



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**VALLACAR TRANSIT, INC. and
 NIXON BANIBANE,**
 Petitioners,

G.R. No. 259337
 [Formerly UDK No. 17329]

Present:

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

- versus -

RICARDO V. YANSON, JR.,
 Respondent.

Promulgated:
November 25, 2025

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DECISION

GAERLAN, J.:

Before the Court is a Petition for Review on *Certiorari*¹ dated September 23, 2021 filed by petitioners Vallacar Transit, Inc. (VTI) and Nixon A. Banibane (Nixon), assailing the Orders dated March 1, 2021² and

* No part due to close relations to one of the counsels of a party.

** On Official Leave but left a Concurring Opinion.

*** On Wellness Leave.

**** On Official Leave but left a Concurring Vote.

***** On Official Business but left a Concurring Vote.

¹ *Rollo*, pp. 3-90.

² *Id.* at 91-103. Penned by Presiding Judge Phoebe A. Gargantiel-Balbin of the Sixth Judicial Region, Regional Trial Court, Bacolod City.

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August 12, 2021³ of Branch 45 of the Regional Trial Court (RTC) of Bacolod City in Civil Case No. 20-15564. The RTC granted respondent Ricardo V. Yanson, Jr.'s (Ricardo) Petition for *Certiorari*⁴ and held in abeyance Criminal Case No. 20-07-34724, titled "*People of the Philippines v. Ricardo V. Yanson, Jr.*"⁵

The Antecedents

The case arose from an intra-corporate dispute involving a family corporation, VTI. One faction consists of respondent Ricardo, together with his siblings Roy V. Yanson (Roy), Ma. Lourdes Celina Yanson-Lopez (Celina), and Emily V. Yanson (Emily; the Yanson 4). Meanwhile, the other faction is led by their youngest brother, Leo Rey V. Yanson (Leo Rey), with their sister, Ginnette Y. Dumancas (Ginnette). Their mother, Olivia V. Yanson, took the side of Leo Rey and Ginnette.⁶

As shown in VTI's General Information Sheet (GIS) for 2018, the Board of Directors (BOD) of VTI was as follows:

Name of Member of BOD	Position
Leo Rey V. Yanson	President
Roy V. Yanson	N/A
Emily V. Yanson	Corporate Secretary
Ginnette Y. Dumancas	N/A
Ma. Lourdes Celina Y. Lopez	Treasurer
Ricardo V. Yanson, Jr.	N/A
Engr. Alfredo O. Ligo	VP for Operations
Joemarie Bermillo	VP for Finance
Hernan B. Omecillo	VP for Admin
Atty. Collin Derk Y. Isidto	VP for Legal
Danny O. Lorenton	VP for Maintenance ⁷

Notably, sometime in June 2019, there were reports of millions of unexplained and unliquidated company expenses and cash withdrawals. Thus, a letter was sent to Leo Rey—then President of VTI—asking him to explain such cash withdrawals. However, because Leo Rey refused to explain and account for these cash withdrawals, the BOD resolved and voted to remove Leo Rey as president during the Special Board Meeting conducted on July 7,

³ *Id.* at 104–108.

⁴ *Id.* at 186–254.

⁵ *Id.* at 103.

⁶ *Id.* at 189.

⁷ *Id.* at 620–629.

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2019, on the ground of loss of trust and confidence. Roy was then designated as the new VTI president.⁸

The change in leadership is shown in VTI's GIS for 2019:

Name of Member of BOD	Position
Roy V. Yanson	President
Emily V. Yanson	Corporate Secretary
Ginnette Y. Dumancas	N/A
Ma. Lourdes Celina Y. Lopez	Treasurer
Ricardo V. Yanson, Jr.	VP for Maintenance
Leo Rey V. Yanson	N/A
Jose Jonathan N. Ealdama	VP for Legal ⁹

After the Special Board Meeting on July 7, 2019, the Yanson 4 visited VTI's Head Office located in Barangay Mansilingan, Bacolod City, and took possession and control of the same. At this time, some 55 buses of VTI were transferred to the compound of Dynamic Builders and Construction (Dynamic), owned by Ricardo, and located at Barangay Alijis, Bacolod City.¹⁰

On July 12, 2019, Leo Rey filed an intra-corporate case¹¹ against the Yanson 4, asking for the nullification of the July 7, 2019 Special Board Meeting, and praying for the issuance of a temporary restraining order (TRO) and/or a writ of preliminary injunction (WPI). The said case, titled "*Leo Rey V. Yanson v. Roy V. Yanson [et al.]*," and docketed as Commercial Case No. 19-118, was raffled to Branch 53 of the RTC of Bacolod City. Notably, Leo Rey's prayer for injunctive relief was denied by the RTC, and to date, no injunctive writ or restraining order has been issued enjoining the Yanson 4 from carrying out their duties and functions as members of VTI's BOD. Moreover, it must be emphasized that such case is still pending before Branch 53 of the RTC of Bacolod City.¹²

From August 6 to 9, 2019—while the intra-corporate case was still pending and had not yet been resolved—Leo Rey and his faction attempted to recover the buses from the compound of Dynamic. Finally, on August 9, 2019, Leo Rey and his faction were able to successfully retrieve the 55 buses from the compound of Dynamic, with the help of law enforcement personnel.¹³

⁸ *Id.* at 193.

⁹ *Id.* at 630–640.

¹⁰ *Id.* at 193–194.

¹¹ *Id.* at 654–683.

¹² *Id.* at 194–195.

¹³ *Id.* at 8.

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Interestingly, a few days after, or on August 19, 2019, a Special Stockholders' Meeting (SSM) was conducted, where Leo Rey was re-elected as VTI's president. The Yanson 4 refused to attend the SSM and sent their written objections thereto. The Yanson 4, likewise, filed a Petition¹⁴ for the nullification of the August 19, 2019 SSM. The said case titled "*Roy V. Yanson [et al.] v. Leo Rey V. Yanson*" and docketed as Commercial Case No. 19-122 was raffled to Branch 45 of the RTC of Bacolod City.¹⁵

Following the SSM, Leo Rey and his faction issued a Secretary's Certificate¹⁶ dated August 28, 2019, authorizing certain people, including Nixon, to file criminal actions against the Yanson 4. Thus, on August 29, 2019, Nixon, on behalf of VTI, filed a Complaint-Affidavit¹⁷ against the Yanson 4 and their children for: (1) carnapping; (2) violation of the Public Service Act; and (3) grave coercion, because of the supposed unlawful taking of VTI's 55 buses. The Complaint-Affidavit was filed before the Office of the City Prosecutor (OCP) of Bacolod and docketed as NPS Docket No. VI-03-INV-19H-0668.¹⁸

Thereafter, the Yanson 4 filed a Verified Motion to Dismiss,¹⁹ arguing that: (1) Nixon has no authority from the BOD (supposedly the BOD led by the Yanson 4, as evinced by the 2019 GIS of VTI) to institute a criminal complaint on behalf of VTI; (2) the elements of the crimes charged are not present; (3) there is no probable cause to indict the Yanson 4; and (4) the pending intra-corporate cases justify, at the very least, the suspension of the preliminary investigation proceedings.²⁰

In a Resolution²¹ dated March 4, 2020, the OCP of Bacolod City found probable cause against Ricardo, and recommended the filing of Informations against him for four counts of carnapping and one count of grave coercion:

WHEREFORE, premises considered, undersigned found probable cause for violation of Republic Act No. 10883 otherwise known as the Anti-Carnapping Act of 2016 (4 counts) against respondents Emily V. Yanson, Ma. Lourdes Celina Y. Lopez, Roy V. Yanson, Ricardo V. Yanson, Jerica Leanne Y. Ramos, Jerina Louise Y. Ramos, and Ma. Judy Alcala, Ma. Lourdes Celina Y. Lopez, PB/Gen. Noli A. Romana and P/Col. Jomil John S. Tria. The corresponding Information for four (4) counts of carnapping

¹⁴ *Id.* at 776-832.

