

FELIMON MANANGAN, PETITIONER, VS. COURT OF FIRST INSTANCE OF NUEVA VIZCAYA, BRANCH 28, RESPONDENT.

G.R. No. 82760. August 30, 1990

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

For abuse of Court processes, hopping from one forum to another, filing a labyrinth of cases and pleadings, thwarting the smooth prosecution of Criminal Case No. 639 against him for no less than twelve (12) years, and for masquerading as Filemon Manangan when his real name is Andres Culanag, petitioner has brought upon himself the severest censure and a punishment for contempt. The Petition for Certiorari he has filed likewise calls for dismissal.

The Petition, Amended Petition, and Second Amended Petition seek the annulment of the entire proceedings in Criminal Case No. 639 of respondent Court, including the Alias Warrant of Arrest issued by it, dated 19 July 1979, “for being stale/functus officio.” It is claimed, *inter alia*, that respondent Court committed grave abuse of discretion in making it appear that petitioner was duly tried and convicted when the contrary was true, and that the Alias Warrant of Arrest was irregularly issued because respondent Court had already accepted a property bond.

In the Amended Petition, petitioner further alleges that respondent Court had irregularly assumed jurisdiction as it is the Sandiganbayan that has exclusive original jurisdiction over the case considering that he was Legal Officer I of the Bureau of Lands, Region II, and that he had supposedly committed the offense in relation to that office.

Piecing together the facts from the hodgepodge of quotations from the Decisions in the different cases filed by petitioner, we recite the relevant ones below.

On 7 November 1977, petitioner, representing himself as a lawyer, was appointed Legal Officer I of the Bureau of Lands in Region II (p. 98, Rollo).

On 30 June 1978, Criminal Case No. 639 entitled “People v. Filemon Manangan alias Andres Culanag” (Annex D, Petition, Rollo, UDK 3906, p. 20) was filed before the then Court of First Instance of Nueva Vizcaya, First Judicial District, Bayombong, charging petitioner with “Execution of Deeds by Intimidation” under Article 298 of the Revised Penal Code (the Criminal Case, for short). Apparently, the Director of Lands had given his imprimatur to the charge.

On the same date, an Order of Arrest was issued by then Judge Gabriel Dunuan of respondent Court (Rollo, UDK 3906, p. 21).

On 18 April 1979, petitioner filed before this Court a Petition for Certiorari, Prohibition and Mandamus with Writ of Preliminary Injunction entitled “Filemon de Asis Manangan v. Court of First Instance, et al.,” in UDK No. 3906, assailing the jurisdiction of respondent Court to try the criminal case and seeking to stay the Order of Arrest of 30 June 1978. The petition was dismissed on 7 May 1979 for non-payment of legal fees (p. 99, Rollo).

On 10 and 18 July 1978, the dates set for preliminary investigation, petitioner did not show up and, in fact, disappeared for about a year.

On 31 July 1978, a Second Amended Information was filed (Comment, Solicitor General, p. 61, Rollo), this time identifying the accused as “Andres Culanag (alias Andres M. Culanag, Filemon Manangan, Atty. Filemon A. Manangan and Atty. Ross V. Pangilinan).”

On 8 July 1979, petitioner surfaced and, through al-legged counsel, posted a bailbond with the Municipal Circuit Court of San Miguel, Zamboanga del Sur (Resolution of the RTC, Nueva Vizcaya, 25 March 1983, Annex B, Petition, p. 2).

On 19 July 1979, an Alias Warrant of Arrest was issued by Judge Gabriel Dunuan. It is this Alias Warrant that is challenged herein.

On 12 September 1979, petitioner filed an ex-parte Motion to Dismiss the Criminal Case, which was denied by respondent Court (see CA-G.R. No. 11588-SP, p. 2).

