

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HONORABLE PEDRO T. SANTIAGO, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 101 OF THE REGIONAL TRIAL COURT OF QUEZON CITY AND SEGUNDINA...

G.R. No. 80778. June 20, 1989

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

In this special civil action for certiorari seeking to declare null and void the decision of the Regional Trial Court (RTC) of Quezon City dated October 27, 1987 in Criminal Case No. 0-51672 entitled "People of the Philippines vs. Segundina Rosario y Sembrano," the issues raised are (1) whether or not double jeopardy attaches in the event of a judgment of acquittal of the accused without a trial on the merits; and (2) whether or not the complainant or private offended party in a criminal case can file a special civil action for certiorari questioning the validity of said judgment of acquittal without the intervention of the Solicitor General.

On June 2, 1987 an information for violation of P.D. No. 772 was filed by the Assistant City Fiscal of Quezon City, with the approval of the city fiscal, in the RTC of the same city against Segundina Rosario y Sembrano, which reads, among others, as follows:

"That on or about 16th day of December, 1986, and for sometime prior thereto and persisting up to the present, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the said accused taking advantage of the absence or tolerance of the University of the Philippines, the registered owner of a parcel of land covered by Transfer Certificate of Title No. 9462 of the Register of Deeds of Quezon City, did then and there, wilfully, unlawfully and feloniously succeed in occupying and/or possessing a portion of the said property, by then and there constructing his/her house therein for residential purposes, without the consent and against the will of the said offended party."[1]

Upon arraignment the accused pleaded not guilty and a pre-trial conference was held on August 14, 1987 wherein the accused informed the court that she has a title, a building permit and survey plan covering the subject land. The trial court then issued an order on the same day that reads as follows:

"Considering that the accused has a title, building permit and a survey plan on the subject land, the Court instructs both parties to submit their respective proffer of documentary exhibits together with their positions as to whether this case will be heard or dismissed."[2]

The private prosecutor presented a position paper showing that the said property belongs to the University of the Philippines (U.P.) as shown by TCT No. 9462 covering about 493 hectares at Diliman, Quezon City which includes the area in question; that a plan was submitted of the entire area;[3] that the ownership of the so-called U.P. campus under TCT No. 9462 has been sustained by several decisions of the Supreme Court; that the supposed title of the accused, TCT No. 5762 has been cancelled by TCT No. 126671 in the name of Bughay Construction and Development Corporation; that granting the accused had a title thereto, the issue is whether or

not the property described in the title is at Pook Amorsolo, U.P. Campus which is adjacent to Bo. Kruz-na-Ligas, Diliman, Quezon City; that the alleged title of the accused shows that the property is situated in Bo. Gulod, Municipality of Marikina, Province of Rizal; that this is also shown in the tax declaration presented by her;^[4] that in fact the accused paid the corresponding real estate tax at Marikina;^[5] and that the criminal case should proceed as it has been shown that the area on which the accused made the construction belongs to the U.P. without the knowledge and consent of the latter and in violation of P.D. No. 772.

On the other hand, the accused submitted a proffer of exhibits with a manifestation tending to show that the accused applied for a building permit to construct on the lot; that the lot is covered by a title in the name of the accused; that a copy of the building permit was also submitted for which the accused paid for the fee; that the relocation plan of the land and the field notes were also submitted; and that she informed U.P. of her claim and asked them not to intrude into her property.

An opposition thereto was filed by U.P. stating that the proffer of exhibits is irregular and without basis as in fact the evidence was not marked in the pre-trial; that the proffer of exhibits is not covered by Rule 118, Sections 1 and 2 of the 1985 Rules on Criminal Procedure; that what is allowed only in Section 2 thereof is the marking of the exhibits for identification purposes of documentary evidence; that the manifestation submitting the case for resolution has no legal basis; and thus it is prayed that the proffer of exhibits and manifestation be denied for being irregular or not pursuant to the rules.

On October 27, 1978, the questioned decision was rendered by the respondent judge acquitting the accused of the offense charged with costs de oficio. Hence, the herein petition for certiorari filed by the counsel for the private offended party, U.P., in behalf of the People of the Philippines. The petition seeks to render null and void the aforesaid decision for want of due process as the acquittal of the accused was rendered without a trial on the merits.

The petition is impressed with merit. Sections 1, 2, and 3 of Rule 118 of the 1985 Rules on Criminal Procedure provide as follows:

"SECTION 1. Pre-trial: when proper.- To expedite the trial, where the accused and counsel agree, the court shall conduct a pre-trial conference on the matters enumerated in Section 2 hereof, without impairing the rights of the accused.