¹⁵ *Id.* at 776.

¹⁶ *Id.* at 748.

¹⁷ *Id.* at 109-121.

¹⁸ *Id.* at 109.

¹⁹ *Id.* at 864-892.

²⁰ *Id.* at 864-865.

²¹ *Id.* at 132-149.

and information for grave coercion will be filed in the proper court of Bacolod City.²²

Notably, such Resolution was furnished, not only to the Yanson 4, including Ricardo, but also to Fortun Narvasa & Salazar (FNS), their counsel of record.²³

Thus, as early as March 4, 2020, Informations²⁴ were already filed against Ricardo for carnapping, and on June 5, 2020 a Warrant of Arrest²⁵ was issued against him.

Meanwhile, for the crime of Grave Coercion, an Information²⁶ was filed against Ricardo on June 9, 2020. The Information for Grave Coercion reads:

That on or about 08 to 09 August 2019 in Bacolod City, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, President of Dynamic Builders & Construction Co. (Phils.) and having general supervision, control and management of the day to day affairs of the said corporation, did then and there willfully, unlawfully and feloniously prevented and failed to release or turn-over the fifty-five (55) buses parked inside the premises of the corporation to Vallacar Transit, Inc. or its duly authorized representatives when demand was made upon him, thereby depriving or preventing the latter of its gainful and lawful use of the same from 08 August to 09 August 2019 by means of blocking the main gate of the said premises with two (2) dump trucks, said accused in doing so, has no lawful right whatsoever or authority of law and justifiable cause.

CONTRARY TO LAW.²⁷

On the same date, an Information²⁸ was also filed against Ricardo for violation of the Public Service Act.

On July 2, 2020, Ricardo—through FNS—filed a Petition for Review²⁹ before the Department of Justice to assail the finding of probable cause against him. Likewise, Ricardo—again through FNS—filed an Urgent Motion [With Alternative Prayer to Suspend Proceedings and Hold in Abeyance Issuance of Arrest Warrant].³⁰

²² *Id.* at 147.

²³ *Id.* at 148.

²⁴ *Id.* at 150–157.

²⁵ *Id.* at 158.

²⁶ *Id.* at 162–164.

²⁷ *Id.* at 162–163.

²⁸ *Id.* at 165–167.

²⁹ *Id.* at 937–984.

³⁰ *Id.* at 986–1009.

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On July 20, 2020, the Information for grave coercion was raffled to Branch 7 of the Municipal Trial Court in Cities (MTCC) of Bacolod City, and the case titled "*People of the Philippines v. Ricardo V. Yanson, Jr.*" was docketed as Criminal Case No. 20-07-34724. Thereafter, on July 23, 2020, the MTCC issued its Order,³¹ finding probable cause against Ricardo, but at the same time, granting Ricardo's Motion to Suspend Proceedings, to wit:

Wherefore, all premises considered, *this Court hereby finds that probable cause exists and there is a necessity of placing the accused under immediate custody as not to frustrate the ends of justice. Consequently, let a warrant of arrest be issued against the accused, Ricardo V. Yanson, Jr.*

However, in view of the Urgent Motion (with Alternative Prayer to Suspend Proceedings and Hold in Abeyance Issuance of Arrest Warrant), the release and enforcement of the warrant of arrest to the legal authorities is hereby suspended for a period of 60 days from the date of filing of the Petition for Review on July 2, 2020 with the Secretary of Justice, pursuant to Rule 116, Section 11 (c) of the Revised Rules of Criminal Procedure.

Accordingly, set this case tentatively for arraignment and pre-trial proper, after the lapse of the 60-day period of suspension, on September 25, 2020.

SO ORDERED.³² (Emphasis in the original, underscoring omitted)

On August 5, 2020, the MTCC issued an Addendum (to the Order dated July 23, 2020),³³ where it explained, among others, that: (1) no prejudicial question exists despite the pendency of the intra-corporate dispute cases between the parties; and (2) it is irrelevant whether Nixon did or did not have authority to file the criminal case on behalf of VTI because the crime of grave coercion, being a crime against security and a public crime, does not require a complaint filed by the offended party. As such, the MTCC held that the Information filed by the OCP of Bacolod City was sufficient.³⁴

The next day, the MTCC issued another Order,³⁵ directing the release and immediate implementation of the warrant of arrest against Ricardo.

The warrant of arrest against Ricardo, however, was not served. Apparently, on March 7, 2020—**after the Resolution of the OCP of Bacolod**

³¹ *Id.* at 168–172. Penned by Presiding Judge Abraham A. Bayona.

³² *Id.* at 172.

³³ *Id.* at 173–177. Penned by Presiding Judge Abraham A. Bayona.

³⁴ *Id.*

³⁵ *Id.* at 178–179.

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City found probable cause against him for carnapping was issued, but before the Resolutions of the OCP of Bacolod City finding probable cause for the crime of grave coercion and violation of the Public Service Act were issued—Ricardo left the Philippines, per the Bureau of Immigration.³⁶ It was also discovered that, on the same date, Ricardo executed a Special Power of Attorney³⁷ (SPA), authorizing Atty. Philip Sigfrid A. Fortun (Atty. Fortun) and/or Atty. Sheila C. Sison, and the law firm FNS to represent him in any and all proceedings before any court in the Philippines.

Notably, Ricardo, through FNS, moved for reconsideration of the MTCC's dispositions, arguing in the main that there exists a prejudicial question. However, in its Orders dated August 17, 2020³⁸ and August 27, 2020,³⁹ the MTCC held, among others, that the criminal proceedings cannot be suspended because there is no prejudicial question despite the pendency of the intra-corporate dispute cases between the parties.

Thus, on November 28, 2020, Ricardo, through FNS, filed a Petition for *Certiorari* [With Urgent Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction]⁴⁰ before the RTC, primarily contending that the MTCC committed grave abuse of discretion in disregarding the fact that there exists a prejudicial question posed by the intra-corporate dispute cases, which justifies, at the very least, the suspension of the criminal action against him.⁴¹

In response, Nixon, on behalf of VTI, filed a Comment and/or Opposition (Re: Petition for *Certiorari* dated November 28, 2020)⁴² dated January 14, 2021, alleging, among others, that: (1) the Petition for *Certiorari* is fatally defective because it was not Ricardo himself who verified the same; (2) as a fugitive from justice, Ricardo and his counsel have no standing before the court; and (3) the MTCC correctly ruled that there is no prejudicial question which will warrant the suspension of the criminal proceedings.⁴³ Likewise, the People of the Philippines, through the Office of the Solicitor General (OSG) also filed its Comment,⁴⁴ mainly contending that Ricardo is not entitled to the suspension of the criminal proceedings on the ground of prejudicial question.⁴⁵ The OSG, likewise, highlighted that crimes are offenses against the state and prosecuted in the name of the People of the

³⁶ *Id.* at 124–126.