Petitioner then resorted to a Petition for Certiorari and Mandamus before the Court of Appeals in CA-G.R. No. 11588-SP entitled “Filemon Manangan v. Director of Lands and CFI of Nueva Vizcaya.” The Petition sought to (1) nullify the decision of the Director of Lands, dated 27 March 1980, finding petitioner guilty of extortion, impersonation and abandonment of office and ordering his dismissal from the service; and (2) “require respondent CFI of Nueva Ecija to dismiss Criminal Case No. 639 pending in its Court.” In a Decision, promulgated on 27 February 1981, the Appellate Court dismissed the Petition for “absolute lack of legal and factual basis” and holding, among others, that “the non-withdrawal of the Information for execution of deeds by intimidation x x x is not covered by mandamus” (hereinafter, the German Decision).[1]

On 30 October 1981, before respondent Court, a Motion for Reconsideration was filed by petitioner, ostensibly through counsel, Atty. Benjamin Facun, asking that the Criminal Case be dismissed on the ground that the accused had already died on 29 September 1971 such that respondent Court had not acquired jurisdiction over his person. The Motion was denied.

On 22 February 1982, erroneously construing the German Decision as a final judgment of conviction, respondent Court reset the promulgation to 19 April 1982 and ordered the bondsmen to produce the body of the accused on said date (Annex A, Petition). Realizing the mistake, on 9 July 1982, respondent Court vacated said order and ruled that “the warrant of arrest issued by this Court through Judge Gabriel Dunuan on 19 July 1979, shall remain in full force and effect” (Annex F, Petition).

On 25 June 1982, petitioner again resorted to the Court of Appeals in another Petition for Certiorari (CA-G.R. No. SP-14428) filed by one Atty. Benjamin Facun as counsel for petitioner, this time praying for the annulment of the proceedings in the Criminal Case “on the ground that the accused was already dead when the decision finding him guilty of the crime x x x was rendered.” The pleading alleged “that petitioner is of age, Filipino, deceased, but has come to this Honorable Court through counsel x x x.” In a Decision promulgated on 29 November 1982, Certiorari was denied for being devoid of merit inasmuch as “there is nothing on record to show that such dismissal had been sought before the decision was rendered” (briefly, the Kapunan Decision).[2] (Actually, no judgment has been rendered by respondent Court).

Unfazed by the adverse Kapunan Decision, the supposed heirs of the accused, on 10 February 1983, filed a Manifestation before respondent Court asking for the dismissal and termination of the Criminal Case on the same ground that the accused had allegedly died.

On 25 March 1983, Judge Quirino A. Catral of respondent Court refused to declare the case closed and terminated inasmuch as the accused was alive on 8 July 1979 when he posted his bailbond (citing the Kapunan Decision) and reiterated that the “alias warrant issued by the Court on July 19, 1979 which up to the present has not yet been served upon the accused as in full force and effect.”

For the third time, the case was elevated to the then Intermediate Appellate Court in AC-G.R. No. SP-00707, entitled “Heirs of the Deceased Filemon Manangan v. Hon. Quirino A. Catral, etc.” The Petition sought to annul the Order of Judge Catral of 25 March 1983 denying the closure and termination of the Criminal Case.

On 28 May 1983, the then IAC, after quoting at length from the Kapunan Decision and the Catral Order, dismissed the Petition (hereinafter, the Aquino Decision),^[3] holding, inter alia, that “whether or not its denial of the motion to dismiss that case constitutes a grave abuse of discretion, was already passed upon by this Court in CA-G.R. No. SP-14428 (Kapunan Decision), hence, it is res adjudicata. It may not be litigated anew, no matter what form the action for that purpose may take.”

On 28 June 1984, before respondent Court, petitioner-accused filed an Omnibus Motion with Motion for New Trial, which was denied for lack of merit in the Order of 19 November 1984. In the same Order, respondent Court ordered the case archived until such time that the accused is brought to the Court.

On 19 June 1986, counsel for petitioner-accused filed a Motion to Quash on the grounds that: “(1) the court trying the case has no jurisdiction over the offense charged or the person of the accused; and (2) the accused has been previously convicted or in jeopardy of being convicted of the offense charged.”

