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Republic of the Philippines
Supreme Court
Manila

EN BANC

MAMERTO AUSTRIA,
Petitioner,

G.R. No. 205275

Present:

GESMUNDO, *CJ.*,
LEONEN,
CAGUIOA, *
HERNANDO,
LAZARO-JAVIER,
INTING, **
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, *JJ.*

— versus —

AAA and BBB,
Respondents.

Promulgated:

June 28, 2022

X-----*Antonio Bar - Quins*-----X

DECISION

LOPEZ, M., *J.*:

In the exercise of its exclusive rule-making authority and the symbolic function to instruct the bench and the bar, the Court once again embarks on the arduous task to harmonize the case law and formulate guidelines on the private offended parties' legal personality to question judgments and orders in criminal proceedings.

* On official business.
** On leave on official time.

ANTECEDENTS

In 2006, the Regional Trial Court (RTC) convicted Mamerto Austria (Mamerto), a school teacher, of five counts of acts of lasciviousness committed against private complainants, both 11-year-old female students.¹ Mamerto moved for reconsideration.² Meantime, the trial judge handling the criminal cases was promoted. On August 15, 2008, the new presiding judge resolved the motion and rendered Joint Orders³ acquitting Mamerto, thus:

[Criminal Case Nos. 1216, 1221 & 1222]

AT BAR is the Motion for Reconsideration dated June 5, 2007 of the Decisions of [the] Court dated October 17, 2006 (for Crim Case Nos. 1216, 1221 & 1222) and October 20, 2006 (for Crim Case Case Nos. 1342 & 1343) filed by the accused through counsel alleging, among others as follows: that [the] Court has given full credence to the complainant's sole and self-serving testimonies, while at the same time gave no weight to the accused's various uninterested witnesses and documentary evidence which strongly show the accused's want of opportunity to consummate the charges alleged; that several charges related to these cases were dropped/dismissed and evidently, complainants made false statements on these dismissed charges, hence, following the maxim of "*falsus in unus, falsus in maximus*" (falsity in one is falsity in all), the entire claims or charges of the same complainants which are subject matter of these cases must also be dismissed considering that these cases are criminal in nature wherein the rigid requirements of proof of guilt beyond reasonable doubt before conviction must be made; that the prosecution failed to present any other students who could have corroborated their stories of lascivious acts committed by the accused if ever their [claims] are true considering that there were many students in the said school at the days and time alleged by the complainants; that [the] Court failed to give credence and weight to the defense's witnesses consisting of various students of his class who were around when the alleged incidents occurred, or the school officials who testified that the accused was attending conferences/meetings of teachers/officers; that [the] Court also failed to consider the investigation conducted by the Department of Education, which found that the charges were bereft of truth, the reason why the administrative charges were dismissed against the herein accused; that the pieces of evidence introduced by the defense in the Department of Education must be given weight it duly deserve as an official act of a government agency, following the principle of regularity in the performance of official functions; that the accused is a Public School Teacher who has been in government service for more or less twenty (20) years without having been involved in any anomaly nor in any irregular or criminal act; that the Supreme Court, in numerous cases has been very emphatic in requiring a very thorough scrutiny in cases filed against honor considering the vulnerability of the accused in these particular type of cases; that the entire evidence submitted by the complainants, arrayed against the gamut of evidence, documentary and testimonial which were presented by the accused, are not sufficient, nor strong enough to sustain a conviction. The accused prayed unto [the] Court to revisit the instant cases and have a thorough review thereon so that the

¹ *Rollo*, pp. 133-175; and 176-212, docketed as Criminal Case Nos. 1216, 1221, 1222, 1342 and 1343.

² *Id.* at 213-216.

³ *Id.* at 123-127 and 128-132.

documentary and testimonial evidences of the defense can be given due weight and consideration considering that as a Public School Teacher, the Decision of [the] Court has far reaching implications upon him. Thus, the accused prayed that the assailed Decision be reconsidered and the charges against the accused be dismissed. The accused further prayed for such other reliefs and remedies which are just and equitable under the premises.

As there was no Reply/Comment on the part of the Prosecutor to the accused's Memorandum despite the time given by the Court, the instant Motion for Reconsideration was deemed submitted for resolution.

On August 17, 2007, the accused, through counsel, filed a Memorandum (for the Accused) alleging, among others, as follows: that the acts constitutive of the alleged violations should be clearly established by the prosecution through the private complainant following the rule that "every essential element of the crime charged must be proved beyond reasonable doubt and that all doubts should be resolved in favor of the accused; that there are inconsistencies in the testimony of the private complainant on December 15, 1998 (TSN pages 14-16); that since according to the statement of the private complainant that she was not alone inside the room when the alleged incident occurred, the impossibility of the performance of the acts is highly probable; that it is contrary to human practice that what she had only done after the incident is to go to her room and attend the flag ceremony (TSN, p. 17); that the [*sic*] her failure to recall which hand was used by the accused in allegedly fondling her breast should be taken against her; that she also gave conflicting testimonies during her cross-examination on January 13, 1999, which should weaken her case (TSN, pages 7- 8); that her reason of not telling other people, more so of her mother, about the alleged incidents being complained of is that they may not believe her (TSN, 1/13/99, p. 14); that the conflicting statements she has given at the questions propounded to her during cross-examination conducted on January 13 and March 11, 1999, greatly gave a cloud on her credibility (TSN, 12/15/2008 pages 16 & 18 and TSN, 3/11/99 pages 7 & 14); that the accused was not in the subject place on November 10 and 14, 1997 and has presented proofs in support of his defense; that the presence of a student (Abegail Buhay) other than the private complainant herself inside the shoproom where the alleged acts were committed aside from her classmate just outside the room doing the gardening at a time when there are other students inside the school put a reasonable doubt on the credibility of the testimony of private complainant; that Abegail Buhay was not presented in Court to testify despite the fact that her testimony is essential to the case of the private complainant; that while it is said that denial and alibi are the weakest of all the defenses, the physical impossibility for the accused to be in the school with the private complainant is highly possible considering that the testimonies of the private complainant that the accused was present thereat and have committed the crimes are very inconsistent which just destroyed her credibility; that Dr. Armando Hernandez, one of the members of the Fact Finding Committee created by the [Department of Education] to investigate the same charges, testified on April 17, 2002 that the dismissal of the said charges was premised on the facts that there were inconsistencies in the interviews made on the private complainant and the fact that the accused has proven himself not present on the said dates stated by the witness (TSN, p.11); that Mrs. Salvacion Aquino Catapang and her daughter, Jolibee Catapang testified on May 29, 002 [*sic*] that private complainant and her parents went to their house inducing Jolibee Catapang to testify against the accused that the latter was touched also by the accused;

that the private complainant did not rebut the aforesaid testimonies of Salvacion and Jolibee Catapang.

The accused further averred that due to the malicious accusations of the private complainant, his reputation as a public school teacher has been tainted and damaged [*sic*]; that he has a clean record during his entire practice of profession because he has been teaching since 1971, almost 29 years, without having been charged of any case by any student or pupil; that the provisions of R.A. No. 7610 are intended to provide special protection to children from all forms of abuse, such intent, while to be upheld, should not be used by the private complainant, whimsically and capriciously, by false fabricating [*sic*] charges to the extent that the accused may be imprisoned.

The accused reiterated his prayers that the instant complaint against him be dismissed for failure of the prosecution to prove his guilt beyond reasonable doubt and further prayed for such other reliefs and remedies which are just and equitable under the premises.

A perusal of the foregoing facts shows that the prosecution miserably failed to overcome the legal presumption of innocence of the accused beyond cavil of reasonable doubt and therefore the DECISION dated October 20, 2006 is hereby reconsidered and set aside and a new one is rendered DISMISSING the informations filed against herein accused and consequently ACQUITTING him of the crimes charged.⁴ (Emphasis supplied; italics in the original)

[Criminal Case Nos. 1342 and 1343]

AT BAR is the Motion for Reconsideration dated June 5, 2007 of the Decisions of this Court dated October 17, 2006 (for Crim Case Nos. 1216, 1221 & 1222) and October 20, 2006 (for Crim Case Nos. 1342 & 1343) filed by the accused through counsel alleging, among others as follows: that [the] Court has given full credence to the complainant's sole and self-serving testimonies, while at the same time gave no weight to the accused's various uninterested witnesses and documentary evidence which strongly show the accused's want of opportunity to consummate the charges alleged; that several charges related to these cases were dropped/dismissed and evidently, complainants made false statements on these dismissed charges, hence, following the maxim of "*falsus in unus, falsus in maximus*" (falsity in one is falsity in all), the entire claims or charges of the same complainants which are subject matter of these cases must also be dismissed considering that these cases are criminal in nature wherein the rigid requirements of proof of guilt beyond reasonable doubt before conviction must be made; that the prosecution failed to present any other students who could have corroborated their stories of lascivious acts committed by the accused if ever their [claims] are true considering that there were many students in the said school at the days and time alleged by the complainants; that [the] Court failed to give credence and weight to the defense's witnesses consisting of various students of his class who were around when the alleged incidents occurred, or the school officials who testified that the accused was attending conferences/meetings of teachers/officers; that this Court also failed to consider the investigation conducted by the Department of Education which found that the charges

⁴ Id. at 128-132.

were bereft of truth, the reason why the administrative charges were dismissed against the herein accused; that the pieces of evidence introduced by the defense in the Department of Education must be given weight it duly deserve as an official act of a government agency, following the principle of regularity in the performance of official functions; that the accused is a Public School Teacher who has been in government service for more or less twenty (20) years without having been involved in any anomaly nor in any irregular or criminal act; that the Supreme Court, in numerous cases has been very emphatic in requiring a very thorough scrutiny in cases filed against honor considering the vulnerability of the accused in these particular type of cases; that the entire evidence submitted by the complainants arrayed against the gamut of evidence, documentary and testimonial which were presented by the accused, are not sufficient, nor strong enough to sustain a conviction. The accused prayed unto [the] Court to revisit the instant cases and have a thorough review thereon so that the documentary and testimonial evidences of the defense can be given due weight and consideration considering that as a Public School Teacher, the Decision of [the] Court has far reaching implications upon him. Thus, the accused prayed that the assailed Decision be reconsidered and the charges against the accused be dismissed. The accused further prayed for such other reliefs and remedies which are just and equitable under the premises.

