PEOPLE OF THE PHILIPPINES, FELIX FLORECE, JOSE FLORECE, AND JUSTINO FLORECE, PETITIONERS, VS. HON. COURT OF APPEALS, AND SOCORRO FLORECE, RESPONDENTS.

G.R. No. 187409. November 16, 2011

Ponente: REYES, A., J.

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REYES, A., J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court filed by Justino Florece (Justino), for himself and on behalf of his deceased brothers Felix Florece (Felix) and Jose Florece (Jose), assailing the Court of Appeals' (CA) Decision[1] dated August 20, 2008 in CA-G.R. CR No. 31034.

The instant case stemmed from a criminal complaint filed by the petitioners against Hilario Florece (Hilario) and his wife Socorro Florece (Socorro) for falsification of public document punishable under Article 172 of the Penal Code.

In the said complaint, the petitioners alleged that they are the children-heirs of the late spouses Gavino and Clara Florece, who were the registered owners of a 1,290 square meter parcel of land in La Purisima, Nabua, Camarines Sur. After the death of their parents, the petitioners, together with their other siblings, orally partitioned said parcel of land amongst themselves.

Sometime in 2003, Felix decided to erect a nipa hut in said parcel of land. However, Hilario protested the same, claiming that said parcel of land was already registered under his name and that he acquired the same by virtue of a deed of transfer from his parents. Hilario's parents, in turn, acquired the property from the petitioners as evidenced by a Deed of Absolute Sale dated August 21, 1973 signed by the latter.

Claiming that they never executed said Deed of Absolute Sale, the petitioners filed a complaint before the Provincial Prosecutor's Office, which after finding probable cause to indict Hilario and Socorro for falsification of public document under Article 172 of the Penal Code, filed the corresponding Information with the Municipal Circuit Trial Court (MCTC) of Nabua-Bato, Camarines Sur.

On November 26, 2006, the MCTC of Nabua-Bato rendered a Judgment[2] convicting Hilario and Socorro of the crime charged. The MCTC of Nabua-Bato opined that accused Hilario and Socorro, being in possession of and having made use of the alleged falsified deed of sale, are presumed to be the material authors of the falsification.

On appeal, the Regional Trial Court (RTC), Branch 37, Iriga City, affirmed the conviction of Hilario and Socorro for falsification of public document[3]. The motion for reconsideration filed by Hilario and Socorro was denied by the RTC of Iriga City in its Order dated July 18, 2007. Meanwhile, accused Hilario passed away on July 25, 2007.

Thereafter, Socorro filed a Petition for Review[4] with the CA asserting that the RTC of Iriga City erred in affirming her conviction of the crime charged. Socorro asserted that the prosecution failed to prove that she indeed falsified the questioned deed and that her conviction for the offense charged was merely based on

presumption.

On August 20, 2008, the CA rendered the herein assailed Decision,[5] acquitting Socorro of the crime charged. The CA concurred with the lower courts insofar as their finding that the prosecution was able to prove that the questioned deed was indeed forged. Nevertheless, the CA pointed out that Hilario and Socorro were not parties and were never shown to have participated in the execution of the Deed of Absolute Sale, and thus, could not be presumed to be the forgers thereof.

Undaunted, the petitioners instituted the instant petition for review on certiorari before this Court.

The petition is denied.

The core issue here is whether or not the CA had committed reversible error and/or grave abuse of discretion in reversing the Decision of the RTC which convicted the respondent Socorro. The petitioners insist that the Decision rendered by the CA should be reversed on the ground of extrinsic fraud.

According to the herein petitioners, in the CA proceedings, they were deprived of due process as they had not been given the opportunity to participate in the said proceedings.

Extrinsic fraud refers to any fraudulent act of the prevailing party in litigation committed outside of the trial of the case, whereby the defeated party is prevented from fully exhibiting his side of the case by fraud or deception practiced on him by his opponent, such as by keeping him away from court, by giving him a false promise of a compromise, or where the defendant never had the knowledge of the suit, being kept in ignorance by the acts of the plaintiff, or where an attorney fraudulently or without authority connives at his defeat.[6]

In the instant case, none of the foregoing circumstances exist that would justify a finding that extrinsic fraud was extant in the proceedings before the CA. The records would show that in the CA, the respondent-complainant was the People of the Philippines represented by the Office of the Solicitor General (OSG). The OSG had in fact participated in the proceedings before the CA. Thus, the People of the Philippines was not prevented from fully exhibiting its case before the CA.

The fact that the herein petitioners were not able to participate in the proceedings before the CA is immaterial. Insofar as the petitioners are concerned, they were not parties to the criminal case. The petitioners, as private complainants in the case below, were merely witnesses for the prosecution. The cases cited by the petitioners herein in support of the instant petition aptly pertain to civil cases.

In Palu-ay v. Court of Appeals, [7] we held that:

> 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. (Emphasis supplied)

While there may be instances where a private complainant or offended party in a criminal case may be allowed to file a petition directly with this Court, as when there is a denial of due process, the foregoing circumstance is not extant here.

Moreover, the instant petition for review on certiorari was not filed on time. A petition for review on certiorari

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must be filed within fifteen (15) days from notice of the judgment or final order or resolution appealed from, or of the denial of a motion for new trial or reconsideration filed in due time after notice of the judgment.[8]

Here, the petitioners alleged that they received a copy of the August 20, 2008 Decision of the CA only on February 10, 2009. Thus, the petitioners only had until February 25, 2009 to assail the August 20, 2008 Decision of the CA via a petition for review on certiorari. However, the petitioners were only able to file the instant petition on April 27, 2009. Clearly, the instant petition was filed out of time.

Nevertheless, the petitioners invoke the principle of substantial justice and beg this Court to suspend the rules in their favor. We are

however loath to heed the petitioners' invocation of substantial justice. It bears stressing that the petitioners utterly failed to advance any cogent or intelligible explanation for their failure to file the petition on time.

The petitioners ought to be reminded that the bare invocation of "the interest of substantial justice" is not a magic wand that will automatically compel this Court to suspend procedural rules. Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.[9]

Lastly, a review of the findings of the CA acquitting Socorro of the charge against her is not warranted under the circumstances as it runs afoul of the avowed constitutional right of an accused against double jeopardy. A verdict of acquittal is immediately final, and a re-examination of the merits of such acquittal, even in the appellate courts, will put the accused in jeopardy for the same offense.[10]

WHEREFORE, in consideration of the foregoing disquisitions, the petition is DENIED.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Aranal-Sereno, JJ., concur.

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[1] Penned by Associate Justice Apolinario D. Bruselas, Jr., with Associate Justices Vicente Q. Roxas and Estela M. Perlas-Bernabe (now a member of this Court), concurring; rollo, pp. 22-33.

[2] Id. at pp. 62-67.

[3] Id. at pp. 68-73.

[4] Id. at pp. 35-47.

[5] Supra note 1.

[6] Amihan Bus Lines, Inc. v. Romars International Gases Corporation, G.R. No. 180819, July 5, 2010, 623 SCRA 406, 411.

[7] Palu-ay v. Court of Appeals, G.R. No. 112995, July 30, 1998, 355 Phil. 94, 106.

[8] Rules of Court, Rule 45, Sec. 2.

[9] Lazaro v. Court of Appeals, G.R. No. 137761, April 6, 2000, 386 Phil. 412, 417.

[10] People v. Court of Appeals, G.R. No. 159261, February 21, 2007, 516 SCRA 383, 397.

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