It was at that stage of the case below, without awaiting disposition on the Motion to Quash, that the present Petition was instituted.

The obvious conclusion from the recital of facts given is that the Petition is without merit. Petitioner-accused had a pending Motion to Quash before respondent Court and should have awaited resolution thereon. He had a plain, speedy and adequate remedy in the ordinary course of law and resort to this Petition is decidedly premature.

Contrary to petitioner’s pretensions, the Alias Warrant of Arrest is valid. Petitioner had evaded arrest by disappearing from the jurisdiction of respondent Court. Neither is there any indication in the records that the property bond, filed by petitioner-accused in the Municipal Circuit Court of San Miguel, Zamboanga del Sur, had been accepted by respondent Court and petitioner discharged on the basis thereof. The Alias Warrant is not “stale or functus officio,” as alleged. Unlike a search warrant, which is valid for only ten (10) days from date (Rule 126, Sec. 9), a Warrant of Arrest remains valid until arrest is effected or the Warrant lifted. Respondent Court, therefore, cannot be faulted with grave abuse of discretion for holding that said Warrant is in full force and effect.

Although there may have been some initial confusion on the part of respondent Court arising from the Kapunan Decision, that was timely rectified. In the final analysis, respondent Court has not made it appear that petitioner-accused has already been arraigned and tried, let alone convicted. No jeopardy has attached, as alleged. Again, therefore, no grave abuse of discretion can be attributed to respondent Court.

Petitioner’s argument in his Amended Petition and Second Amended Petition that it is the Sandiganbayan that has exclusive jurisdiction over the Criminal Case neither holds water considering that not only is he ineligible for the position of Legal Officer I in the Bureau of Lands, Region II, for not being a lawyer, but also because he was dismissed from the service on 27 March 1980 by the Director of Lands, who found him, with the approval of the Minister of Natural Resources, guilty of extortion, impersonation and abandonment of office (CA-GR No. 11588-SP, p. 2).

The foregoing conclusions could dispose of the case.

However, on 8 June 1989, the Solicitor General filed a “Manifestation/Motion to Strike Out” the present petition for being fictitious and that by reason thereof petitioner should be cited for contempt of Court. The Solicitor General has also prayed that he be excused from filing a Comment on petitioner’s Second Amended Petition, which we resolve to grant.

The Solicitor General maintains that a re-examination of the records in the Criminal Case shows that:

“a. Filemon A. Manangan is only an alias of Andres M. Culanag, the person charged in Criminal Case No. 639;

“b. Filemon A. Manangan was a lawyer from San Marcelino, Zambales, who died on September 29, 1971 in the vicinity of his residence where he and his driver died on the spot; and

“c. [Andres M. Culanag] knew the real Filemon Manangan and knowing about the latter’s death, assumed the name, qualifications and other personal circumstances of Filemon Manangan. By means thereof, he was able to pass himself off as a lawyer and to actually practice law, using even the Certificate of Admission to the Philippine Bar of Filemon Manangan which states that he was admitted to the Bar on March 6, 1964. By this guise, [Andres M. Culanag] succeeded in obtaining a position as Legal Officer I in the Bureau of Lands.”

In opposition, petitioner maintains that he is not a fictitious person, having been born out of the lawful wedlock of Segundino Manangan and Felipa Asis; and that assuming that there is sufficient basis to charge him for contempt, it will no longer prosper on the ground of prescription.

Petitioner’s posturings are completely bereft of basis. As the Solicitor General had also disclosed in the German Decision, petitioner [Andres Culanag] had, on 23 February 1977, filed Sp. Procs. No. 23 with the Court of First Instance of Nueva Ecija, San Jose City Branch, for the change of his name from Andres Culanag to Filemon Manangan. In that petition, he claimed that his real name is Andres Culanag; that his entire school records carry his name as Filemon Manangan; and that he is the same person as Andres Culanag, the latter being his real name. The impersonation was carried to the extreme when, in petitioner’s Manifestation, dated 10 February 1983, before respondent Court, his supposed heirs alleged that accused had died before the filing of the Information on 29 September 1971, the exact date of death of the real Filemon Manangan. More, petitioner also masquerades under the name of Atty. Benjamin M. Facun in the several pleadings filed in connection with the Criminal Case.