As there was no Reply/Comment on the part of the Prosecutor to the accused's Memorandum despite the time given by the Court, the instant Motion for Reconsideration was deemed submitted for resolution.

On his Memorandum, the accused through counsel, argued, among others, as follows: that while the administrative investigation conducted by [Department of Education] which resulted to the dismissal of the case against the accused could not have any binding effect on the present charge, the same should have persuasive effect considering the similarities of the charges; that one (1) out of three (3) charges originally filed against the accused, specifically the one allegedly happened on September 19, 1997, was dismissed in the resolution of the Provincial Prosecutor on the ground that no crime could have occurred on that day at the premises of Bilaran Elementary School which involved the accused for the simple reason that classes were suspended on that day on all public schools within the Nasugbu District due to the Induction Ceremony of Nasugbu Teachers Association; that once a person knowingly and deliberately states a falsehood in one material aspect, he must have done so as to the rest (*People v. Dasig* 49 O.G. 3338, 1953) because the presumption is that a witness who has willfully given false testimony in one detail, has also testified falsely in other respects (*Neyra v. Neyra*, 76 Phil. 333, 1946)(Handbook of Legal Maxims by German G. Lee, Jr., 2000 Edition, p. 82); that the accused did not refute the fact that he touched the private complainant and considering that he is being charged for acts of lasciviousness, the act of touching is to be determined whether it is lascivious or not since he was merely pulsing the neck of the private complainant to know whether she has a fever while she was lying on the table due to dizziness and such incident happened in the presence of other students [TSN, 2-6-01]; that such fact was testified to by the accused and corroborated by the testimony of two (2) students which are classmates of the private complainant, one of whom is also her friend [TSN 7-25- 01 and TSN 9-12-01]; that when she was cross-examined on March 4, 1999 her natural reaction regarding the circumstances surrounding the alleged incident is contrary to the natural reaction of someone who is supposed to have been subjected to acts of lasciviousness; that a certain

Mark Anthony was not presented in Court to corroborate her testimony that the former told her that he saw what was done to her by the accused; that the private complainant's allegation that she was called by the accused on November 17, 1997 through Daniel Relevo was belied by the latter in his testimony on November 14, 2001; that the testimony of the accused that it was Flordeliza Alic who has been regularly taking the key of the shop room and opening the same was corroborated by the latter when she testified on November 17, 1997 thus the incident that allegedly occurred on November 17, 1997 at around 6:30 a.m. as alleged by the private complainant did not occur; that in as much as the accused is being charged of criminal offense with imprisonment as penalty if found guilty, hence, every statement made by the private complainant should be regarded with such caution so as not to override his constitutional and statutory presumption of innocence; that the reputation of the accused has been tainted and damaged due to the malicious accusations of the private complainant as he was teaching for almost twenty (29) [*sic*] years without any case filed against him by any student thus, he has a clean record during his entire profession.

The accused reiterated his prayers that the instant complaint against him be dismissed for failure of the prosecution to prove his guilt beyond reasonable doubt and further prayed for such other reliefs and remedies which are just and equitable under the premises.

A perusal of the foregoing facts shows that the prosecution miserably failed to overcome the legal presumption of innocence of the accused beyond cavil of reasonable doubt and therefore, the DECISION dated October 20, 2006 is hereby reconsidered and set aside, and a new one is rendered DISMISSING the informations [*sic*] filed against herein accused and consequently ACQUITTING him of the crimes charged.⁵(Emphasis supplied; italics in the original)

Unsuccessful at a reconsideration,⁶ private complainants filed a special civil action for *certiorari* to the Court of Appeals (CA) docketed as CA-G.R. SP No. 114771⁷. They alleged that the new presiding judge committed grave abuse of discretion in rendering the Joint Orders of acquittal which merely recited the contents of the accused's motion for reconsideration without stating any factual and legal basis.⁸ Mamerto opposed the petition arguing that a review of his acquittal will place him in double jeopardy. Moreover, the private complainants cannot avail of a petition for *certiorari* in criminal proceedings without the participation or conformity of the Office of the Solicitor General (OSG).

On July 31, 2012, the CA ruled that the RTC is guilty of grave abuse of discretion when it disregarded the constitutional requirement that a decision must express clearly and distinctly the facts and the law on which it is based. As such, the Joint Orders acquitting Mamerto are void and double jeopardy will not attach,⁹ to *wit*:

⁵ Id. at 123-127.

⁶ Id. at 274-279.

⁷ Id. at 280-332.

⁸ Id. at 280-332.

⁹ Id. at 93-116; penned by Associate Justice Angelita A. Gacutan, with the concurrence of Associate Justices Fernanda Lampas Peralta and Francisco P. Acosta.

We have painstakingly reviewed the assailed Orders and found them seriously lacking and violative of the constitutional mandate that decisions must fully explain the facts and the law upon which it is based.

X X X X

A scrutiny of the foregoing Orders show *[sic]* that they merely repeated verbatim the Motion for Reconsideration dated June 7, 2007 filed by private respondent assailing the Decisions convicting him of Acts of Lasciviousness. Public respondent Judge De Joya Mayor swallowed hook, line[,] and sinker the allegations of the accused. After quoting the allegations of the accused, public respondent Judge De Joya Mayor proceeded right away to his judgment without a thorough, nay, even a single discussion or explanation on why he believed the allegations to be true. It is evident that public respondent Judge De Joya Mayor merely “perused” the facts, and to him[,] it was sufficient to overturn the verdict of guilt. Without a thorough explanation or statement of the law, facts and the evidence, the assailed Orders violate the due process guaranteed by the Constitution. The rendition of these assailed Orders is tainted with grave abuse of discretion. Failure to comply with the constitutional injunction is a grave abuse of discretion amounting to lack or excess of jurisdiction. Decisions or orders issued in careless disregard of the constitutional mandate are a patent nullity and must be struck down as void. Thus, in this regard, We agree with petitioners that the said Orders are void judgments.

X X X X

All told, We find in this instant case that respondent judge, in rendering the assailed Orders, committed grave abuse of discretion tantamount to lack or in excess of jurisdiction.

WHEREFORE, premises considered, the instant petition is hereby **GRANTED**. The assailed Joint Orders both dated Augusts 15, 2008 rendered by public respondent Judge De Joya Mayor acquitting private respondent Austria of Acts of Lasciviousness are **ANNULLED** and **SET ASIDE**. The Joint Decision rendered by Hon. Elihu Ybanez dated October 17 [, 2006] in Criminal Case Nos. 1216, 1221 & 1222 and the Joint Decision dated October 20, 2006 in Criminal Case Nos. 1342 & 1343 are hereby **REINSTATED**.

SO ORDERED.¹⁰ (Emphases supplied)

Mamerto sought for a reconsideration but was denied.¹¹ Hence this Petition for Review on *Certiorari*¹² under Rule 45 of the Rules of Court. Mamerto invokes his right against double jeopardy and reiterates that the Joint Orders of acquittal are already final and not subject to review. Mamerto maintains that private complainants have no legal personality to question his acquittal.

¹⁰ Id. at 104-115.

¹¹ Id. at 117-118.

¹² Id. at 61-92.

J

On August 3, 2021, the Court required the OSG to file a comment on the private complainant's legal standing in a criminal case.¹³ In its Comment,¹⁴ the OSG avers that the prosecution and punishment of crimes is the State's assertion of its sovereign authority to enforce penal laws. The People of the Philippines are the real parties-in-interest in a criminal action represented by its statutorily authorized agents, namely, the OSG and the public prosecutors. On the other hand, the interest of the private offended party in a criminal case is limited only to the civil liability of the accused. The fusion of the civil aspect in a criminal action is merely a procedural rule. The private complainant is a mere witness in the criminal proceedings and he or she cannot assail the acquittal of the accused, dismissal of the criminal case, or interlocutory order with respect to the criminal aspect of the case. The private offended party seeking to elevate a criminal case before the Court and the CA must seek the OSG's conformity or concurrence. The private complainant's remedy assailing the criminal aspect of the case without the intervention of the OSG is perforce dismissible.¹⁵

Also, the OSG points out that the public prosecutor represents the State in a criminal case before the trial court, and that it is not furnished with copies of records during the trial stage. The OSG only becomes aware of the outcome of the trial when the Office of the Prosecutor General (OPG) or the private complainant endorses the case. Consequently, the OSG is left with limited time to study the case before the lapse of the period to assail the judgment or order in a criminal case. Hence, the OSG recommends that the reglementary period to question the criminal aspect of the case must be reckoned from the OSG's receipt of the endorsement from the OPG or request from the private offended party. In the alternative, the OSG suggests that it should always be required to file a comment on the appeal or petition filed by the private complainant emanating from criminal action based on due process considerations. The comment of the OSG must state whether it conforms or concurs with the remedy of the private offended party. However, the OSG clarifies that the private complainant may appeal insofar as the civil liability of the accused is concerned, or file a special civil action for *certiorari* to preserve his or her interest in the civil aspect of the case. In both cases, there is no need to implead the State as the case involves purely private interests. Lastly, the OSG gives its conformity to the petition for *certiorari* that private complainants filed before the CA. The OSG argues that the trial court's Joint Orders are void for failure to state clearly the factual and legal bases of Mamerto's acquittal.¹⁶

RULING

The private complainant's interest is limited only to the civil aspect of the

¹³ Id. at 489-492.