³⁷ *Id.* at 396–397.

³⁸ *Id.* at 180–183.

³⁹ *Id.* at 184–185.

⁴⁰ *Id.* at 186–254.

⁴¹ *Id.* at 206–207.

⁴² *Id.* at 255–281.

⁴³ *Id.* at 259–261.

⁴⁴ *Id.* at 283–316.

⁴⁵ *Id.* at 286.

Philippines. Thus, whether Nixon had authority to file the criminal case on behalf of VTI was immaterial as Ricardo could still be found guilty of the crime of grave coercion on the basis of the valid Information filed by the OCP of Bacolod City.⁴⁶

In the meantime, on February 15, 2021, the date set for Ricardo's arraignment for the case of grave coercion, the MTCC noted that Ricardo did not appear. However, the MTCC also noted the presence of FNS, his counsel. Considering the absence of Ricardo on the date of his arraignment, the MTCC issued an Order⁴⁷ dated February 15, 2021, ordering that the case be archived as six months have already elapsed from the date of the Philippine National Police's receipt of the warrant of arrest without it having been served.⁴⁸

Thereafter, on March 1, 2021, the RTC, in resolving Ricardo's Petition for *Certiorari* [With Urgent Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction], rendered the first assailed Order, the dispositive portion of which reads:

WHEREFORE, premises considered, the petition is hereby GRANTED. the assailed Orders issued by the respondent judge, *i.e.*, Orders dated July 23, 2020, August 5, 2020, August 6, 2020, August 17, 2020 and August 27, 2020 are hereby ANNULLED and SET ASIDE for having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

The proceedings in Criminal Case No. 20-07-34724, entitled People of the Philippines vs. Ricardo V. Yanson, Jr. for [g]rave [c]oercion, is held in abeyance pending resolution of the pending prejudicial question before the commercial court.

SO ORDERED.⁴⁹ (Emphasis in the original)

In granting Ricardo's Petition for *Certiorari*, the RTC ruled that: *first*, the Verification attached to the Petition for *Certiorari* is compliant with Rule 7, Section 4 of the Rules of Court, as amended by A.M. No. 19-10-20-SC,⁵⁰

⁴⁶ *Id.* at 301.

⁴⁷ *Id.* at 364.

⁴⁸ *Id.*

⁴⁹ *Id.* at 102-103.

⁵⁰ Section 4. *Verification*. – Except when otherwise specifically required by law or rule, pleadings need not be under oath or verified. A pleading is verified by an affidavit of an affiant duly authorized to sign said verification. The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading, and shall allege the following attestations: (a) The allegations in the pleading are true and correct based on his personal knowledge, or based on authentic documents; (b) The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and (c) The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery. The signature of the affiant shall further serve as a certification of the

considering that the SPA executed by Ricardo, among others, authorizes FNS and Atty. Fortun to represent him in any proceedings, and to commence any appeal or action before the courts;⁵¹ *second*, the contention with respect to fugitives from justice, specifically the “fugitive disentitlement principle” has no basis in fact and law;⁵² and *third*, the intra-corporate dispute cases pose a prejudicial question, considering that Nixon’s authority to file a criminal case on behalf of VTI remains questionable.⁵³

Both Nixon, on behalf of VTI, and the OSG moved for reconsideration.⁵⁴ However, in the second assailed Order, the RTC denied the same.⁵⁵ Thus, Nixon, on behalf of VTI, was constrained to file the instant Petition for Review on *Certiorari*, arguing that: (1) the RTC committed grave error when it denied the contention that Ricardo, being a fugitive from justice, had lost his standing before the court; (2) the ruling in *Miranda v. Tuliao*,⁵⁶ which differentiates “custody of the law” and “jurisdiction over the person” in criminal cases has no basis in law, is repugnant to the equal protection clause, violates the State and the People of the Philippines’ right to due process, and constitutes judicial legislation; (3) the Verification and Certification of Non-Forum Shopping is void as it was signed by Atty. Fortun, and not Ricardo; and (4) there is no prejudicial question that would warrant the suspension of the criminal action against Ricardo.⁵⁷

On August 11, 2022, Ricardo, through FNS, filed his Comment,⁵⁸ praying for the dismissal of the Petition for Review on *Certiorari*, based on the following grounds: (1) it raises questions of fact;⁵⁹ (2) the “fugitive disentitlement principle” espoused in the Petition for Review on *Certiorari* does not have any legal foundation in the Philippines, and is repugnant to the constitutional right to be presumed innocent and to due process of law;⁶⁰ (3) judicial precedents must be respected, and there is no cogent reason to overturn *Miranda*;⁶¹ and (4) a prejudicial question exists that justifies the suspension of the grave coercion case.⁶²

truthfulness of the allegations in the pleading. A pleading required to be verified that contains a verification based on “information and belief,” or upon “knowledge, information and belief,” or lacks a proper verification, shall be treated as an unsigned pleading.

⁵¹ *Rollo*, pp. 98–99.

⁵² *Id.* at 99–100.

⁵³ *Id.* at 101–102.

⁵⁴ *Id.* at 317–352, 365–378.

⁵⁵ *Id.* at 108.

⁵⁶ 520 Phil. 907 (2006) [Per J. Chico-Nazario, First Division].

⁵⁷ *Rollo*, pp. 15–18.

⁵⁸ *Id.* at 502–577.

⁵⁹ *Id.* at 538.

⁶⁰ *Id.* at 544–553.

⁶¹ *Id.* at 557.

⁶² *Id.* at 561.

Issues

The primordial issue to be resolved in this case is whether fugitives from justice lose their standing in court. Nevertheless, for the complete disposition of the case, the Court is, likewise, tasked to resolve whether there exists a prejudicial question that would warrant the suspension of the criminal case of grave coercion against Ricardo.

The Court's Ruling

The Petition for Review on *Certiorari* is meritorious.

Prejudicial Question

To recount, Ricardo, through FNS, argued that the RTC correctly held that the criminal case of grave coercion must be suspended because of the presence of a prejudicial question. In particular, Ricardo, through FNS, averred that the resolution of the intra-corporate dispute cases will necessarily determine his guilt or innocence in the grave coercion case. Notably, the RTC was persuaded by these contentions and resolved to hold in abeyance the criminal proceedings against Ricardo.

Rule 111, Sections 6 and 7 of the Rules of Criminal Procedure discuss the concept of prejudicial questions, to wit:

Section 6. *Suspension by Reason of Prejudicial Question.* – A petition for suspension of the criminal action based upon the pendency of a prejudicial question in a civil action may be filed in the office of the prosecutor or the court conducting the preliminary investigation. When the criminal action has been filed in court for trial, the petition to suspend shall be filed in court for trial, and shall be filed in the same criminal action at any time before the prosecution rests.

Section 7. *Elements of Prejudicial Question.* – The elements of a prejudicial question are: (a) the previously instituted civil action involves an issue similar or intimately related to the issue raised in the subsequent criminal action, and (b) the resolution of such issue determines whether or not the criminal action may proceed.

In *People v. Arambulo*,⁶³ the Court elucidated that:

⁶³ 760 Phil. 754 (2015) [Per J. Perez, First Division].