In the German Decision, it was additionally pointed out that petitioner had also committed impersonation when, representing himself as Atty. Ross V. Pangilinan, he filed a petition with this Court praying that his right to practice law be affirmed (Misc. Bar-I and Misc. Bar-2). In those cases, we ruled that petitioner Filemon Manangan is “really Andres Culanag, an impostor;” dismissed the petitions; and directed Andres Culanag to show cause why he should not be punished for contempt for filing the two false petitions (In re: Andres Culanag, September 30, 1971, 41 SCRA 26). He explained that “he thought this Court would not discover that he is a poseur, for which reason he apologizes to the Court promising that he would not commit the same act if he is excused and given another chance.” On 12 November 1971, after finding his explanation unsatisfactory, we adjudged him guilty of indirect contempt of Court under Rule 71, Section 3(e) of the Rules of Court[4] and sentenced him to suffer imprisonment for six (6) months.

Parenthetically, we also take judicial notice of Bar Matter No. 190, entitled “In Re Andres Culanag alias Atty. Ross V. Pangilinan” and Bar Matter No. 206, entitled “Eriberto H. Decena vs. Andres Culanag” wherein, on 9 October 1984, this Court Resolved “to direct that petitioner be subjected to mental examination by a doctor from the National Mental Hospital” after noting that petitioner was suffering from some kind of mental alienation. This mitigates somewhat petitioner’s present liability for contempt.

It is the height of chicanery, indeed, that despite the foregoing antecedents, petitioner still has the gall to claim that he is, in truth and in fact, Filemon Manangan. The evidence on hand, without need for more, and with petitioner having been sufficiently heard, amply establishes that petitioner Filemon Manangan, is an impostor. He is guilty of continued fraudulent misrepresentation and highly improper conduct tending directly to impede, obstruct, degrade, and make a mockery of the administration of justice (Rule 71, Sec. 3 [d]).

While it may be that some pronouncements in the pertinent decisions allude to Filemon Manangan and that Andres Culanag is just an alias of Filemon Manangan, those statements actually refer to the person of Andres Culanag and not to the real Filemon Manangan, long since dead.

The action for contempt has not prescribed since it is apparent that the contumacious acts continue to this day.

WHEREFORE, (1) the Petition, Amended Petition, and the Second Amended Petition are hereby dismissed for utter lack of merit; (2) petitioner is adjudged in contempt of Court, severely censured, and sentenced to suffer three (3) months imprisonment, the same to be served at the Provincial Jail of Nueva Vizcaya to ensure his appearance during the trial of the subject criminal case; (3) respondent Court is hereby directed to retrieve Criminal Case No. 639 from its archives and to proceed to its determination with deliberate dispatch; (4) all Courts are directed not to recognize any person representing himself as Filemon Manangan, Atty. Filemon Manangan, or Atty. Benjamin M. Facun; and (5) petitioner's real name is declared to be Andres Culanag.

Treble costs against petitioner.

SO ORDERED.

Padilla and Regalado, JJ., concur.

Paras, J., took no part.

Sarmiento, J., on leave.

[1] Penned by Justice Milagros A. German and concurred in by Justices Emilio A. Gancayco and Lino M. Patajo.

[2] Justice Santiago M. Kapunan, ponente, with Justices B. S. dela Fuente and Edgardo L. Paras, concurring.

[3] Per Justice Carolina C. Grino-Aquino, concurred in by Justices Nestor B. Alampay and Reynato S. Puno.

[4] “(e) Assuming to be an attorney or an officer of a court, and acting as such without authority; x x x “

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