

**EDGAR SADIO, PETITIONER, VS. HON. REGIONAL TRIAL COURT OF
ANTIQUE, BRANCH 10, SIXTH JUDICIAL REGION, SAN JOSE,
ANTIQUE, AND BONIFACIO SANZ MACEDA, RESPONDENTS.**

G.R. No. 94143. September 24, 1991

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94143/>

CRUZ, J.:

Acting on a complaint to enjoin the operation of the small-town lottery by the Province of Antique, the Philippine Charity Sweepstakes (PCSO), the Molitor Management Corporation and herein petitioner Edgar Sadio, Judge Bonifacio Sanz Maceda of the Regional Trial Court of Antique, after hearing, declared such lottery illegal and ordered MOLITOR and Sadio in solidum to pay PCSO and the Province of Antique damages in the amount of P25,000,000.00.[1]

On the basis of this order, Sadio filed before the Municipal Trial Court of San Jose, Antique, a criminal complaint against Judge Maceda for issuance of an unjust interlocutory order in violation of Article 206 of the Revised Penal Code.[2]

On March 27, Judge Ma. Monina Misajon of that court dismissed the complaint, holding that the challenged order of March 16, 1990, clearly showed, contrary to the allegations of the complainant, that he was accorded every opportunity to present his side before the order was issued.[3]

His motion for reconsideration having been denied, Sadio filed a notice of appeal, which was approved by Judge Misajon on May 15, 1990.[4] On May 16, 1990, however, she issued an amendatory order recalling the original order and withdrawing her earlier approval of the notice of appeal.[5] Her reason was that the offended party had no standing to appeal from the dismissal of a criminal complaint, this being the prerogative of the prosecutor.

Sadio's reaction was to file a petition for certiorari and mandamus to reverse Judge Misajon's order of May 16, 1990. This was dismissed by Judge Marvie R. Abraham-Singson of the Regional Trial Court of Antique, Branch 10, for insufficiency in form and substance.[6] His motion for reconsideration was also denied.

The petitioner now comes to this Court on certiorari, alleging that:

1. Judge Abraham-Singson could not *motu proprio* dismiss the petition for certiorari and mandamus;
2. Under the rule on summary procedure, Judge Misajon could not legally dismiss the criminal complaint without the counter-affidavit of the accused;
3. The offended party in a criminal case has a right to appeal if the case is dismissed; and
4. An order approving a notice of appeal can no longer be withdrawn.

The petition must fail on all counts.

On the first issue, the pertinent provision is Section 6, Rule 65 of the Rules of Court, which reads:

Sec. 6. Order to answer. — If the petition is sufficient in form and substance to justify such process, the court in which it is filed, or a judge thereof, shall issue an order requiring the defendant or defendants to answer the petition within ten (10) days from the receipt of a copy thereof. Such order shall be served on the defendants in such manner as the court may direct, together with a copy of the petition, and to that effect the petitioner shall file sufficient copies thereof.

The very first clause of this section requires that the petition be sufficient in form and substance before further action may be taken thereon by the court. Lacking such sufficiency, as determined by the court itself, the petition may be dismissed outright. It cannot be overstressed that the court is not obliged to waste its time on inadequate pleadings that can only burden its docket and impair the orderly administration of justice. We ourselves have given short shrift to many a petition for non-compliance with the procedural requisites, for being unintelligible or clearly without legal basis, or for some other similar shortcoming.

As correctly noted by Judge Abraham-Singson, a certified true copy of the order of May 16, 1990, was not attached to the petition, in disregard of the express requirement of Rule 65, Section 1, of the Rules of Court. That deficiency was by itself alone adequate ground for dismissal. Additionally, the petition merely confined itself to a recital of the material facts and dates, followed by the legal conclusion that Judge Misajon committed grave abuse of discretion in issuing the said order. No argument was adduced, no jurisprudence cited, no law or Rule of Court invoked to support that conclusion. It is clear that the petition was also insufficient in substance and for that additional if no less important reason deserved to be dismissed.