A prejudicial question is one that arises in a case the resolution of which is a logical antecedent of the issue involved therein, and the cognizance of which pertains to another tribunal. **It is a question based on a fact distinct and separate from the crime but so intimately connected with it that it determines the guilt or innocence of the accused, and for it to suspend the criminal action, it must appear not only that said case involves facts intimately related to those upon which the criminal prosecution would be based but also that in the resolution of the issue or issues raised in the civil case, the guilt or innocence of the accused would necessarily be determined.**⁶⁴ (Emphasis supplied)

Moreover, in *Alsons Development and Investment Corporation v. Heirs of Confesor*,⁶⁵ the Court expounded that the rationale behind the doctrine of prejudicial question is to avoid two conflicting decisions from different tribunals.

Guided by the foregoing, the Court rules that there exists no prejudicial question between the grave coercion case and the intra-corporate dispute cases.

To be sure, in numerous cases, the Court has declared that the resolution in an intra-corporate dispute may be determinative of the guilt or innocence of an accused in a criminal case.

In *Omiclin v. Court of Appeals*,⁶⁶ Vincent Omiclin (Omiclin) filed an estafa case against Saag Phils., Inc.'s former President George Lagos (Lagos), for his refusal to return two company vehicles, despite repeated demands. Lagos filed a motion to suspend proceedings in view of the pendency of an intra-corporate dispute involving the parties. Apparently, there were issues regarding the validity of Omiclin's appointment as Saag Phils., Inc.'s Operations Manager.

In finding for Lagos, the Court ruled that the resolution of the intra-corporate dispute will determine the guilt or innocence of Lagos in the crime of estafa because one of the elements of estafa is that the offended party made a demand to the offender. The Court then observed that the offended party in the case is the corporation, Saag Phils., Inc.; as such, the validity of the demand for the delivery of the two company vehicles rests upon the authority of the person making such demand on behalf of the corporation. Considering that Lagos precisely questioned Omiclin's appointment as one of the corporation's officers in the intra-corporate dispute, and if it is later found that

⁶⁴ *Id.* at 761.

⁶⁵ 840 Phil. 342 (2018) [Per J. Tijam, First Division].

⁶⁶ 541 Phil. 68 (2007) [Per J. Azcuna, First Division].

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Omicrin's authority is defective, it is as if no demand was ever made, and the case for estafa could not prosper. Thus, the Court held that there exists a prejudicial question because the resolution of the intra-corporate dispute is determinative of whether the criminal proceeding may proceed.

Similarly, in *JM Dominguez Agronomic Company, Inc. v. Liclican*,⁶⁷ the Court found that the intra-corporate dispute, which was filed for the nullification of the corporation's election of directors and officers, is a prejudicial question to the qualified theft case filed against Cecilia Liclican (Liclican).

Nevertheless, the Court finds that these cases are inapplicable to the case at bar. The *Omicrin* case involves a case of estafa with abuse of confidence, where it is necessary to determine the legitimate members of the BOD as one of the elements of estafa with abuse of confidence requires that a demand must be made by the offended party upon the offender. If the offended party is a corporation the demand must be made by persons who are duly authorized to act on its behalf. As such, the resolution of the intra-corporate dispute case therein will necessarily determine the guilt or innocence of the accused because an element of the crime of estafa will be absent if it is resolved that demand was made not by the legitimate members of Saag Phils., Inc.'s BOD. Meanwhile, the *JM Dominguez* case pertains to a qualified theft case, where grave abuse of confidence is one of the elements. The Court was, thus, tasked to resolve whether the accused used their position in the corporation to withdraw and disburse corporate funds even if they no longer had authority to do so. Moreover, the determination of who the lawful officers of the corporation are would ascertain whether Liclican had stolen company property, or whether she was merely performing her duties as part of the corporation's BOD. Invariably, the intra-corporate dispute case in the *JM Dominguez* case posed a prejudicial question to the qualified theft case.

Here, the question of who the legitimate members of VTI's BOD are does not have any relation to the grave coercion case. The intra-corporate dispute cases do not relate to any of the elements of the crime of grave coercion.

Under Article 286 of the Revised Penal Code, the crime of grave coercion is committed when "any person who, without authority of law, shall, by means of violence, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong." Thus, to convict an accused for grave coercion, the following elements must be present: (1) that a person is prevented by another from doing

⁶⁷ 765 Phil. 262 (2015) [Per J. Velasco, Jr., Third Division]

something not prohibited by law, or compelled to do something against his will, be it right or wrong; (2) that the prevention or compulsion is effected by violence, threats, or intimidation; and (3) that the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right.⁶⁸

Evidently, the determination of who the legitimate officers of VTI does not relate at all to any of the elements of the crime of grave coercion. This means that the criminal case could proceed independently of the intra-corporate dispute cases, as the resolution in the latter would not have any significant impact on the criminal case. The elements of the crime of grave coercion could still be proved and established even without awaiting the resolution of the intra-corporate dispute cases. In other words, the resolution of the intra-corporate dispute cases would not effectively determine Ricardo's guilt or innocence in the grave coercion case.

On this note, it bears emphasis that the Court's Second Division rendered a Resolution dated April 15, 2024 in the case titled "*Ricardo V. Yanson, Jr. v. People of the Philippines and Nixon A. Banibane,*" docketed as G.R. No. 271961, ruling that there is no prejudicial question between the intra-corporate dispute cases and the criminal cases against Ricardo. In the said case, which is similar to the case at bar, the Court's Second Division affirmed the CA's holding that the resolution of the intra-corporate dispute cases is not determinative of Ricardo's guilt or innocence. Significantly, the crime charged in the said case, likewise, involves Ricardo's act of refusing to release the 55 buses from the compound of Dynamic.

Meanwhile, with respect to doubts as to Nixon's authority to file the criminal case, on behalf of VTI, the Court finds the same immaterial because the crime of grave coercion, being a public crime, may be filed and prosecuted *de officio*. As held in *Francisco, Jr. v. People*.⁶⁹

Except in cases that cannot be prosecuted *de officio*, namely adultery, concubinage, seduction, abduction and acts of lasciviousness, a complaint filed by the offended party is not necessary for the institution of a criminal action. The Information filed by the prosecutor with the proper court is sufficient.

A crime is an offense against the State, and hence is prosecuted in the name of the People of the Philippines. The participation of the private offended party is not essential to the prosecution of crimes, except in the crimes stated above, or in the prosecution of the civil action deemed instituted with the criminal action. A complaint for purposes of preliminary

⁶⁸ *Alejandro v. Atty. Bernas*, 672 Phil. 698, 708 (2011) [Per J. Peralta, Third Division].

⁶⁹ 599 Phil. 80 (2009) [Per J. Chico-Nazario, Third Division].

investigation by the prosecutor need not be filed by the “offended party” but may be filed by any competent person, unless the offense subject thereof cannot be prosecuted *de officio*.⁷⁰ (Citations omitted)

Again, in *Montelibano v. Yap*,⁷¹ the Court declared that:

[I]n criminal cases, the offended party is the State, and “the purpose of the criminal action is to determine the penal liability of the accused for having outraged the State with his crime. . . . In this sense, the parties to the action are the People of the Philippines and the accused. The offended party is regarded merely as a witness for the state.” As such, the Rules dictate that criminal actions are to be prosecuted under the direction and control of the public prosecutor. Clearly, the discretion on who to present as witnesses is vested with the public prosecutor, and no authority from the private complainant is required.⁷² (Citations omitted)

In view of all the foregoing, the Court finds that no prejudicial question exists here. Thus, the RTC committed grave abuse of discretion when it ordered the suspension of the criminal case of grave coercion against Ricardo.

