

PEOPLE OF THE PHILIPPINES, PLAINTIFF,*G.R. No. 193681. August 06, 2014*

Ponente: PERLAS-BERNABE, J.

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Assailed in this petition for review on certiorari[1] is the Resolution[2] dated September 15, 2009 of the Court of Appeals (CA) in CA-G.R. CR No. 31549 which granted respondents' motion for reconsideration of the Resolution[3] dated January 21, 2009, thereby dismissing petitioners' notice of appeal[4] from the dismissal of Criminal Case No. 06-875[5] for libel on the ground that petitioners had no personality to appear for the State and appeal the criminal aspect of a case because the Office of the Solicitor General (OSG) did not give its conformity to the same. Assailed further is the Resolution[6] dated September 2, 2010 denying petitioners' motion for reconsideration of the September 15, 2009 Resolution of the CA for lack of merit.

The Facts

On October 18, 2005, Jessie John P. Gimenez, President of the Philippine Integrated Advertising Agency – the advertising arm of the Yuchengco Group of Companies, to which Malayan Insurance Company, Inc. is a corporate member – filed a Complaint-Affidavit for libel before the Office of the City Prosecutor of Makati City against a group called the Parents Enabling Parents Coalition, Inc. (PEPCI) for posting on the website www.pepcoalition.com on August 25, 2005 an article entitled “Back to the Trenches: A Call to Arms, AY/HELEN Chose the War Dance with Coalition.” As alleged in the complaint, such publication was highly defamatory and libelous against the Yuchengco family and the Yuchengco Group of Companies, particularly petitioners Malayan Insurance Co., Inc. and Helen Y. Dee (petitioners).[7]

The Office of the City Prosecutor of Makati City[8] found probable cause to indict 16 trustees, officers and/or members of PEPCI, namely, respondents Philip Piccio, Mia Gatmaytan, Ma. Annabella Relova Santos, John Joseph Gutierrez, Jocelyn Upano (Upano), Jose Dizon, Rolando Pareja, Wonina Bonifacio (Bonifacio), Elvira Cruz, Cornelio Zafra, Vicente Ortuoste (Ortuoste), Victoria Gomez Jacinto, Juvencio Pereche, Jr. (Pereche, Jr.), Ricardo Lorayes, Peter Suchianco, and Trennie Monsod (respondents) for 13 counts of libel.[9]

The criminal information in I.S. No. 1-11-11995 was soon after raffled to the Regional Trial Court of Makati City, Branch 139 (RTC) and was docketed as Criminal Case No. 06-875. Upon motion of respondents Bonifacio, Upano, Ortuoste, and Pereche, Jr., the RTC, in an Order dated May 23, 2007, quashed the criminal information for libel and dismissed the case for lack of jurisdiction,[10] holding that the criminal information failed to allege where the article was printed and first published or where the offended parties reside.[11] It subsequently denied petitioners' motion for reconsideration in an Order dated February 11, 2008.[12]

On February 29, 2008, the People of the Philippines (People), through the private prosecutors, and with the conformity of public prosecutor Benjamin S. Vermug, Jr., filed a Notice of Appeal.[13] Soon after, petitioners filed the Brief for the Private Complainants-Appellants[14] as directed by the CA. The OSG, for its part, however, sought suspension of the period to file the required brief pending information and endorsement from the

Department of Justice (DOJ) on whether it is the People or the private complainant that should file the same.[15]

Subsequently, the OSG filed a Manifestation and Motion[16] dated October 20, 2008 stating that it had received an advisory from the DOJ that the latter had no information about the case and, thus, prayed that it be excused from filing the appellant's brief.

Meanwhile, respondents Bonifacio, Upano, Ortuoste, and Pereche, Jr. filed a Motion to Dismiss Appeal,[17] citing as grounds for dismissal the fact that the Brief for the Private Complainants-Appellants filed by petitioners did not carry the conforme of the OSG and that ordinary appeal was not the appropriate remedy. In a Resolution[18] dated January 21, 2009 the CA denied the said motion and directed respondents to file their appellee's brief.[19]

Instead of filing the required appellee's brief, respondents moved for the reconsideration of the aforesaid Resolution, prompting petitioners and the OSG to file their respective comments.[20]

In their Comment/ Opposition[21] to the said motion for reconsideration, petitioners insisted that the trial court's order of dismissal was a final order from which an appeal was available; that the notice of appeal was signed by the public prosecutor and therefore valid; and that jurisprudence shows that the conformity of the OSG is not required when grave errors are committed by the trial court or where there is lack of due process.

In its Comment,[22] the OSG concurred in the propriety of the remedy of an appeal against the assailed order, but nonetheless, asserted that the appeal, without its conformity, must fail because under the law it is only the OSG that should represent the People in criminal cases.

The CA Ruling

In a Resolution dated September 15, 2009, the CA dismissed the appeal on the ground that the OSG had not given its conformity to the said appeal.[23]

Petitioners filed a motion for reconsideration[24] but the same was denied by the CA in a Resolution[25] dated September 2, 2010, hence, this petition.

The Issue Before the Court

The sole issue in this case is whether or not petitioners, being mere private complainants, may appeal an order of the trial court dismissing a criminal case even without the OSG's conformity.

The Court's Ruling

The petition lacks merit.

The CA correctly dismissed the notice of appeal interposed by petitioners against the May 23, 2007 Order of the RTC because they, being mere private complainants, lacked the legal personality to appeal the dismissal of Criminal Case No. 06-875 (resulting from the quashal of the information therein on the ground of lack of jurisdiction).