On the second issue, the applicable rule is Section 10 of the Rule on Summary Procedure, reading as follows:

Sec. 10. Duty of the court. — On the basis of the complaint or information and the affidavits accompanying the same, the court shall make a preliminary determination whether to dismiss the case outright for being patently without basis or merit, or to require further proceeding to be taken. In the latter case, the court may set the case for immediate arraignment of an accused under custody, and if he pleads, may render judgment forthwith. If he pleads not guilty, and in all other cases, the court shall issue an order accompanied by copies of all affidavits submitted by complainant, directing the defendants to appear and submit his counter-affidavits and those of witnesses at a specified date not later than ten (10) days from receipt thereof.

While it is true that Judge Maceda did not submit his counter-affidavit as required in the order of Judge Misajon dated March 23, 1990, Judge Misajon declared in her order dismissing the criminal complaint that she had received and considered the order of Judge Maceda dated March 23, 1990, in Civil Case No. 2405, entitled "Rolly R. Mijares v. Province of Antique, et al." She treated this as the respondent judge's counter-affidavit required in the aforesaid rule. We agree that this was sufficient compliance with the said rule. Judge Maceda's defense against the criminal charge was after all embodied in that order and it would have been a useless formality to simply reproduce it as a counter-affidavit.

On the third issue, the petitioner's contention is that since he had not waived or reserved his right to file the civil action arising from the criminal charge, his right to appeal from the civil aspect of the case was not extinguished with the dismissal of the criminal charge. This averment is subject to qualification.

The Court has held that acquittal in a criminal case does not bar continuation of the civil case connected therewith where: (1) the acquittal is based on reasonable doubt;^[7] (2) the decision contains a declaration that the liability of the accused is not criminal but only civil;^[8] or (3) the civil liability is not derived from or based on the criminal act of which the accused is acquitted.^[9]

The case at bar does not come under any of the above exceptions. The petitioner's criminal complaint alleged that Judge Maceda had issued the interlocutory order in violation of Sadio's right to due process under Article III,

Section 1, of the Constitution. Judge Misajon declared in her order dismissing the charge that Sadio was in fact given the opportunity to be heard and offered testimonial and documentary evidence on February 26 and 28, 1990, "which (Judge Maceda) considered in issuing his order of March 16, 1990." In finding that the petitioner had not been denied due process, Judge Misajon in effect completely exonerated Judge Maceda and thus also extinguished the civil action connected with the criminal case.

In this situation, the petitioner could not have, as a mere complaining witness, appealed the dismissal of the criminal action even on its civil aspect only. The civil action was deemed dismissed with the criminal action. The criminal aspect of the order could have been appealed since double jeopardy had not yet attached because the accused had not yet been arraigned. But only the prosecutor could have done this because he had complete direction and control of the prosecution of the case, as we have held in several cases.^[10] No appeal having been filed by him, the order of dismissal became final and unappealable after the lapse of the reglementary 15-day period.

The above ruling renders the fourth issue irrelevant or moot. Not having the right to appeal, the petitioner cannot invoke his notice of appeal on April 27, 1990, or protest the withdrawal of its approval by Judge Misajon on May 16, 1990. The notice of appeal should not have been approved in the first place, and the recall of the order of May 16, 1990, was issued only to rectify the error. The rectification was a valid act. In any event, neither the notice of appeal nor its initial approval would have been effectual because of the petitioner's lack of legal standing to prosecute the appeal.

We do not deal here with the merits of the order of Judge Maceda dated March 16, 1990, declaring the small-town lottery conducted in the Province of Antique illegal and enjoining its continued operation. That order is still under motions for reconsideration that remain unresolved to date. It is not challenged in this petition. We here limit ourselves to the issues raised in the proceedings at bar as above discussed and resolved, and only to those issues.

WHEREFORE, the petition is DENIED, with costs against the petitioner. It is so ordered.

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

[1] Rollo, pp. 94-112.

[2] Ibid., p. 12.

[3] Id., pp. 14-15.

[4] id., p. 24.

[5] id., p. 25.

[6] id., p. 34.

[7] PNB v. Catipon, 98 Phil. 286; Machinery and Engineering Supplies, Inc. v. Quintano, 98 Phil. 892.

[8] De Guzman v. Alvia, 96 Phil. 558.

[9] Castro v. Collector of Internal Revenue, 114 Phil. 1032; Republic v. Bello, 120 SCRA 203.

[10] Cabral v. Puno, 70 SCRA 606; People v. Ligayu, 97 Phil. 865; People v. Florendo, 77 Phil. 16.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.