be pointed out that the People of the Philippines was not actually impleaded as a respondent in the petition. Rather, in the Motion for Extension of Time to File Petition for Certiorari Under Rule 45 filed by herein petitioners, the People of the Philippines was inadvertently included as a respondent in the caption of the motion. But, as explained in page 4 of the Petition, the inclusion of the People of the Philippines as a respondent in the caption of the aforesaid motion was an error since the position of the People of the Philippines, acting through the Secretary of Justice, is not inconsistent with the position of herein petitioners. Hence, petitioners did not include the People of the Philippines as a respondent in their Petition. It is, therefore, most respectfully submitted that the People of the Philippines may not be represented by the Office of the Solicitor General since it is not a party to the petition.

It should also be pointed out that in all the proceedings, pleadings, resolutions and the Decisions of the Court of Appeals in the appeal to said court . . . the People of the Philippines was a co-appellee of the petitioners . . ."; G.R. No. 169365 rollo, pp. 204-205.

[8] Atty. Julito M. Briola.

[9] G.R. No. 169365 rollo, pp. 259-261.

[10] A copy of the petition in G.R. No. 169365 was sent to respondent Lantoria using the address of Atty. Navarro and another copy sent to respondent Lantoria at Sta. Cruz, 2213 Zambales.

[11] G.R. No. 169365 rollo, pp. 291 and 319.

[12] Id., pp. 321-324 and 328.

[13] Id., p. 35.

[14] G.R. No. 169669 rollo, p. 34.

[15]Id., p. 12; G.R. No. 169365 rollo, p. 12.

[16] G.R. No. 169365 rollo, p. 322.

[17] SEC. 7. Service by mail - Service by registered mail shall be made by depositing the copy in the office, in a sealed envelope, plainly addressed to the party or his counsel at his office, if known, otherwise at his residence, if known, with postage fully pre-paid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered. If no registry service is available in the locality of either the sender or the addressee, service may be done by ordinary mail.

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