To expound, it is well-settled that the authority to represent the State in appeals of criminal cases before the Court and the CA is vested solely in the OSG[26] which is the law office of the Government whose specific powers and functions include that of representing the Republic and/or the people before any court in any action which affects the welfare of the people as the ends of justice may require.[27] Explicitly, Section 35(1), Chapter 12, Title III, Book IV of the 1987 Administrative Code[28] provides that:

SECTION 35. Powers and Functions. — The Office of the Solicitor General shall represent the Government of

the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers. x x x. It shall have the following specific powers and functions:

(1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party. (Emphases supplied)

Accordingly, jurisprudence holds that if there is a dismissal of a criminal case by the trial court or if there is an acquittal of the accused, it is only the OSG that may bring an appeal on the criminal aspect representing the People. [29] The rationale therefor is rooted in the principle that the party affected by the dismissal of the criminal action is the People and not the petitioners who are mere complaining witnesses. For this reason, the People are therefore deemed as the real parties in interest in the criminal case and, therefore, only the OSG can represent them in criminal proceedings pending in the CA or in this Court.[30] In view of the corollary principle that every action must be prosecuted or defended in the name of the real party-in-interest who stands to be benefited or injured by the judgment in the suit, or by the party entitled to the avails of the suit,[31] an appeal of the criminal case not filed by the People as represented by the OSG is perforce dismissible. The private complainant or the offended party may, however, file an appeal without the intervention of the OSG but only insofar as the civil liability of the accused is concerned.[32] He may also file a special civil action for certiorari even without the intervention of the OSG, but only to the end of preserving his interest in the civil aspect of the case. [33]

Here, it is clear that petitioners did not file their appeal merely to preserve their interest in the civil aspect of the case. Rather, by seeking the reversal of the RTC's quashal of the information in Criminal Case No. 06-875 and thereby seeking that the said court be directed to set the case for arraignment and to proceed with trial,[34] it is sufficiently clear that they sought the reinstatement of the criminal prosecution of respondents for libel. Being an obvious attempt to meddle into the criminal aspect of the case without the conformity of the OSG, their recourse, in view of the above-discussed principles, must necessarily fail. To repeat, the right to prosecute criminal cases pertains exclusively to the People, which is therefore the proper party to bring the appeal through the representation of the OSG. Petitioners have no personality or legal standing to interpose an appeal in a criminal proceeding. Since the OSG had expressly withheld its conformity and endorsement in the instant case, the CA, therefore, correctly dismissed the appeal. It must, however, be clarified that the aforesaid dismissal is without prejudice to their filing of the appropriate action to preserve their interests but only with respect to the civil aspect of the libel case following the parameters of Rule 111 of the Rules of Criminal Procedure.

WHEREFORE, the petition is DENIED. The Resolutions dated September 15, 2009 and September 2, 2010 of the Court of Appeals in CA-G.R. CR No. 31549 dismissing petitioners' appeal from the dismissal of the criminal case for libel are hereby AFFIRMED.

SO ORDERED.

Brion, (Acting Chairperson), Del Castillo, Perez, Perlas-Bernabe, and Leonen,[*] JJ., concur.

[*] Designated Additional Member per Raffle dated December 18, 2013.

[1] Rollo, pp. 10-32.

[2] Id. at 55-67. Penned by Associate Justice Arturo G. Tayag, with Associate Justices Conrado M. Vasquez, Jr. and Hakim S. Abdulwahid, concurring.

[3] Id. at 50-53.

[4] Id. at 71-72.

[5] Entitled “People of the Philippines and Alfonso Yuchengco, et al. v. Philip Piccio, et al.,” which was filed before the Regional Trial Court of Makati City, Branch 139.

[6] Rollo, pp. 69-70.

[7] Id. at 55. See also id. at 16-19.

[8] Through 1st Assistant City Prosecutor Romulo I. Rañola and approved by City Prosecutor Feliciano Aspi.

[9] Rollo, pp. 20 and 56.

[10] Id. at 56.

[11] Id. at 22 and 23.

[12] Id. at 23 and 56.

[13] Id. at 56. See id. at 71-72.

[14] Id. at 74-116.

[15] See Manifestation and Motion to Suspend Period to File Appellant’s Brief; id. at 117-118.

[16] Id. at 120-122.

[17] (With Prayer to Hold in Abeyance Submission of Appellees’ Brief); id. at 124-129.

[18] Id. at 50-53.

[19] Id. at 24 and 58.

[20] Id.

[21] Id. at 130-140.

[22] Id. at 141-151.

[23] Id. at 67.

[24] Id. at 152-162.

[25] Id. at 54-67.

[26] Villareal v. Aliga, G.R. No 166995, January 13, 2014.

[27] Gonzales v. Chavez, G.R. No. 97351, February 4, 1992, 205 SCRA 816, 845.

[28] Executive Order No. 292, Series of 1987.

[29] See Soriano v. Judge Angeles, 393 Phil. 769, 776 (2000); and Bangayan, Jr. v. Bangayan, G.R. No. 172777, October 19, 2011, 569 SCRA 590, 598.

[30] Jimenez v. Sorongon, G.R. No. 178607, December 5, 2012, 687 SCRA 151, 160.

[31] Id. at 158-159.

[32] Villareal v. Aliga, supra note 26.

[33] See Ong v. Genio, G.R. No. 182336, December 23, 2009, 609 SCRA 188.

[34] Rollo, p. 114.

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