¹⁴ Id. at 529-556.

¹⁵ Id. at 615

¹⁶ Id. at 623-624.

case. Only the Office of the Solicitor General may question the judgments or orders involving the criminal aspect of the case or the right to prosecute in proceedings before the Supreme Court and the Court of Appeals.

In any criminal case or proceeding, only the OSG may bring or defend actions on behalf of the Republic of the Philippines, or represent the People or State before the Supreme Court (SC) and the CA. This is explicitly provided under Section 35(1), Chapter 12, Title III, Book III of the 1987 Administrative Code of the Philippines, thus:

Section 35. *Power 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 a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the service of a lawyer. It shall have the following specific power 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. (Emphasis supplied)

The rationale behind this rule is that in a criminal case, the state is the party affected by the dismissal of the criminal action and not the private complainant. The interest of the private offended party is restricted only to the civil liability of the accused. In the prosecution of the offense, the complainant's role is limited to that of a witness for the prosecution such that when a criminal case is dismissed by the trial court or if there is an acquittal, an appeal on the criminal aspect may be undertaken only by the State through the OSG.¹⁷ The private offended party may not take such appeal, but may only do so as to the civil aspect of the case.¹⁸ Differently stated, the private offended party may file an appeal without the intervention of the OSG, but only insofar as the civil liability of the accused is concerned. Also, the private complainant may file a special civil action for *certiorari* even without the intervention of the OSG, but only to the end of preserving his or her interest in the civil aspect of the case.¹⁹ Hence, the Court dismissed for lack of legal standing or personality the appeals or petitions for *certiorari* filed by the private offended parties before the SC and CA, without the consent or

¹⁷ *Rodriguez v. Gadiane*, 527 Phil. 691, 698 (2006).

¹⁸ *Chiok v. People*, 774 Phil. 230, 246 (2015).

¹⁹ *Cu v. Ventura*, 840 Phil. 650 (2018).

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conformity of the OSG, questioning the dismissal of the criminal case or acquittal of the accused.

In *Jimenez v. Sorongon*,²⁰ the trial court granted the accused's motion for judicial determination of probable cause and dismissed the criminal case for syndicated and large-scale illegal recruitment. The private complainant filed a notice of appeal but the RTC expunged it from the records absent conformity of the OSG. Aggrieved, the private complainant elevated the case to the CA through a petition for *certiorari*. However, the CA dismissed the petition outright due to the private complainant's lack of personality to represent the People of the Philippines. The Court affirmed the CA's findings considering that the private complainant's main argument is about the existence of probable cause, *viz.*:

The People is the real party in interest in a criminal case and only the OSG can represent the People in criminal proceedings pending in the CA or in [the] Court. This ruling has been repeatedly stressed in several cases and continues to be the controlling doctrine.

While there may be rare occasions when the offended party may be allowed to pursue the criminal action on his own behalf (as when there is a denial of due process), this exceptional circumstance does not apply in the present case.

In this case, the petitioner has no legal personality to assail the dismissal of the criminal case since the main issue raised by the petitioner involved the criminal aspect of the case, *i.e.*, the existence of probable cause. The petitioner did not appeal to protect his alleged pecuniary interest as an offended party of the crime, but to cause the reinstatement of the criminal action against the respondents. This involves the right to prosecute which pertains exclusively to the People, as represented by the OSG.²¹ (Emphasis supplied; citations omitted)

Similarly, in *Anlud Metal Recycling Corp. v. Ang*,²² the private complainant has no personality to appeal, without participation of the OSG, the dismissal of the criminal case for *estafa* since it questioned the trial court's finding as to want of probable cause to indict the accused, thus:

Here in this Rule 45 petition, petitioner argues that the RTC erred when it concluded that "there is no evidence of conspiracy against private respondent Ang." Petitioner goes on to enumerate circumstances that collectively amount to a finding that based on probable cause, respondent conspired with the accused in defrauding Anlud Metal Recycling Corporation.

Clearly, petitioner mainly disputes the RTC's finding of want of probable cause to indict Ang as an accused for *estafa*. This dispute refers, though, to the criminal, and not the civil, aspect of the case.

²⁰ 700 Phil. 316 (2012).

²¹ *Id.* at 325.

²² 766 Phil. 676 (2015).

x x x x

Given that nowhere in the pleadings did petitioner even briefly discuss the civil liability of respondent, [the] Court holds that Anlud Metal Recycling Corporation lacks the requisite legal standing to appeal the discharge of respondent Ang from the Information for *estafa*. On this ground alone, the petition already fails.

Nonetheless, [the] Court has already acknowledged the interest of substantial justice, grave error committed by the judge, and lack of due process as veritable grounds to allow appeals to prosper despite the non-participation of the OSG. **But as will be discussed below, petitioner has failed to demonstrate that the petition falls under any of these exceptions.**²³ (Emphases supplied; citation omitted)

In *People v. Piccio* (Piccio),²⁴ therein private complainant lacks standing to file a notice of appeal, without consent of the OSG, assailing the dismissal of the criminal case for libel for the failure of the information to allege where the article was printed and first published, to wit:

The CA correctly dismissed the notice of appeal interposed by petitioners x x x 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 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. x x x

x x x x

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. x x x

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, **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**

²³ Id. at 687.

²⁴ 740 Phil. 616 (2014).

standing to interpose an appeal in a criminal proceeding.²⁵ (Emphases supplied; citations and underscoring omitted)

In *Bangayan, Jr. v. Bangayan*,²⁶ therein private complainant has no personality to file a petition for *certiorari* before the CA, without participation of the OSG, to question the trial court's dismissal of the criminal charge for bigamy on demurrer to evidence because the prosecution failed to prove that the accused contracted a subsequent marriage, *viz.*:

[The] Court leans toward Resally's contention that Sally Go had no personality to file the petition for *certiorari* before the CA. It has been consistently held that in criminal cases, the acquittal of the accused or the dismissal of the case against him can only be appealed by the Solicitor General, acting on behalf of the State. x x x

A perusal of the petition for *certiorari* filed by Sally Go before the CA discloses that she sought reconsideration of the criminal aspect of the case. **Specifically, she prayed for the reversal of the trial court's order granting petitioners' demurrer to evidence and the conduct of a full blown trial of the criminal case.** Nowhere in her petition did she even briefly discuss the civil liability of petitioners. **It is apparent that her only desire was to appeal the dismissal of the criminal case against the petitioners. Because bigamy is a criminal offense, only the OSG is authorized to prosecute the case on appeal. Thus, Sally Go did not have the requisite legal standing to appeal the acquittal of the petitioners.**

x x x x

In this case, however, neither the Solicitor General nor the City Prosecutor of Caloocan City joined the cause of Sally Go, much less consented to the filing of a petition for *certiorari* with the appellate court. x x x

x x x x

x x x. An examination of the decision of the trial court, however, yields the conclusion that there was no grave abuse of discretion on its part. Even if the trial court had incorrectly overlooked the evidence against the petitioners, it only committed an error of judgment, and not one of jurisdiction, which could not be rectified by a petition for *certiorari* because double jeopardy had already set in.

As regards Sally Go's assertion that she had been denied due process, an evaluation of the records of the case proves that nothing can be further from the truth. Jurisprudence dictates that in order for a decision of the trial court to be declared null and void for lack of due process, it must be shown that a party was deprived of his opportunity to be heard. **Sally Go cannot deny that she was given ample opportunity to present her witnesses and her evidence against petitioners. Thus, her claim that she was denied due process is unavailing.**²⁷ (Emphases supplied)

²⁵ Id. at 621-623.

²⁶ 675 Phil. 656 (2011).

²⁷ Id. at 664-669.

In *Burgos, Jr. v. Spouses Naval*,²⁸ therein private complainant lacks standing to file a petition for *certiorari* before the CA, without conformity of the OSG, to question the dismissal of the criminal case for *estafa* through falsification of public documents on the ground of prescription, thus:

In this case, records show that Burgos's petition for *certiorari* x x x sought for the reinstatement of the Information and/or a ruling that the crime has not yet prescribed. Accordingly, the same was not intended to merely preserve his interest in the civil aspect of the case. Thus, as his *certiorari* petition was filed seeking for relief/s in relation to the criminal aspect of the case, it is necessary that the same be filed with the authorization of the OSG, which, by law, is the proper representative of the People, the real party in interest in the criminal proceedings. As the CA aptly noted, "[t]o this date, the [OSG] as appellant's counsel of the [People] has not consented to the filing of the present suit." There being no authorization given — as his request to the OSG filed on April 10, 2015 was not shown to have been granted — the *certiorari* petition was rightfully dismissed.²⁹ (Emphases supplied, citations and underscoring omitted)

In *Yokohama Tire Philippines, Inc. v. Reyes*,³⁰ therein private complainant has no personality to file a petition for *certiorari* before the RTC to annul the Municipal Trial Court's (MTC) decision acquitting the accused of the crime of attempted theft. In that case, the private complainant assails the admissibility of evidence which only the State may question, to *wit*:

At the outset, the Court notes that petitioner lacked authority in filing a special civil action for *certiorari* with the RTC to seek the annulment of the decision of the MTC which acquitted herein respondents from the crime of attempted theft.

x x x x

Thus, the Court has definitively ruled that in a criminal case in which the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability arising therefrom. If a criminal case is dismissed by the trial court or if there is an acquittal, an appeal of the criminal aspect may be undertaken, whenever legally feasible, only by the State through the Solicitor General. As a rule, only the Solicitor General may represent the People of the Philippines on appeal. The private offended party or complainant may not undertake such appeal.