Custody of the Law v. Jurisdiction Over the Person in Criminal Cases

The Court shall now discuss the crux of the controversy to guide the bench and the bar in cases where the delineation between custody of the law and jurisdiction over the person is invoked.

In the seminal case of *Valdepeñas v. People*,⁷³ the Court explained that jurisdiction over the person of an accused is acquired, either upon his or her apprehension, with or without a warrant, or his or her submission to the jurisdiction of the court. In other words, there are two ways in which jurisdiction over the person of an accused may be had: (1) when the accused is apprehended or arrested, and custody over their person is acquired; or (2) when the accused voluntarily submits to the jurisdiction of the court.⁷⁴

In *Defensor-Santiago v. Vasquez*,⁷⁵ the Court explained that voluntary submission to the jurisdiction of the court may either be through pleading to

⁷⁰ *Id.* at 89.

⁷¹ 822 Phil. 262 (2017) [Per J. Martires, Third Division].

⁷² *Id.* at 273.

⁷³ 123 Phil. 734 (1966) [Per J. Concepcion, *En Banc*].

⁷⁴ *Id.* at 739.

⁷⁵ 291 Phil. 664 (1993) [Per J. Regalado, *En Banc*].

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the merits of the case, or by filing bail, which requires that custody over the person of the accused is first acquired:

The voluntary appearance of the accused, whereby the court acquires jurisdiction over his person, is accomplished either by his *pleading to the merits* (such as by filing a motion to quash or other pleadings requiring the exercise of the court's jurisdiction thereover, appearing for arraignment, entering trial) or by *filing bail*. On the matter of bail, since the same is intended to obtain the provisional liberty of the accused, *as a rule the same cannot be posted before custody of the accused has been acquired by the judicial authorities either by his arrest or voluntary surrender.*⁷⁶ (Emphasis supplied)

Pertinently, in *Miranda v. Tuliao*,⁷⁷ the Court further clarified how jurisdiction is acquired over the person of an accused, and discussed the distinction between custody of the law and jurisdiction over the person of an accused:

Our pronouncement in Santiago shows a distinction between custody of the law and jurisdiction over the person. *Custody of the law is required before the court can act upon the application for bail, but is not required for the adjudication of other reliefs sought by the defendant where the mere application therefor constitutes a waiver of the defense of lack of jurisdiction over the person of the accused. Custody of the law is accomplished either by arrest or voluntary surrender, while jurisdiction over the person of the accused is acquired upon his arrest or voluntary appearance. One can be under the custody of the law but not yet subject to the jurisdiction of the court over his person, such as when a person arrested by virtue of a warrant files a motion before arraignment to quash the warrant. On the other hand, one can be subject to the jurisdiction of the court over his person, and yet not be in the custody of the law, such as when an accused escapes custody after his trial has commenced.* Being in the custody of the law signifies restraint on the person, who is thereby deprived of his own will and liberty, binding him to become obedient to the will of the law. Custody of the law is literally custody over the body of the accused. It includes, but is not limited to, detention.

The statement in *Pico v. Judge Combong, Jr.*, cited by the Court of Appeals should not have been separated from the issue in that case, which is the application for admission to bail of someone not yet in the custody of the law. The entire paragraph of our pronouncement in *Pico* reads:

A person applying for admission to bail must be in the custody of the law or otherwise deprived of his liberty. *A person who has not submitted himself to the jurisdiction of the court has no right to invoke the processes of that court.* Respondent Judge should have diligently ascertained the whereabouts of the applicant and that he indeed had

⁷⁶ *Id.* at 674.

⁷⁷ 520 Phil. 907 (2006) [Per J. Chico-Nazario, First Division].

jurisdiction over the body of the accused before considering the application for bail.

While we stand by our above pronouncement in *Pico* insofar as it concerns bail, we clarify that, *as a general rule, one who seeks an affirmative relief is deemed to have submitted to the jurisdiction of the court.* As we held in the aforesaid case of *Santiago*, seeking an affirmative relief in court, whether in civil or criminal proceedings, constitutes voluntary appearance.

Pico deals with an application for bail, where there is the special requirement of the applicant being in the custody of the law. In *Feliciano v. Pasicolan*, we held that “[t]he purpose of bail is to secure one’s release and it would be incongruous to grant bail to one who is free. Thus, ‘bail is the security required and given for the release of a person who is in the custody of law.’” *The rationale behind this special rule on bail is that it discourages and prevents resort to the former pernicious practice wherein the accused could just send another in his stead to post his bail, without recognizing the jurisdiction of the court by his personal appearance therein and compliance with the requirements therefor.*

There is, however, an exception to the rule that filing pleadings seeking affirmative relief constitutes *voluntary appearance*, and the consequent submission of one’s person to the jurisdiction of the court. *This is in the case of pleadings whose prayer is precisely for the avoidance of the jurisdiction of the court, which only leads to a special appearance.* These pleadings are: (1) *in civil cases*, motions to dismiss on the ground of lack of jurisdiction over the person of the defendant, whether or not other grounds for dismissal are included; (2) *in criminal cases*, motions to quash a complaint on the ground of lack of jurisdiction over the person of the accused; and (3) motions to quash a warrant of arrest. The first two are consequences of the fact that failure to file them would constitute a waiver of the defense of lack of jurisdiction over the person. The third is a consequence of the fact that it is the very legality of the court process forcing the submission of the person of the accused that is the very issue in a motion to quash a warrant of arrest.

To recapitulate what we have discussed so far, *in criminal cases, jurisdiction over the person of the accused is deemed waived by the accused when he files any pleading seeking an affirmative relief, except in cases when he invokes the special jurisdiction of the court by impugning such jurisdiction over his person.* Therefore, in narrow cases involving special appearances, *an accused can invoke the processes of the court even though there is neither jurisdiction over the person nor custody of the law.* However, *if a person invoking the special jurisdiction of the court applies for bail, he must first submit himself to the custody of the law.*

In cases not involving the so-called special appearance, the general rule applies, *i.e., the accused is deemed to have submitted himself to the jurisdiction of the court upon seeking affirmative relief. Notwithstanding this, there is no requirement for him to be in the custody of the law.* The following cases best illustrate this point, where we granted various reliefs to accused *who were not in the custody of the law, but were deemed to have*



placed their persons under the jurisdiction of the court. Note that none of these cases involve the application for bail, nor a motion to quash an information due to lack of jurisdiction over the person, nor a motion to quash a warrant of arrest:

1. In *Allado v. Diokno*, on the prayer of the accused in a petition for *certiorari* on the ground of lack of probable cause, we issued a temporary restraining order enjoining PACC from enforcing the warrant of arrest and the respondent judge therein from further proceeding with the case and, instead, to elevate the records to us.