"SEC. 2. Pre-trial conference: subjects.- The pre-trial conference shall consider the following:

- (a) Plea bargaining;
- (b) Stipulation of facts;
- (c) Marking for identification of evidence of the parties;
- (d) Waiver of objections to admissibility of evidence; and
- (e) Such other matters as will promote a fair and expeditious trial. (n)

"SEC. 3. Pre-trial order.- After the pre-trial conference, the court shall issue an order reciting the actions taken, the facts stipulated, and evidence marked. Such order shall bind the parties, limit the trial to matters not disposed of and control the course of the action during the trial, unless modified by the court to prevent manifest injustice."

From the foregoing provisions, it is clear that in criminal cases a pre-trial may be held by the trial court only where the accused and his counsel agree. Such pre-trial shall cover plea bargaining, stipulation of facts, marking for identification of evidence of the parties, waiver of objections to admissibility of evidence and such other

matters as may promote a fair and expeditious trial. After the pre-trial, the trial court shall issue an order reciting the actions taken, the facts stipulated, and evidence marked, and thereafter the trial on the merits shall proceed which shall be limited to matters not disposed of during the pre-trial.

In this case, a pre-trial was held wherein the accused alleged that she has a title covering the property in question. The respondent judge thus required the parties to submit their proffer of documentary exhibits and their position paper as to whether or not the case would be heard or dismissed. Under the aforestated provisions of the Rules on Criminal Procedure, particularly Section 2 thereof, what is specified is the marking for identification of evidence for the parties and the waiver of objections to admissibility of evidence. A proffer of exhibits or evidence is not among those enumerated. Such proffer of evidence or more specifically an offer of evidence is generally made at the time a party closes the presentation of his evidence in which case the adverse party is given the opportunity to object thereto and the court rules on the same. When evidence proposed to be presented is rejected by the court a proffer of evidence is usually made stating its nature and purpose had it been admitted.

Assuming that such proffer of evidence, as directed by the respondent judge, may be made at the pre-trial in a criminal case, the prosecution should be given the opportunity to object to the admissibility of the same and a ruling should be made by the court on its admissibility. In this case, the prosecution filed its opposition to the proffer of exhibits stating that it is not authorized under Sections 1 and 2 of Rule 118 of the 1985 Rules on Criminal Procedure; that the documentary evidence were not presented for marking at the pre-trial; and that the manifestation submitting the case for resolution with the proffer of exhibits has no legal basis. In its position paper, U.P. also pointed out that the alleged title of the accused covers property in Marikina and not in U.P. Campus, Quezon City wherein the accused built her structure. The trial court did not even rule on the admissibility of the exhibits of the accused.

The respondent judge despite the conflicting positions of the parties and the objection of the U.P. to the resolution of the case without a trial on the merits, nevertheless rendered a decision acquitting the accused by making the following disquisition:

"With all the documents of the prosecution and the defense on record, it may now be asked: MAY THE ACCUSED BE CONVICTED OF THE CRIME OF VIOLATION OF PRESIDENTIAL DECREE NUMBER 772?

"Prosecution of the accused is anchored on the postulate that accused built a structure over land belonging to the University of the Philippines and titled in the name of the latter. Documents presented by the defense established that accused has a title over the land on which she built the structure; that she has a building permit for the structure; that she paid the corresponding fees for the building permit; that she has a relocation plan with supporting data of field notes and lot data computation (Exhs. "1", "2", "2-A", "3", "4", "5", "5-A", "5-B", "5-B-1", "5-B-2" and "5-B-3").

"Actually, there is now a collision between the claim of the prosecution and the defense on rights of ownership to the land in question. It may be noted that both land titles are torrens titles.

"Under these well established facts, it cannot be stated with certainty that the accused built her structure illegally. If somehow it is discernible that it is more the inadequacy of details in the state's evidence that makes it difficult for us to arrive at definite conclusions rather than, perhaps, the actual facts themselves, still we cannot pin responsibility on appellant (sic). That moral conviction that may serve as basis of a finding of guilt in criminal cases is only that and which is the logical and inevitable result of the evidence on record, exclusive of any other consideration. Short of this, it is not only the right of the accused to be freed, it is, even more, our constitutional duty to acquit him." So, said the Supreme Court in *People vs. Maisug*, 27 SCRA 753. The same holds true to the instant case. The scanty and/or inadequate evidence of the prosecution is insufficient to sustain conviction".