In its petition for *certiorari* filed with the RTC, petitioner seeks the annulment of the MTC decision acquitting herein respondents. **In so doing, petitioner raises issues on the admissibility of evidence which it submitted to prove the guilt of the accused. These issues necessarily require a review of the criminal aspect of the case and, as such, is prohibited.** As discussed above, only the State, and not herein petitioner,

²⁸ 786 Phil. 881 (2016).

²⁹ Id. at 889-890.

³⁰ G.R. No. 236686, February 5, 2020.

who is the private offended party, may question the criminal aspect of the case.

In any event, even granting that petitioner has the requisite authority to question the subject RTC Decision, **[the] Court, after a careful review of the arguments of the parties, finds no error in the questioned Decision of the RTC.**³¹ (Emphases supplied)

In *JCLV Realty & Development Corp. v. Mangali*,³² therein private complainant lacks standing to file a petition for *certiorari* before the CA, without consent of the OSG, assailing the grant of demurrer to evidence because the argument centered on the identification of the accused as the perpetrator of the crime of robbery, *viz.*:

The above cases raised issues that necessarily require a review of the criminal aspect of the proceedings. In the same manner, JCLV Realty are praying for reliefs which pertain to the criminal aspect of the case. Foremost, the arguments in the petition for *certiorari* are centered on Mangali's identification as the perpetrator of the crime. Secondly, JCLV Realty prayed that the March 30, 2017 Order be "annulled, reversed and set aside and that a new one [will] be rendered denying the [accused'] Demurrer to Evidence." Lastly, nowhere in the petition did JCLV Realty discuss Mangali's civil liability. In contrast, it is ultimately seeking the reinstatement of the criminal case against Mangali.

X X X X

In this case, we find that JCLV Realty was not deprived of due process. Notably, JCLV Realty participated in the proceedings and presented evidence until the prosecution rested its case. The prosecution likewise opposed the demurrer. On this point, there is no denial of due process especially when the parties are granted an opportunity to be heard, either through verbal arguments or pleadings. **Also, the RTC did not commit grave abuse of discretion** when it dismissed the case on a ground not raised in the demurrer to evidence, *i.e.*, the prosecution failed to positively identify the accused. It is settled that the identity of the offender is indispensably entwined to the commission of the crime. The first duty of the prosecution is not to prove the crime but to establish the identity of the criminal, for even if the commission of the crime can be proven, there can be no conviction without proof of identity of the criminal.³³ (Emphases supplied; citation omitted)

The Court invariably ruled in these cases that the private offended parties have no legal personality to appeal or file a petition for *certiorari*, without the OSG's intervention, when the issues involved the criminal aspect of the case or the right to prosecute which exclusively pertain to the People, *i.e. existence of probable cause, venue or territorial jurisdiction, elements of the offense, prescription, admissibility of evidence, identity of the perpetrator of the crime, and other questions that will require a review of the substantive merits of the criminal proceedings or cause the reinstatement of the criminal*

³¹ Id.

³² G.R. No. 236618, August 27, 2020.

³³ Id.

action or meddle with the prosecution of the offense. Moreover, the assailed judgments or orders were not tainted with grave abuse of discretion or rendered in violation of the parties' right to due process.

There are divergent rulings allowing the private complainant to question judgments and orders in criminal proceedings without the OSG's intervention.

As discussed earlier, the private complainant's interest is limited only to the civil aspect of the case. Only the OSG may question before the SC and the CA matters involving the criminal aspect of the case. Yet, there are instances where the Court allowed the private complainant to file an appeal or a petition for *certiorari*, without the OSG's participation, questioning the acquittal of the accused, the dismissal of the criminal case, and interlocutory orders rendered in the criminal proceedings.

Foremost, the Court recognized that private complainants have legal standing to question the acquittal of the accused or dismissal of the criminal case equivalent to an acquittal only through a petition for *certiorari* under Rule 65 of the Rules of Court on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction or denial of due process rendering the judgment void. In *People v. Judge Santiago* (Santiago),³⁴ therein private complainant filed a petition for *certiorari* to this Court on the ground that the trial court acquitted the accused of violation of Presidential Decree (P.D.) No. 772 or the Anti-Squatting Law without trial on the merits despite the conflicting positions of the parties. The Court ruled that the acquittal is a nullity for want of due process because the trial court deprived the prosecution of an opportunity to present evidence. Also, we declared that the victim can avail the remedy of *certiorari* to question the validity of acquittal, thus:

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.

X X X X

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. 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. Obviously, double jeopardy has not set in in this case.

³⁴ 255 Phil. 851 (1989).

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. 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.

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 may be prosecuted in [the] name of said complainant.**³⁵ (Emphases supplied; citations omitted)

In *Dela Rosa v. Court of Appeals* (Dela Rosa),³⁶ the Court, citing *Santiago*, sustained therein private complainant's right to file a petition for *certiorari* before the CA, without the OSG's intervention, assailing the dismissal of a criminal case for violation of Batas Pambansa (B.P.) Blg. 22 or the Anti-Bouncing Checks Law. In that case, the trial court's dismissal of the cases on the supposed violation of the accused's right to a speedy trial was capricious and unwarranted, *viz.*:

x x x. The postponement of this trial date would not in any way have prejudiced the accused considering that accused himself as stated earlier is guilty of delay. The more prudent thing would have been for the trial court to reset the case to another date to give the prosecution another opportunity to present its case. **The trial court's dismissal of the case on the ground that the petitioner is entitled to a speedy trial is capricious and unwarranted under the circumstances obtaining in this case.**

x x x x

In the case of *People vs. Santiago*, [the] Court said:

x x x x

³⁵ Id. at 860-862.

³⁶ 323 Phil. 596 (1996).

x x x 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. x x x

In the instant case, the recourse of the complainant to the respondent Court was therefore proper since it was brought in his own name and not in that of the People of the Philippines. That the said proceedings benefited the People is not a reversible error. Neither does it constitute grave abuse of discretion. There being no violation of the double jeopardy doctrine, the prosecution of the case may still resume in the trial court, as decided by the Court of Appeals.³⁷ (Emphases supplied; citation omitted).

Further, the Court acknowledged the personality of private complainants to appeal or file a petition for *certiorari* to question the decisions and orders dismissing the criminal action not equivalent to an acquittal, *i.e.* dismissal of criminal cases because of want of probable cause or quashal of the information due to improper venue or insufficiency of the information.³⁸ In *Perez v. Hagonoy, Rural Bank Inc. (Perez)*³⁹ the trial court dismissed the criminal charge for *estafa* through falsification of commercial documents against the accused based solely on the recommendation of the Secretary of Justice. Therein private complainant moved for reconsideration. However, the trial court denied the motion because the private complainant had no personality to question the dismissal of the criminal charge. The private complainant elevated the case to the CA through a petition for *certiorari*. The CA found grave abuse of discretion and directed the trial court to resolve the merits of the private complainant's motion for reconsideration. The Court affirmed the CA's findings that the trial court acted with grave abuse of discretion because it did not make an independent evaluation of the merits of the case. Also, citing *Dela Rosa*, We ruled that therein private complainant has the personality to move for consideration and subsequently file a petition for *certiorari* to question the dismissal of the criminal charges, thus:

First. Judge Masadao acted with grave abuse of discretion in granting the prosecutor's motion to dismiss the criminal charges against the petitioner on the basis solely of the recommendation of the Secretary of Justice.

x x x x

³⁷ Id. at 603-606.

³⁸ *People v. Salico*, 84 Phil. 722, 732-733 (1949). In this case, the Court explained that "[d]ismissal terminates the proceeding, either because the court is not a court of competent jurisdiction, or the evidence does not show that the offense was committed within the territorial jurisdiction of the court, or the complaint or information is not valid or sufficient in form and substance, etc. x x x. If the prosecution fails to prove that the offense was committed within the territorial jurisdiction of the court and the case is dismissed, the dismissal is not an acquittal, inasmuch as if it were so the defendant could not be again prosecuted before the court of competent jurisdiction; and it is elemental that in such case the defendant may again be prosecuted for the same offense before a court of competent jurisdiction."

³⁹ 384 Phil. 322 (2000).

x x x. That the trial judge did not make an independent evaluation or assessment of the merits of the case is apparent from the foregoing order. Judge Masadao's reliance on the prosecutor's averment that the Secretary of Justice had recommended the dismissal of the case against the petitioner was, to say the least, an abdication of the trial court's duty and jurisdiction to determine a *prima facie* case, in blatant violation of this Court's pronouncement in *Crespo v. Mogul* as reiterated in the later case of *Martinez v. Court of Appeals* x x x

x x x x

Second. The private respondent, as private complainant, had legal personality to assail the dismissal of the criminal case against the petitioner on the ground that the order of dismissal was issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

In the case of *Dela Rosa v. Court of Appeals*, we held that:

“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 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, the complainant should not bring the action in the name of the People of the Philippines. The action may be prosecuted in (the) name of the said complainant.*”

Thus, while it is only the Solicitor General that may bring or defend actions on behalf of the Republic of the Philippines, or represent the People or State in criminal proceedings pending in the Supreme Court and the Court of Appeals, **the private offended party retains the right to bring a special civil action for *certiorari* in his own name in criminal proceedings before the courts of law.**

x x x x

It follows, therefore, that if the private respondent in this case may file a special civil action for *certiorari*, then with more reason does it have legal personality to move for a reconsideration of the order of the trial court dismissing the criminal charges against the petitioner. In fact, as a general rule, a special civil action will not lie unless a motion for reconsideration is first filed before the respondent tribunal, to allow it an opportunity to correct its assigned errors.⁴⁰ (Emphases and italics supplied; underscoring supplied and citation omitted)

⁴⁰ Id. at 331-337.