2. In *Roberts, Jr. v. Court of Appeals*, upon the accused's Motion to Suspend Proceedings and to Hold in Abeyance Issuance of Warrants of Arrest on the ground that they filed a Petition for Review with the Department of Justice, we directed respondent judge therein to cease and desist from further proceeding with the criminal case and to defer the issuance of warrants of arrests against the accused.

3. In *Lacson v. Executive Secretary*, on the prayer of the accused in a petition for *certiorari* on the ground of lack of jurisdiction on the part of the Sandiganbayan, we directed the Sandiganbayan to transfer the criminal cases to the Regional Trial Court even before the issuance of the warrants of arrest.

We hold that the circumstances forcing us to require custody of the law in applications for bail are not present in motions to quash the warrant of arrest. If we allow the granting of bail to persons not in the custody of the law, it is foreseeable that many persons who can afford the bail will remain at large, and could elude being held to answer for the commission of the offense if ever he is proven guilty. On the other hand, if we allow the quashal of warrants of arrest to persons not in the custody of the law, it would be very rare that a person not genuinely entitled to liberty would remain scot-free. This is because it is the same judge who issued the warrant of arrest who will decide whether or not he followed the Constitution in his determination of probable cause, and he can easily deny the motion to quash if he really did find probable cause after personally examining the records of the case.⁷⁸ (Emphasis supplied, citations omitted)

Such distinction between custody of the law and jurisdiction over the person as exhaustively laid out in *Miranda* had been reiterated by the Court in several cases. In *Padua v. People*,⁷⁹ the Court expressly held that:

Indeed, a person applying for admission to bail must be in the custody of the law or otherwise deprived of his liberty. A person who has not submitted himself to the jurisdiction of the court has no right to invoke

⁷⁸ *Id.* at 919-923.

⁷⁹ 846 Phil. 354 (2019) [Per J. Peralta, Third Division].

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the processes of that court. However, applying also the same pronouncement in *Tuliao*, the Court also held therein that, “in adjudication of other reliefs sought by accused, it requires neither jurisdiction over the person of the accused, nor custody of law over the body of the person.” Thus, except in applications for bail, it is not necessary for the court to first acquire jurisdiction over the person of the accused to dismiss the case or grant other relief.⁸⁰ (Citation omitted)

Likewise, in *Sen. De Lima v. Judge Guerrero*,⁸¹ the Court emphasized that based on *Miranda*, an accused can seek judicial relief even if he has not yet been taken in the custody of law. Moreover, in *Alawiya v. Court of Appeals*,⁸² the Court declared that:

Furthermore, there is nothing in the Rules governing a motion to quash which requires that the accused should be under the custody of the law prior to the filing of a motion to quash on the ground that the officer filing the information had no authority to do so. Custody of the law is not required for the adjudication of reliefs other than an application for bail. However, while the accused are not yet under the custody of the law, any question on the jurisdiction over the person of the accused is deemed waived by the accused when he files any pleading seeking an affirmative relief, except in cases when the accused invokes the special jurisdiction of the court by impugning such jurisdiction over his person.⁸³ (Citations omitted)

Similar pronouncements have also been made by the Court in *Jimenez v. Judge Sorongon*,⁸⁴ where the Court held that: “[f]iling pleadings seeking affirmative relief constitutes voluntary appearance, and the consequent jurisdiction of one’s person to the jurisdiction of the court,”⁸⁵ and in *David v. Agbay*,⁸⁶ where the Court affirmed that “custody of the law is not required for the adjudication of reliefs other than an application for bail.”⁸⁷

From these judicial precepts, it is clear that the Court made a distinction on when custody of an accused is required, and how criminal proceedings may progress even if an accused is not under the custody of the court. In particular, these cases declared that custody of the law is required for the court to act upon applications for bail. However, custody of the law is not necessary for the court to adjudicate other reliefs sought by an accused because the same constitutes as a waiver of the defense of lack of jurisdiction. In other words, save for some special cases, jurisdiction over the person of an accused is

⁸⁰ *Id.* at 374–375.

⁸¹ 819 Phil. 616 (2017) [Per J. Velasco, Jr. *En Banc*].

⁸² 603 Phil. 264 (2009) [Per J. Carpio, First Division].

⁸³ *Id.* at 276.

⁸⁴ 700 Phil. 316 (2012) [Per J. Brion, Second Division].

⁸⁵ *Id.* at 326.

⁸⁶ 756 Phil. 278 (2015) [Per J. Villarama, Third Division].

⁸⁷ *Id.* at 292.

acquired once affirmative relief is sought, even if custody over the person of the accused is not secured. The rationale for this distinction is explained in *Miranda* in this wise:

In fine, as much as it is incongruous to grant bail to one who is free, it is likewise incongruous to require one to surrender his freedom before asserting it. Human rights enjoy a higher preference in the hierarchy of rights than property rights, demanding that due process in the deprivation of liberty must come before its taking and not after.⁸⁸ (Citation omitted)

Applying the standards set forth in *Miranda* and the succeeding cases, it is evident that once an accused participates in the case and asks for affirmative relief, such accused is deemed to have submitted himself or herself to the jurisdiction of the court. Even if the accused is not physically under the custody of the court, the court may proceed to adjudicate and grant or deny the reliefs sought.

In fact, under the rules, there are only a number of specific instances when the physical presence of an accused is required. *First*, as discussed above, the physical presence of an accused is required for the courts to act on applications for bail. *Second*, even if out on bail, the presence of an accused is required when specifically ordered by the court for purposes of identification.⁸⁹ *Third*, the accused must personally appear during his or her arraignment.⁹⁰ *Fourth*, the accused must be present during the promulgation of judgment.⁹¹

⁸⁸ *Miranda v. Tuliao*, 520 Phil. 907, 923 (2006) [Per J. Chico-Nazario, First Division].

⁸⁹ See Section 1(c), Rule 115 of the Rules of Criminal Procedure, which provides:

....
(c) To be present and defend in person and by counsel at every stage of the proceedings, from arraignment to promulgation of the judgment. The accused may, however, waive his presence at the trial pursuant to the stipulations set forth in his bail, **unless his presence is specifically ordered by the court for purposes of identification**. The absence of the accused without justifiable cause at the trial of which he had notice shall be considered a waiver of his right to be present thereat. When an accused under custody escapes, he shall be deemed to have waived his right to be present on all subsequent trial dates until custody over him is regained. Upon motion, the accused may be allowed to defend himself in person when it sufficiently appears to the court that he can properly protect his right without the assistance of counsel. (Emphasis supplied)

⁹⁰ See Section 1(b), Rule 116 of the Rules of Criminal Procedure, which provides:

....
(b) **The accused must be present at the arraignment and must personally enter his plea**. Both arraignment and plea shall be made of record, but failure to do so shall not affect the validity of the proceedings. (Emphasis supplied)

⁹¹ See Section 6, Rule 120 of the Rules of Criminal Procedure, which provides:

Section 6. *Promulgation of judgment*. — The judgment is promulgated by reading it **in the presence of the accused** and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or outside of the province or city, the judgment may be promulgated by the clerk of court.

....
The proper clerk of court shall give notice to the accused personally or through his bondsman or warden and counsel, **requiring him to be present at the promulgation of the decision**. If the accused tried *in*

In this case, it must be underscored that Ricardo has never been physically present before the courts, even on the date set for his arraignment in the case for grave coercion. The courts have never acquired custody over his person. To recall, it is undisputed that Ricardo has left the Philippines and is only represented by FNS in the criminal proceedings. Custody over Ricardo's person has never been secured, but by virtue of the Court's ruling in *Miranda*, Ricardo is deemed to have submitted himself to the jurisdiction of the courts upon his filing of his Motion to Suspend Proceedings through FNS and is allowed to participate in the criminal proceedings.