"It may be added that the torrens title of accused over the property on which she built her structure cannot be collaterally attacked. The issue on the validity of her title can only be raised in an action expressly instituted for that purpose (*Magay vs. Estiandan*, 69 SCRA 456). The same doctrine has been reiterated in *Director of Lands vs. CFI of Misamis Oriental*, Br. 1, No. L-58823, March 18, 1985, 135 SCRA 392)."[6]

This Court finds that the respondent judge committed a grave abuse of discretion in rendering the aforesaid decision without affording the prosecution the opportunity to have its day in court. The issue before the Court is whether or not the accused built the structure on the land belonging to U.P. At the pre-trial, U.P. presented its title and plan showing that the accused built a structure within its property. The accused by her proffer of exhibits and manifestation pretended to have a title to the questioned land. However, as stressed by U.P., the titled property of accused is located in Marikina and not in Quezon City and said title could not cover the very lot in question which is at Pook Amorsolo, U.P. Campus where the structure of accused was built. This issue cannot be determined by a mere examination of the titles and documents submitted by the parties. A trial on the merits should be undertaken to determine once and for all whether the place where the structure was built by the accused belongs to U.P. or to the accused. The conclusion of the trial court that the accused did not build her structure illegally as she has a title to the property in question is without any factual or legal basis. Indeed, the observation of respondent judge in the questioned decision as to "the inadequacy in details of the state's evidence" simply demonstrates that a trial on the merits should have been held to enable the prosecution to establish its case. No doubt, the acquittal of the accused is a nullity for want of due process. The prosecution was not given the opportunity to present its evidence or even to rebut the representations of the accused. The prosecution is as much entitled to due process as the accused in a criminal case.

Double jeopardy cannot be invoked as a bar to another prosecution in this case.[7] There is double jeopardy only when: 1) there is a valid complaint or information; 2) filed before a competent court; 3) to which defendant had pleaded; and 4) of which he has previously been convicted or acquitted or which was dismissed or terminated without his express consent.[8]

In this case, the prosecution was deprived of an opportunity to prosecute and prove its case. The decision that was rendered in disregard of such imperative is void for lack of jurisdiction.[9] It was not a court of competent jurisdiction when it precipitately rendered a decision of acquittal after a pre-trial. A trial should follow a pre-trial. That is the mandate of the rules.[10] Obviously, double jeopardy has not set in this case.

The question as to whether or not U.P., as the private offended party, can file this special civil action for certiorari questioning the validity of said decision of the trial court should be answered in the affirmative.

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.[11] 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.[12]

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 maybe prosecuted in name of said complainant.¹²

In this case, the Solicitor General upheld the right of U. P. to file the petition as an aggrieved party. Inasmuch as the prosecution was deprived of due process, the questioned decision of the respondent judge acquitting the accused is null and void as it was rendered in grave abuse of discretion amounting to lack of jurisdiction.

WHEREFORE, the petition is GRANTED and the questioned decision of the respondent judge dated October 27, 1987 is set aside and declared null and void. The respondent judge is hereby directed to proceed with the trial on the merits of the case, and thereafter, to decide the same on the basis of the evidence adduced, without pronouncement as to costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Page 9, Rollo.

[2] Page 11, Rollo.

[3] Annex D to the Position Paper, xerox copy of the title.

[4] Annex E, Position Paper.

[5] Annex F, Position Paper.

[6] Pages 27 and 28, Rollo.

[7] *People vs. Balisacan*, 17 SCRA 1119 (1966).

[8] *People vs. Ylagan*, 58 Phil. 851 (1933); Section 7, Rule 117, 1985 Rules on Criminal Procedure.

[9] *People vs. Bocar*, 138 SCRA 166, 170 (1985); *People vs. Ruiz*, 81 SCRA 453 (1978); and *People vs. Court of Appeals*, 92 SCRA 607 (1979).

[10] Sections 1, 2 and 3, Rule 118, *supra*.

[11] *People vs. Ruiz*, *supra*; *People vs. Court of Appeals*, *supra*; *The City Fiscal of Tacloban vs. Hon. Pedro M. Espina, et al.*, G.R. No. 83996, October 21, 1988; and *Republic vs. Partisala*, 118 SCRA 370 (1982).

[12] *Padilla vs. Court of Appeals*, 129 SCRA 558 (1984); *People vs. Jalandoni*, 131 SCRA 454 (1984); and Rule 122, Section 11(b), 1985 Revised Rules of Criminal Procedure.

¹² Section 1, Rule 65, Rules of Court; Sections 1 and 2, Rule 3, *supra*.

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