In *David v. Marquez* (David)⁴¹ the private complainant filed a petition for *certiorari* to the CA questioning the order of the trial court which quashed the information for *estafa* and illegal recruitment on the supposed ground of improper venue. The CA granted the petition and reinstated the information. The Court affirmed the CA's findings that the trial court is guilty of grave abuse of discretion. Also, the private complainant has the legal personality to file a petition for *certiorari* on her own and not through the OSG, *viz.*:

We are, thus, one with the CA in finding that the RTC of Manila committed grave abuse of discretion and in fact, a palpable error, in ordering the quashal of the Informations (*sic*). The express provision of the law is clear that the filing of criminal actions arising from illegal recruitment before the RTC of the province or city where the offended party actually resides at the time of the commission of the offense is allowed. It goes without saying that the dismissal of the case on [the] wrong ground, indeed, deprived the prosecution, as well as the respondent as complainant, of their day in court.

X X X X

x x x There is no question that, generally, the prosecution cannot appeal or bring error proceedings from a judgment rendered in favor of the defendant in a criminal case due to the final and executory nature of a judgment of acquittal and the constitutional prohibition against double jeopardy. **Despite acquittal, however, the offended party or the accused may appeal, but only with respect to the civil aspect of the decision.**

X X X X

Moreover, there have been occasions when [the] Court has allowed the offended party to pursue the criminal action on his/her own behalf, as when there is a denial of due process as in this case. **Indeed, the right of offended parties to appeal or question an order of the trial court which deprives them of due process has always been recognized, the only limitation being that they cannot appeal any adverse ruling if to do so would place the accused in double jeopardy.**

X X X X

In fine, the dismissal of the cases below was patently erroneous and as such, invalid for lack of fundamental requisite, that is, due process. For this reason, [the] Court finds the recourse of the respondent to the CA proper despite it being brought on her own and not through the OSG.⁴² (Emphases supplied; citation omitted)

In *Flores v. Hon. Joven* (Flores),⁴³ the trial court granted the motion to quash information for rape because the accused was not one of those identified by the victim to have abused her. Moreover, the information failed to show the particular participation of the accused in the crime. Aggrieved, the victim elevated the case to the Court through a petition for *certiorari*. The

⁴¹ 810 Phil. 187 (2017).

⁴² Id. at 200-204.

⁴³ 442 Phil. 576 (2002).

Court, citing *Perez*, sustained the personality of the victim to file the petition and reinstated the criminal case because the trial court committed grave abuse of discretion, thus:

Anent the issue whether or not the petitioner has the personality or the right to file herein petition for *certiorari* — We rule in the affirmative. A perusal of the petition filed in this case shows that petitioner herself caused the preparation and filing of the present petition and filed the same through the private prosecutor. **It is beyond question that petitioner has the right or personality to file the petition, through her private prosecutors, questioning the dismissal of the criminal case against respondent Navarro.** For obvious reasons, the public prosecutors who filed the motion to dismiss which was granted by the trial court would not initiate the action.

X X X X

More recently, in *Perez vs. Hagonoy Rural Bank, Inc.*, we held that the private respondent therein, as private complainant, has legal personality to assail the dismissal of the criminal case against the petitioner on the ground that the order of dismissal was issued with grave abuse of discretion amounting to lack or excess of jurisdiction. This is so because a special civil action for *certiorari* may be filed by the persons aggrieved, which, in a criminal case, are the State and the private offended party or complainant. **Having an interest in the civil aspect of the case, the complainant may file such action, in his name, questioning the decision or action of the respondent court on jurisdictional grounds.**

X X X X

The Court cannot fathom how the trial court concluded that respondent Navarro was not one of those identified by petitioner as one of her perpetrators when the Sworn Statement executed by petitioner, as well as her response to the clarificatory questions of the Fiscal, not only narrated the facts and circumstances surrounding her ordeal, but also explicitly and categorically identified respondent Navarro and his other co-accused as her alleged rapists.

X X X X

In this case, the Information sufficiently alleged that respondent Emmanuel Navarro, by means of force, had sexual intercourse with petitioner against her will. It contained all the essential elements of rape as defined by law. The allegations describe the offense with sufficient particularity such that respondent Navarro will fully understand what he is being charged with. The Information also sufficiently alleged respondent Navarro's criminal culpability/liability for the crime, to wit: "accused EMMANUEL NAVARRO has (*sic*) sexual intercourse with one Joan Flores, against the latter's (*sic*) will." This is based on petitioner's own account of the incident wherein she stated that her perpetrators, including respondent Navarro, took turns in sexually abusing her.⁴⁴ (Emphases supplied; citations omitted)

⁴⁴ Id. at 583- 588.

In *Morillo v. People* (Morillo),⁴⁵ however, the Court allowed therein private complainant to appeal, without the OSG's participation, the dismissal of the criminal cases due to improper venue in view of the unique circumstances of the case and in the interest of substantial justice. In that case, both the RTC and the Metropolitan Trial Court (MeTC) convicted the accused on two counts of violation of B.P. Blg. 22 or the Anti-Bouncing Checks Law. Yet, the CA dismissed the criminal cases without prejudice due to improper venue. Aggrieved, the private complainant filed a petition for review on *certiorari* under Rule 45 of the Rules of Court. For its part, the OSG agreed with the CA's stance that the venue was improperly laid. This Court held that the CA erred in dismissing the case for improper venue and sustained the private complainant's legal standing to file the petition, to *wit*:

Corollary, a judgment of acquittal may be assailed through a petition for *certiorari* under Rule 65 of the Rules of Court showing that the lower court, in acquitting the accused, committed not merely reversible errors of judgment, but also exercised grave abuse of discretion amounting to lack or excess of jurisdiction, or a denial of due process, thereby rendering the assailed judgment null and void. If there is grave abuse of discretion, granting the aggrieved party's prayer is not tantamount to putting the accused in double jeopardy, in violation of the general rule that the prosecution cannot appeal or bring error proceedings from a judgment rendered in favor of the defendant in a criminal case. This is because a judgment of acquittal is immediately final and executory, and the prosecution is barred from appealing lest the constitutional prohibition against double jeopardy be violated.

Thus, it may be argued that since the instant petition is one for review on *certiorari* under Rule 45 of the Rules of Court, not under Rule 65, and was not filed by the OSG representing the interest of the Republic, the same should be summarily dismissed. **The unique and special circumstances attendant in the instant petition, however, justify an adjudication by the Court on the merits and not solely on technical grounds.**

First of all, the Court stresses that the appellate court's dismissal of the case is not an acquittal of respondent. x x x

x x x x

Thus, when the appellate court herein dismissed the instant case on the ground that the MeTC lacked jurisdiction over the offense charged, it did not decide the same on the merits, let alone resolve the issue of respondent's guilt or innocence based on the evidence proffered by the prosecution. The appellate court merely dismissed the case on the erroneous reasoning that none of the elements of BP 22 was committed within the lower court's jurisdiction, and not because of any finding that the evidence failed to show respondent's guilt beyond reasonable doubt. Clearly, therefore, such dismissal did not operate as an acquittal, which, as previously discussed, may be repudiated only by a petition for *certiorari* under Rule 65 of the Rules of Court showing a grave abuse or discretion.

⁴⁵ 775 Phil. 192 (2015).

Thus, petitioner's resort to Rule 45 of the Rules of Court cannot be struck down as improper. In a petition for review on *certiorari* under Rule 45, the parties raise only questions of law because the Court, in its exercise of its power of review, is not a trier of facts. There is a question of law when the doubt or difference arises as to what the law is on certain state of facts and which does not call for an existence of the probative value of the evidence presented by the parties-litigants. x x x

x x x x

More importantly, moreover, since the dismissal of the instant case cannot be considered as an acquittal of respondent herein, he cannot likewise claim that his constitutional right to protection against double jeopardy will be violated.

x x x x

As to the issue of petitioner's legal standing to file the instant petition in the absence of the OSG's participation, the circumstances herein warrant the Court's consideration. x x x

x x x x

x x x the Court finds that in the interest of substantial justice, it must give due course to the instant petition and consequently rule on the merits of the same. **The circumstances surrounding this case left petitioner with no other suitable recourse but to appeal the case herself. Not only was there an absence of support from the OSG, said government office also took a position in contrast to the rights and interests of petitioner.** Moreover, as discussed above, the arguments which ran counter to petitioner's interest as well as the grounds used to support them were simply inapplicable to the issue at hand. **In fact, these erroneous contentions were adopted by the appellate court in their entirety, dismissing the instant case in a manner not in accord with law and applicable jurisprudence.** For the Court, now, to apply procedural rules in their strict and literal sense by similarly dismissing, as the CA had, petitioner's action poses serious consequences tantamount to a miscarriage of justice. x x x⁴⁶ (Emphases supplied; citations omitted)

Moreover, there are instances where the Court recognized the personality of the private complainant to question interlocutory orders in criminal proceedings. Obviously, these interlocutory orders do not involve the acquittal of the accused or dismissal of the criminal case such as orders suspending the criminal case due to a prejudicial question, giving due course to the notice of appeal, or granting bail. In *Rodriguez v. Gadiane* (Rodriguez),⁴⁷ the Municipal Trial Court (MTC) suspended the criminal proceedings for violation of B.P. Blg. 22 or the Anti-Bouncing Checks Law due to a prejudicial question posed on a separate pending civil case. Therein private complainant filed a petition for *certiorari* to the RTC ascribing grave abuse of discretion to the MTC. However, the RTC dismissed the petition for lack of conformity of the public prosecutor. Aggrieved, the private

⁴⁶ Id. at 211-216.