The Court, thus, acknowledges that *Miranda* has allowed those who have not been under the custody of the courts, such as Ricardo, to seek affirmative relief in criminal cases while they willfully evade arrest. This being said, a more crucial question still remains – whether Ricardo should be allowed to **continue** seeking affirmative relief before the courts despite his apparent flight from the Philippines and evident intent to evade arrest and criminal prosecution.

The Court answers in the negative.

Criminal jurisdiction is the authority to hear and try a particular offense and impose punishment for it.⁹² “A person who has not submitted himself to the jurisdiction of the court has no right to invoke the processes of that court.”⁹³ Jurisdiction of the courts is, therefore, required to ensure that the court's judgment would be enforceable. Clearly, this will not be met if an accused, who was allowed to participate in the case and ask for affirmative relief, is a fugitive or outside the territorial jurisdiction of the Philippine courts, such as in this case.

While the Court's ruling in *Miranda* allows Ricardo's case to proceed, the Court is convinced that once any judgment is rendered, there is no assurance or guarantee that the same would be enforceable against Ricardo,

absentia because he jumped bail or escaped from prison, the notice to him shall be served at his last known address.

In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him a copy thereof at his last known address or thru his counsel.

If the judgment is for conviction and **the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these rules against the judgment and the court shall order his arrest.** Within fifteen (15) days from promulgation of judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of said remedies within fifteen (15) days from notice. (Emphasis supplied)

⁹² *Sen. De Lima v. Judge Guerrero*, 819 Phil. 616, 824 (2017) [Per J. Velasco, Jr. *En Banc*], citing *People v. Mariano*, 163 Phil. 625 (1976) [Per J. Muñoz Palma, Third Division].

⁹³ *Padua v. People*, 846 Phil. 354, 374–375 (2019) [Per J. Peralta, Third Division].

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being a fugitive from justice. This means that the very concept of criminal jurisdiction is negated and rendered nugatory.

Thus, the Court finds it imperative to carve out an exception to the pronouncements in *Miranda* when the criminal case involves fugitives from justice. As will be further explained below, jurisdiction over the person of an accused, who is a fugitive from justice, would not be acquired by the courts simply by the filing of any pleading or by participating in the case through his or her lawyers. Custody over their persons, either by their arrest or voluntary surrender, must first be secured before a case against them may proceed.

Fugitives From Justice

A fugitive from justice is a person who attempts to evade law enforcement by fleeing the jurisdiction.⁹⁴ Significantly, in *Marquez, Jr. v. Commission on Elections*,⁹⁵ the Court defined a fugitive from justice as one who not only flees after conviction to avoid punishment, but also includes those who, after being charged, flee to avoid prosecution. Moreover, in *Labao, Jr. v. Commission on Elections*,⁹⁶ citing *Rodriguez v. Commission on Elections*,⁹⁷ the Court explained what constitutes a fugitive from justice:

Based on settled jurisprudence, the term “*fugitive from justice*” includes not only those who flee after conviction to avoid punishment but likewise those who, after being charged, **flee to avoid prosecution.**” In *Rodriguez v. Commission on Elections*, this Court held that:

The definition thus indicates that the *intent to evade* is the compelling factor that animates one’s flight from a particular jurisdiction. And obviously, **there can only be an intent to evade prosecution or punishment when there is knowledge by the fleeing subject of an already instituted indictment, or of a promulgated judgment of conviction.**⁹⁸ (Emphasis, italics, and underscoring in the original)

While an analysis of jurisprudence reveals a variance of who could be considered a fugitive from justice, it is undeniable that the common and indispensable element is the **intent to evade prosecution or punishment.**

⁹⁴ Fugitive from justice, Merriam-Webster Dictionary <<https://www.merriam-webster.com/dictionary/fugitive%20from%20justice>> (visited April 23, 2023).

⁹⁵ 313 Phil. 417 (1995) [Per J. Vitug, *En Banc*].

⁹⁶ 790 Phil. 348 (2016) [Per J. Leonardo-De Castro, *En Banc*].

⁹⁷ 328 Phil. 624 (1996) [Per J. Francisco, *En Banc*].

⁹⁸ 790 Phil. 348, 364 (2016) [Per J. Leonardo-De Castro, *En Banc*].

With this in mind, the Court finds that Ricardo should be considered a fugitive from justice.

To recount, as early as August 2019, Ricardo was aware that Complaints for: (1) carnapping; (2) violation of the Public Service Act; and (3) grave coercion were filed against the Yanson 4, before the OCP of Bacolod City in connection with the taking of the 55 VTI buses to Dynamic. Moreover, Ricardo was aware that on March 4, 2020, Informations were already filed against him for the crime of carnapping, as he himself and his counsel, were furnished with copies of the OCP of Bacolod City's Resolution finding probable cause against him.

Notably, after the issuance of the OCP of Bacolod City's Resolution in the carnapping case, and while the grave coercion and the violation of the Public Service Act case were still under investigation, Ricardo executed an SPA in favor of FNS, authorizing his lawyers to act on his behalf in all civil, criminal and administrative matters in connection with all the companies of the Yanson family. On the same day, Ricardo and his siblings left the Philippines per the Bureau of Immigration, and since March 7, 2020, or for more than five years now, Ricardo and his siblings have not returned to the Philippines to face the criminal charges against them. Still, Ricardo has continually been represented by FNS in the proceedings.

While it is true that Ricardo left the Philippines before a warrant of arrest against him had been issued, it must be borne in mind that, at least for the case of carnapping or violation of Republic Act No. 10833, Informations have already been filed before he fled on March 7, 2020.

Presently, a discussion on the distinction between and "Complaint" and an "Information" is crucial, as suggested by Associate Justice Jhosep Y. Lopez.

A Complaint is an accusation by an offended party, while an Information is a formal charge filed by a prosecutor after conducting preliminary investigations, revealing that the required quantum of proof has already been met to proceed with the filing of criminal charges.⁹⁹ The filing of an Information in court, thus, signifies the prosecutor's determination and finding that a crime has, indeed, been committed, and that there is enough evidence to proceed with trial.

⁹⁹ Sections 3 and 4, Rule 110 of the Rules of Court.



Significantly, it must be underscored that in 2023, the Department of Justice (DOJ) changed criminal proceedings by raising the quantum of proof required during preliminary investigations before an Information could be filed in court—from probable cause to the existence of a *prima facie* and reasonable certainty of conviction. Section 2 of DOJ Department Circular No. 20 defines *prima facie* evidence as follows:

Section 2. Quantum of Proof. In carrying out such role, prosecutors must ensure the existence of a *prima facie* case and a reasonable certainty of conviction based on available documents, witness/es, real evidence and the like. *Prima facie* evidence is such status of evidence which on its own and if left uncontroverted, is sufficient to establish all the elements of a crime.