⁴⁷ 527 Phil. 691 (2006).

complainant elevated the case to the Court through a petition for review under Rule 45. The Court granted the appeal and reinstated the petition for *certiorari* filed before the RTC. Also, citing *Dela Rosa*, the Court sustained the personality of the private complainant to file a petition for *certiorari*, to wit:

A special civil action for *certiorari* may be filed by an aggrieved party alleging grave abuse of discretion amounting to excess or lack of jurisdiction on the part of the trial court. In a long line of cases, [the] Court construed the term “aggrieved parties” to include the State and the private offended party or complainant.

x x x x

It was further held in *De la Rosa* that the complainant has such an interest in the civil aspect of the case that he may file a special civil action questioning the decision or action of the respondent court on jurisdictional grounds.

x x x x

The Court has nonetheless recognized that if the criminal case is dismissed by the trial court or if there is an acquittal, the appeal on the criminal aspect of the case must be instituted by the Solicitor General in behalf of the State. The capability of the private complainant to question such dismissal or acquittal is limited only to the civil aspect of the case. x x x **However, it should be remembered that the order which herein petitioner seeks to assail is not one dismissing the case or acquitting respondents. Hence, there is no limitation to the capacity of the private complainant to seek judicial review of the assailed order.**

x x x x

In this case, there is no doubt that petitioner maintains an interest in the litigation of the civil aspect of the case against respondents. Section 1(b), Rule 111 of the 2000 Rules of Criminal Procedure states that the criminal action for violation of B.P. 22 shall be deemed to include the corresponding civil action. **Hence, the possible conviction of respondents would concurrently provide a judgment for damages in favor of petitioner. The suspension of the criminal case which petitioner decries would necessarily cause delay in the resolution of the civil aspect of the said case which precisely is the interest and concern of petitioner. Such interest warrants protection from the courts.** Significantly, under the present Rules of Court, complainants in B.P. 22 cases have to pay filing fees upon the commencement of such cases in court to protect their interest.⁴⁸ (Emphases supplied; citations omitted).

In *Salvador v. Chua* (Salvador),⁴⁹ the private complainant filed a petition for *certiorari* before the CA assailing the trial court’s orders which granted the notice of appeal of the accused from his conviction for *estafa* and

⁴⁸ Id. at 696-698.

⁴⁹ 764 Phil. 244 (2015).

allowed him to post bail. The CA ruled that the trial court committed grave abuse of discretion because the accused's conviction was already final and immutable. The Court affirmed the CA's findings and sustained the personality of the private complainant to file a petition for *certiorari*, thus:

Yet, although the respondent's *Motion for Execution* had already been granted by the RTC, the CA still held that she continued to have an interest in the litigation, observing as follows:

x x x [W]ith the public respondents' questioned Orders both granting him leave to appeal the Decision dated March 30, 2011, the whole case is rendered open for review by Us, including the civil aspect of the case. An appeal throws the case open for review. Under Section 11, Rule 124 of the Rules of Court, the Court of Appeals may reverse, affirm or modify the judgment. An appeal in a criminal case opens the entire case for review on any question, including one not raised by the parties.

A mere cursory reading of the herein *Petition* will readily reveal that petitioner desires to question the propriety of public respondents' ruling giving due course to private respondent's appeal and subsequently allowing him to post bail. We do not, however, perceive the same as a procedural misstep thus divesting the petitioner the personality to file the instant *Petition*.

x x x x

We affirm the CA's holding on the respondent's legal standing to institute the special civil action for *certiorari* in order to annul the questioned orders of the RTC. For sure, her interest in the criminal case did not end upon the granting of her *Motion for Execution* because the questioned orders opened the possibility of defeating the judgment in her favor should the CA reverse or modify his conviction. **She remained an aggrieved party like the State in every sense, and, consequently, she had as much right as anyone else in the criminal proceedings to adopt and to take the necessary procedural steps within the bounds of the *Rules of Court* to serve and protect her substantial interest.** Although it is true that she could be represented by the OSG if it wanted to, she would be reckless at that point to be disinterested in the appellate proceedings. Moreover, we would violate her fundamental right to due process of law if we were to deny her the opportunity to assail and set aside the improperly resurrected appeal of the petitioner.⁵⁰ (Emphases supplied; italics in the original)

In *Narciso v. Sta. Romana-Cruz* (Narcisco),⁵¹ the sister of the parricide victim filed a petition for *certiorari* before the CA assailing the order of the trial court granting the accused's motion for bail. The CA held that the trial court is guilty of grave abuse of discretion since bail cannot be allowed without a prior hearing to a person charged with an offense punishable with

⁵⁰ Id. at 252-254.

⁵¹ 385 Phil. 208 (2000).

reclusion perpetua. The Court affirmed the CA's findings and sustained the personality of the victim's sister to file the petition giving due regard to the ends of substantial justice, thus:

The Court of Appeals ruled, however, that there was no basis for such finding, since no hearing had been conducted on the application for bail — summary or otherwise. **The appellate court found that only ten minutes had elapsed between the filing of the Motion by the accused and the Order granting bail, a lapse of time that could not be deemed sufficient for the trial court to receive and evaluate any evidence. We agree with the CA.**

X X X X

Petitioner attacks respondent's legal standing to file the Petition for *Certiorari* before the appellate court, maintaining that only the public prosecutor or the solicitor general may challenge the assailed Order.

X X X X

The ends of substantial justice indeed require the affirmation of the appellate court's ruling on this point. **Clearly, the assailed Order of Judge Santiago was issued in grave abuse of discretion amounting to lack of jurisdiction. A void order is no order at all. It cannot confer any right or be the source of any relief. [The] Court is not merely a court of law; it is likewise a court of justice.**

To rule otherwise would leave the private respondent without any recourse to rectify the public injustice brought about by the trial court's Order, leaving her with only the standing to file administrative charges for ignorance of the law against the judge and the prosecutor. A party cannot be left without recourse to address a substantive issue in law.⁵² (Emphases supplied; citations omitted))

The divergent rulings do not grant the private complainant a blanket authority to question judgments and orders in criminal proceedings without the OSG's intervention.

On this point, the Court clarifies that the pronouncements in *Santiago, Dela Rosa, Perez, David, Flores, Morillo, Rodriguez, Salvador, and Narciso* cannot be construed as a blanket grant of legal personality to private complainants to question judgments and orders in criminal proceedings on grounds of grave abuse of discretion or denial of due process.⁵³ The Court did not abandon the well-established distinction in our legal system that the People, through the OSG, has legal interest over the criminal aspect of the proceedings, whereas the private complainant has legal interest over the civil aspect of the case.

⁵² Id. at 217- 223.

⁵³ See Reflection of Associate Justice Alfredo Benjamin S. Caguioa, p. 9.

The decisions in *Santiago, Dela Rosa* and *Perez* explicitly noted that the private 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.” Similarly, *David* pointed out that despite the acquittal, the offended party may appeal “but only with respect to the civil aspect of the decision,” while *Flores* reiterated that “[h]aving an interest in the civil aspect of the case, the complainant may file such action, in his name, questioning the decision or action of the respondent court on jurisdictional grounds.” The rule remains that only the OSG may question before the SC and the CA matters involving the criminal aspect of the case. Hence, the rulings in *Perez, David, and Flores* must be correlated with the decisions discussed earlier in *Jimenez, Anlud Metal Recycling Corp., and Piccio* that private complainants cannot question orders dismissing criminal cases for want of probable cause and quashal of the information due to improper venue or insufficiency of the allegation without the OSG’s participation given that these issues pertain to the criminal aspect of the case and the right to prosecute. Furthermore, the interpretation of the rulings in *Dela Rosa* and *Flores* was made clear in *Padillo v. Apas*⁵⁴ stating that “[w]hile it is settled that a private complainant, in his or her own name, has the right or personality to file through a private prosecutor a petition for certiorari questioning the dismissal of a criminal case, such right or personality is premised on his or her interest in the civil aspect of the case.” Indeed, the Court in the subsequent cases of *Rodriguez* and *Salvador* aptly explained how private complainants maintained their interests in the civil aspect of the cases allowing them to assail orders in the criminal proceedings. Lastly, the *Morillo* and *Narciso* rulings were rendered based on exceptional circumstances and in the interest of substantial justice.

More importantly, the case law allowing private complainants to question judgments and orders in criminal proceedings should not be stretched to the degree of violating the mandate of the Administrative Code as to the nature and extent of the OSG’s power and authority.⁵⁵ The pertinent provision of the substantive law is clear that the OSG shall “[r]epresent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; x x x” As such, the OSG must be given the opportunity to be heard on how the remedies that private complainants sought before the SC and the CA might affect the interest of the People in the criminal aspect of the case.⁵⁶ To be sure, there are several instances where the Court required the OSG to submit a comment instead of dismissing the appeal or petition for certiorari filed by private complainants questioning decisions or orders in criminal proceedings.

In *People v. Court of Appeals*,⁵⁷ the victim filed a petition for certiorari before the Court at the instance of her private counsel to question

⁵⁴ 521 Phil 179 (2006).

⁵⁵ Reflections of Justice Alfredo Benjamin S. Caguioa, p. 9.

⁵⁶ Reflections of Justice Estela M. Perlas-Bernabe, p. 7.

⁵⁷ 755 Phil. 80 (2015).

the CA's decision acquitting the accused from the crime of rape. The Court held that the victim has legal standing to file the petition and reversed the judgment of acquittal because the CA merely relied on the evidence of the defense and utterly disregarded that of the prosecution. In any event, the OSG joined the victim's cause in its comment fulfilling the requirement that all criminal actions shall be prosecuted under the direction and control of the public prosecutor, to wit:

Here, AAA filed a petition for *certiorari* under Rule 65, albeit at the instance of her private counsel, primarily imputing grave abuse of discretion on the part of the CA when it acquitted private respondents. **As the aggrieved party, AAA clearly has the right to bring the action in her name and maintain the criminal prosecution. She has an immense interest in obtaining justice in the case precisely because she is the subject of the violation.** x x x. In any event, the OSG joins petitioner's cause in its Comment, thereby fulfilling the requirement that all criminal actions shall be prosecuted under the direction and control of the public prosecutor.

x x x x

The Court finds that the petitioner has sufficiently discharged the burden of proving that the respondent appellate court committed grave abuse of discretion in acquitting private respondents.

It appears that in reaching its judgment, the CA merely relied on the evidence presented by the defense and utterly disregarded that of the prosecution. x x x

x x x x

x x x. **Thus, the CA's blatant disregard of material prosecution evidence and outward bias in favor of that of the defense constitutes grave abuse of discretion resulting in violation of petitioner's right to due process.**⁵⁸ (Emphases supplied; citations omitted)

In *Merciales v. Court of Appeals*,⁵⁹ the trial court granted the demurrer evidence and acquitted the accused of the crime of rape. The mother of the deceased victim filed a petition for annulment of judgment before the CA but was dismissed. The mother of the victim elevated the case to the Court ascribing reversible error on the part of the CA in refusing to nullify the trial court's order granting the demurrer. At the oral argument, the OSG joined the petitioner's cause to prevent a miscarriage of justice. This mooted the issue of the legal standing of the victim's mother to question a judgment of acquittal. Yet, the Court *En Banc* declared that the mother of the victim has an interest in the maintenance of the criminal prosecution. Also, the accused cannot validly invoke their right against double jeopardy since both the prosecutor and the trial court were guilty of serious nonfeasance depriving the offended party of her day in court, to wit:

⁵⁸ Id. at 99-102.

⁵⁹ 429 Phil. 70 (2002).

It is true that a private complainant cannot bring an action questioning a judgment of acquittal, except insofar as the civil aspect of the criminal case is concerned. In the case at bar, we agree with petitioner [that] this issue was rendered moot when the Solicitor General, in representation of the People, changed his position and joined the cause of petitioner, thus fulfilling the requirement that all criminal actions shall be prosecuted under the direction and control of the public prosecutor.

In any event, petitioner has an interest in the maintenance of the criminal prosecution, being the mother of the deceased rape victim. The right of offended parties to appeal an order of the trial court which deprives them of due process has always been recognized, the only limitation being that they cannot appeal any adverse ruling if to do so would place the accused in double jeopardy.

x x x x

It is clear from the foregoing that the public prosecutor was guilty of serious nonfeasance. x x x

x x x x

In the case at bar, the public prosecutor knew that he had not presented sufficient evidence to convict the accused. Yet, despite repeated moves by the accused for the trial court to continue hearing the case, he deliberately failed to present an available witness and thereby allowed the court to declare that the prosecution has rested its case. In this sense, he was remiss in his duty to protect the interest of the offended parties. More specifically, the public prosecutor in this case was guilty of blatant error and abuse of discretion, thereby causing prejudice to the offended party. Indeed, the family of the deceased victim, x x x, could do nothing during the proceedings, having entrusted the conduct of the case in the hands of the said prosecutor. All they could do was helplessly watch as the public prosecutor, who was under legal obligation to pursue the action on their behalf, renege on that obligation and refuse to perform his sworn duty.

x x x Moreover, the public prosecutor violated his bounden duty to protect the interest of the offended party, at least insofar as the criminal aspect is concerned. x x x

Likewise guilty for serious nonfeasance was the trial court. Notwithstanding its knowledge that the evidence for the prosecution was insufficient to convict, especially after the public prosecutor tenaciously insisted on utilizing Nuada as state witness, the trial court passively watched as the public prosecutor bungled the case. The trial court was well aware of the nature of the testimonies of the seven prosecution witnesses that have so far been presented. Given this circumstance, the trial court, *motu proprio*, should have called additional witnesses for the purpose of questioning them himself in order to satisfy his mind with reference to particular facts or issues involved in the case.

Based on the foregoing, it is evident that petitioner was deprived of her day in court. Indeed, it is not only the State, but more so the offended party, that is entitled to due process in criminal cases. **Inasmuch**

as the acquittal of the accused by the court *a quo* was done without regard to due process of law, the same is null and void. It is as if there was no acquittal at all, and the same cannot constitute a claim for double jeopardy.

X X X X

Otherwise put, the dismissal of the case below was invalid for lack of a fundamental prerequisite, that is, due process. In rendering the judgment of dismissal, the trial judge in this case acted without or in excess of jurisdiction, for a judgment which is void for lack of due process is equivalent to excess or lack of jurisdiction. Indeed, "jurisdiction" is the right to hear and determine, not to determine without hearing.

Lack of jurisdiction is one of the grounds for the annulment by the Court of Appeals of judgments or final orders and resolutions of Regional Trial Courts. Hence, the remedy taken by petitioner before the Court of Appeals was correct.⁶⁰ (Emphases supplied; citations omitted)

In *Labaro v. Hon. Panay*,⁶¹ therein private complainant filed a petition for *certiorari* assailing the trial court's order admitting the accused for bail who was charged with a crime punishable with *reclusion perpetua*. The Court required the OSG to file its comment who then complied and agreed with the private complainant. The Court granted the petition and set aside the order granting bail because it was rendered without a summary of the evidence and a finding on whether the evidence of guilt is strong. Moreover, the Court held that the OSG's comment has in effect ratified and adopted as its own the petition for the People of the Philippines. Likewise, in *Montañez v. Cipriano*,⁶² therein private complainant filed a petition for review on *certiorari* questioning the trial court's order that granted the accused's motion to quash the information. The Court required the OSG to file a comment, which it did, praying that the petition be granted. The Court set aside the trial court's order quashing the information and ruled that the OSG's comment ratified the petition. In *People v. Judge Nano*,⁶³ the Court took cognizance of the private complainant's petition for *certiorari* because of the gravity of the error committed by the judge against the prosecution resulting in denial of due process. Aside from the denial of due process, the OSG also manifested to adopt the petition as if filed by its office, thus:

The petition being defective in form, the Court could have summarily dismissed the case for having been filed merely by private counsel for the offended parties, though with the conformity of the provincial prosecutor, and not by the Solicitor General. While it is the public prosecutor who represents the People in criminal cases before the trial courts, it is only the Solicitor General that is authorized to bring or defend actions in behalf of the People or Republic of the Philippines once the case is brought up before this Court or the Court of Appeals x x x

⁶⁰ Id. at 77-82.

⁶¹ 360 Phil. 102 (1998).

⁶² 697 Phil. 586 (2012).

⁶³ 282 Phil. 164 (1992).

Defective as it is, the Court, nevertheless, took cognizance of the petition in view of the gravity of the error allegedly committed by the respondent judge against the prosecution — denial of due process — as well as the manifestation and motion filed by the Office of the Solicitor General praying that the instant petition be treated as if filed by the said office. In view thereof, We now consider the People as the sole petitioner in the case duly represented by the Solicitor General. Payment of legal fees is therefore no longer necessary in accordance with Sec. 16, Rule 141 of the Rules of Court.⁶⁴ (Emphasis supplied)

In this case, private complainants filed a petition for *certiorari* before the CA without the OSG's prior conformity. They question the Joint Orders acquitting Mamerto for failure to meet the standard set forth in Section 14, Article VIII of the Constitution. On the other hand, Mamerto argued that private complainants cannot bring an action to review a judgment of acquittal without offending the constitutional guarantee against double jeopardy. Given the divergent decisions on the private complainant's legal standing in a criminal case, private complainants cannot be faulted when they relied on jurisprudence allowing them to assail the criminal aspect of the case through a petition for *certiorari* on grounds of grave abuse of discretion and denial of due process. Hence, the Court should not dismiss their remedy. In any event, the OSG joined the cause of private complainants, and gave its conformity to the petition for *certiorari* that the private complainants filed before the CA. To avoid further delay, the Court deems it more appropriate and practical to resolve the issues of whether the CA correctly ruled that the RTC committed grave abuse of discretion when it disregarded the constitutional requirement that a decision must express clearly and distinctly the facts and the law on which it is based, and whether there is a violation of Mamerto's right against double jeopardy.

The RTC is guilty of grave abuse of discretion when it rendered the Joint Orders acquitting Mamerto in violation of Section 14, Article VIII of the Constitution. Consequently, Mamerto cannot claim a violation of his right against double jeopardy.

Private complainants sufficiently established that the Joint Orders acquitting Mamerto were rendered with grave abuse of discretion that is arbitrary, capricious, whimsical, or despotic exercise of judgment as when the assailed order is bereft of any factual and legal justification⁶⁵ or when the disputed act of the trial court goes beyond the limits of discretion thus effecting an injustice.⁶⁶ Section 14, Article VIII of the Constitution expressly provides that “[n]o decision shall be rendered by any court without

⁶⁴ Id. at 168-169.

⁶⁵ See *Senate Blue Ribbon Committee v. Majaducion*, 455 Phil. 61, 71 (2003).

⁶⁶ *Dissenting Opinion of then Associate Justice Claudio Teehankee in Chemplex (Phils.), Inc. v. Hon. Pamatian*, 156 Phil. 408, 457 (1974).

expressing therein clearly and distinctly the facts and the law on which it is based. No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the basis therefor." In *Yao v. Court of Appeals (Yao)*,⁶⁷ we emphasized that the parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court, *viz.*:

Faithful adherence to the requirements of Section 14, Article VIII of the Constitution is indisputably a paramount component of due process and fair play. It is likewise demanded by the due process clause of the Constitution. The parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to the higher court, if permitted, should he believe that the decision should be reversed. **A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is precisely prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal.** x x x⁶⁸ (Emphases supplied; citations omitted)

The failure to comply with the constitutional injunction is a grave abuse of discretion amounting to lack or excess of jurisdiction. As *Yao* aptly discussed, the decisions or orders issued in careless disregard of the constitutional mandate are a patent nullity and must be struck down as void.:

Thus, we nullified or deemed to have failed to comply with Section 14, Article VIII of the Constitution, a decision, resolution or order which: contained no analysis of the evidence of the parties nor reference to any legal basis in reaching its conclusions; contained nothing more than a summary of the testimonies of the witnesses of both parties; convicted the accused of libel but failed to cite any legal authority or principle to support conclusions that the letter in question was libelous; consisted merely of one (1) paragraph with mostly sweeping generalizations and failed to support its conclusion of parricide; consisted of five (5) pages, three (3) pages of which were quotations from the labor arbiter's decision including the dispositive portion and barely a page (two [2] short paragraphs of two [2] sentences each) of its own discussion or reasoning; was merely based on the findings of another court sans transcript of stenographic notes; or failed to explain the factual and legal bases for the award of moral damages.⁶⁹ (Emphases supplied; citations omitted)

Verily, the CA properly struck down as a nullity the RTC's Joint Orders which simply copied the allegations of Mamerto in his motions for reconsideration and memoranda followed by a conclusion "*that the prosecution miserably failed to overcome the legal presumption of innocence of the accused beyond cavil of reasonable doubt*". The Joint Orders are mere

⁶⁷ 398 Phil. 86 (2000).

⁶⁸ Id. at 105-106.

⁶⁹ Id. at 106-107.

recital of facts with a dispositive portion. They contained neither an analysis of the evidence nor a reference to any legal basis for the conclusion. Thus, the Joint Orders are void for failure to meet the standard set forth in Section 14, Article VIII of the Constitution.⁷⁰ It is settled that a void judgment of acquittal has no legal effect and does not terminate the case.⁷¹ In *People v. Judge Bellaflor*,⁷² the respondent judge is guilty of grave abuse of discretion in acquitting the accused without expressing the facts and the law on which it is based, thus:

x x x[P]rivate respondent cannot successfully seek refuge in the assailed resolution of respondent judge. For one thing, it was an empty judgment of acquittal — a bare adjudication that private respondent is not guilty of the offense charged anchored on the mere supposition that the decision rendered by Judge Fortun was a nullity. **Indeed, respondent judge acquitted private respondent without expressing the facts and the law on which it is based, as required by Section 14, Article VIII of the Constitution.** x x x

x x x x

It is indubitable that the acquittal of private respondent was not based upon consideration of the evidence or of the merits of the case. Furthermore, it is a requirement of due process that the parties to a litigation be informed of how it was decided, with an explanation of the factual findings and legal justifications that led to the conclusions of the court x x x

x x x x

In view of the foregoing, we hold that **respondent judge committed grave abuse of discretion amounting to lack of jurisdiction in nullifying the decision rendered by Judge Fortun.**⁷³ (Emphases supplied.)

Relatively, the accused's constitutional right against double jeopardy⁷⁴ attaches when the following elements concur: (1) the accused is charged under a complaint or information sufficient in form and substance to sustain their conviction; (2) the court has jurisdiction; (3) the accused has been arraigned and has pleaded; and (4) the accused is convicted or acquitted, or the case is dismissed without his/her consent.⁷⁵ Yet, the rule on double jeopardy will not apply when there has been a grave abuse of discretion under exceptional circumstances that rendered the trial court without jurisdiction.⁷⁶ As intimated earlier, the RTC committed grave abuse of discretion rendering the Joint Orders of acquittal void. On this point, we reiterate that a void

⁷⁰ *Philippine National Bank v. Heirs of Late Spouses Entapa*, 794 Phil. 526, 540 (2016). *People v. Sandiganbayan*, 482 Phil. 613, 628 (2004). See also *Ongson v. People*, 504 Phil. 214, 224 (2005).

⁷¹ *Javier v. Gonzales*, 803 Phil. 631, 648 (2017); citing *People v. Judge Hernandez*, 531 Phil. 289, 306 (2006).

⁷² 303 Phil. 209 (1994).

⁷³ *Id.* at 214-218.

⁷⁴ CONSTITUTION, Article III, Section 21.

⁷⁵ *Merciales v. Court of Appeals*, *supra* note 59 at 81.

⁷⁶ *People v. Alejandro*, 823 Phil. 684, 692 (2018).

judgment of acquittal cannot be the source of legal rights and has no binding effect. In contemplation of law, it is non-existent as if no judgment had been rendered at all. Thus, Mamerto's right against double jeopardy is not violated.⁷⁷

It is an opportune time for the Court to harmonize the case law and formulate an edifying rule on the private complainant's legal standing to question judgments or orders in criminal proceedings consistent with its exclusive rule-making authority.

To guide the bench and the bar, these rules should be observed with respect to the legal standing of private complainants in assailing judgments or orders in criminal proceedings before the SC and the CA, to wit:

(1) The private complainant has the legal personality to appeal the civil liability of the accused or file a petition for *certiorari* to preserve his or her interest in the civil aspect of the criminal case. The appeal or petition for *certiorari* must allege the specific pecuniary interest of the private offended party. The failure to comply with this requirement may result in the denial or dismissal of the remedy.

The reviewing court shall require the OSG to file comment within a non-extendible period of thirty (30) days from notice if it appears that the resolution of the private complainant's appeal or petition for *certiorari* will necessarily affect the criminal aspect of the case or the right to prosecute (i.e., *existence of probable cause, venue or territorial jurisdiction, elements of the offense, prescription, admissibility of evidence, identity of the perpetrator of the crime, modification of penalty, and other questions that will require a review of the substantive merits of the criminal proceedings, or the nullification/reversal of the entire ruling, or cause the reinstatement of the criminal action or meddle with the prosecution of the offense, among other things*). The comment of the OSG must state whether it conforms or concurs with the remedy of the private offended party. The judgment or order of the reviewing court granting the private complainant's relief may be set aside if rendered without affording the People, through the OSG, the opportunity to file a comment.

(2) The private complainant has no legal personality to appeal or file a petition for *certiorari* to question the judgments

⁷⁷ *Galman v. Sundiganbayan*, 228 Phil. 42 (1986).

or orders involving the criminal aspect of the case or the right to prosecute, unless made with the OSG's conformity.

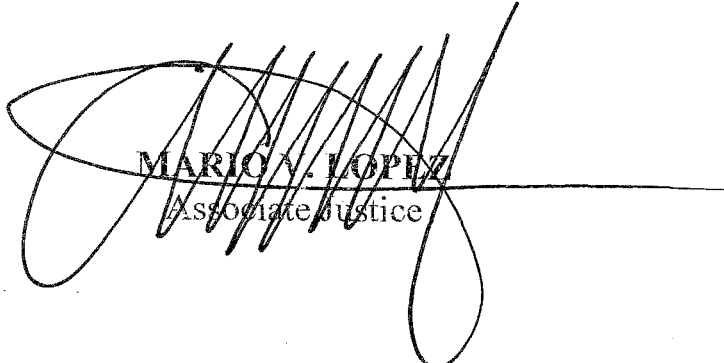
The private complainant must request the OSG's conformity within the reglementary period to appeal or file a petition for *certiorari*. The private complainant must attach the original copy of the OSG's conformity as proof in case the request is granted within the reglementary period. Otherwise, the private complainant must allege in the appeal or petition for *certiorari* the fact of pendency of the request. If the OSG denied the request for conformity, the Court shall dismiss the appeal or petition for *certiorari* for lack of legal personality of the private complainant.

(3) The reviewing court shall require the OSG to file comment within a non-extendible period of thirty (30) days from notice on the private complainant's petition for *certiorari* questioning the acquittal of the accused, the dismissal of the criminal case, and the interlocutory orders in criminal proceedings on the ground of grave abuse of discretion or denial of due process.

(4) These guidelines shall be prospective in application.

FOR THESE REASONS, the petition is **DENIED**. The Court of Appeals' Decision dated July 31, 2012 in CA G.R. SP No. 114771 is **AFFIRMED** with **MODIFICATION** in that the criminal cases are **REMANDED** to the Regional Trial Court for resolution of Mamerto Austria's motion for reconsideration in accordance with Section 14, Article VIII of the 1987 Constitution.

SO ORDERED.



MARICELA LOPEZ
Associate Justice

WE CONCUR:

[Signature]
ALEXANDER G. GESMUNDO
Chief Justice

See Concurrence
ON OFFICIAL LEAVE BUT LEFT HIS VOTE

[Signature]
MARVIC M.V.F. LEONEN
Associate Justice

[Signature]
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

[Signature]
RAMON PAUL L. HERNANDO
Associate Justice

[Signature] *See Concurrence*
AMY C. LAZARO-JAVIER
Associate Justice

ON LEAVE ON OFFICIAL TIME

[Signature]
HENRI JEAN PAUL B. INTING
Associate Justice

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RODIL V. ZALAMEDA
Associate Justice

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SAMUEL H. GAERLAN
Associate Justice

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JAPAR B. DIMAAMPAO
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JOSE MIDAS P. MARQUEZ
Associate Justice

[Signature]
ANTONIO T. KHO, JR.
Associate Justice


[Signature]
MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


ALEXANDER G. GESMUNDO
Chief Justice

CERTIFIED TRUE COPY


MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court