Meanwhile, Section 2 of DOJ Department Circular No. 16 explains when there is reasonable certainty of conviction:

Section 2. Reasonable Certainty of Conviction. There is reasonable certainty of conviction when a *prima facie* case exists based on the evidence-at-hand including but not limited to witnesses, documentary evidence, real evidence, and the like, and such evidence, on its own and if left uncontroverted by accused, shall be sufficient to establish all the elements of the crime or offense charged, and consequently warrant a conviction beyond reasonable doubt.

Based on these guidelines, before an Information is filed in court, the prosecution must be convinced that the evidence presented and available during the preliminary investigation stage is compelling and sufficient to secure a conviction during trial.

In view of the foregoing, the totality of circumstances in this case – Ricardo’s flight, and his failure to return and surrender *despite knowledge of pending criminal proceedings against him*, and particularly the existence of Informations filed against him prior to his departure from the Philippines – glaringly demonstrate his desire and intent to evade law enforcement and the judicial processes.

Flight, has always been seen as an indication of guilt. “The flight of an accused, in the absence of a credible explanation, would be a circumstance from which an inference of guilt may be established for a truly innocent person would normally grasp the first available opportunity to defend himself and assert his innocence.”¹⁰⁰

¹⁰⁰ *People v. Medina*, 788 Phil. 115, 124 (2016) [Per J. Perez, Third Division].



His flight and deliberate intent to evade prosecution should, thus, be taken against him, and should be considered a waiver of his right to adduce evidence and participate in the criminal case against him because a fugitive from justice loses his standing in court and is not entitled to seek relief from the courts.¹⁰¹ For his willful evasion of the court's jurisdiction, Ricardo should be sanctioned, rather than rewarded.

At this juncture, a discussion of the "fugitive disentitlement doctrine," which the instant Petition for Review on *Certiorari* urges the Court to apply in the instant case, is in order.

The fugitive disentitlement doctrine finds its statutory basis in Title 28, Section 2466 of the United States Code, which provides:

(a) A judicial officer may disallow a person from using the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action upon a finding that such person—

(1) after notice or knowledge of the fact that a warrant or process has been issued for his apprehension, in order to avoid criminal prosecution—

- (A) purposely leaves the jurisdiction of the United States;
- (B) declines to enter or reenter the United States to submit to its jurisdiction; or
- (C) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person; and

(2) is not confined or held in custody in any other jurisdiction for commission of criminal conduct in that jurisdiction.

(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.

The fugitive disentitlement doctrine originated in the United States in the 19th century. It was seen as an equitable principle of criminal appellate procedure, which contemplates the dismissal of an absconding criminal's appeal. Absconding, therefore, was considered a betrayal of the very process the appellant invokes, and was seen to cause injury to the dignity of the judiciary. In particular, the doctrine provides that a fugitive from justice may

¹⁰¹ See *Philippine Rabbit Bus Lines, Inc. v. People*, 471 Phil. 415, 427 (2004) [Per J. Panganiban, First Division].

not seek relief and is “disentitled” from the judicial system whose authority such fugitive evades. In other words, because a fugitive from justice has demonstrated such disrespect for the legal processes, he or she has no right to call upon the courts and the judicial system to adjudicate any of his or her claims.¹⁰²

In the present, the application of the fugitive disentitlement doctrine is determined by examining four key factors, namely: (1) assuring the enforceability of a decision against the fugitive; (2) not allowing a fugitive to utilize the resources of the court when he or she has flouted the judicial system; (3) discouraging escape and encouraging voluntary surrender; and (4) avoiding prejudice to the other side or the Government caused by the fugitive’s escape or extended absence.¹⁰³

While the fugitive disentitlement doctrine has not been categorically applied by the Court in this jurisdiction, it is worthy to note that the same has actually been adopted and practiced in the Philippines, and finds explicit basis in both the Rules of Court and jurisprudence.

Specifically, Rule 124, Section 8 of the Rules of Criminal Procedure provides:

Section 8. *Dismissal of appeal for abandonment or failure to prosecute.* – The Court of Appeals may, upon motion of the appellee or *motu proprio* and with notice to the appellant in either case, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except where the appellant is represented by a counsel *de officio*.

The Court of Appeals may also, upon motion of the appellee or *motu proprio*, dismiss the appeal if the appellant escapes from prison or confinement, jumps bail or flees to a foreign country during the pendency of the appeal.

¹⁰² See The Fugitive Disentitlement Doctrine, Immigration Litigation Bulletin, Vol. 17, No. 3, U.S. Department of Justice (2013) <https://www.justice.gov/sites/default/files/civil/legacy/2014/10/17/March_2013.pdf (last accessed May 1, 2024); see also Sword or Shield: Due Process and the Fugitive Disentitlement Doctrine, Martha B. Stolley, 87 J. Crim. L. & Criminology 751 (1996-1997), available at <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6920&context=jclc#:~:text=The%20fugitive%20disentitlement%20doctrine%20originated,principle%20of%20criminal%20appellate%20procedure.&text=and%20insults%20of%20pollution>> (visited May 1, 2024).

¹⁰³ See *Degen v. United States*, 517 U.S. 820 (1996); *Empire Blue Cross v. Finkelstein*, 111 F.3d 278, 280 (2d Cir. 1997); Eliminating the Fugitive Disentitlement Doctrine in Immigration Matters, Notre Dame Law Review, Volume 97, Issue 3 (2022) <<https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=5004&context=ndlr>> (visited May 3, 2022).

Meanwhile, in *Usares v. People*,¹⁰⁴ the Court discussed the aforecited provision, thus:

The reason behind this provision is not difficult to discern. Same as one who escapes from prison or confinement, or flees to a foreign country, an accused-appellant who jumps bail during the pendency of his appeal is considered to have evaded the established judicial processes to ensure his proper criminal prosecution, and in so doing, forfeits his right to pursue an appeal. In *People v. Mapalao*, the Court explained that:

The reason for this rule is . . . once an accused escapes from prison or confinement or jumps bail or flees to a foreign country, *he loses his standing in court and unless he surrenders or submits to the jurisdiction of the court he is deemed to have waived any right to seek relief from the court.*

Thus when as in this case he escaped from confinement . . . he should not be afforded the right to appeal therefrom While at large as above stated he cannot seek relief from the Court as he is *deemed to have waived the same and he has no standing in court.*¹⁰⁵ (Emphasis and underscoring in the original; citations omitted)

In the same vein, in *De Joya v. Judge Marquez*,¹⁰⁶ the Court elucidated that those who refuse to surrender and submit to the court's jurisdiction should not be entitled to seek relief:

Again, there is no exceptional reason in this case to allow petitioner to obtain relief from the courts without submitting to its jurisdiction. On the contrary, his continued refusal to submit to the court's jurisdiction should give this Court more reason to uphold the action of the respondent judge. The purpose of a warrant of arrest is to place the accused under the custody of the law to hold him for trial of the charges against him. **His evasive stance shows an intent to circumvent and frustrate the object of this legal process. It should be remembered that he who invokes the court's jurisdiction must first submit to its jurisdiction.**¹⁰⁷ (Emphasis supplied)

Invariably, while the Court has not used the term "fugitive disentitlement doctrine" in this jurisdiction, both the Rules of Court and jurisprudence recognize its application in the Philippine context. Indeed, the present Rules of Court recognize the court's unmistakable authority to dismiss a case upon a convicted appellant's escape because evasion from the court's jurisdiction effectively results in a waiver of any right to seek judicial relief

¹⁰⁴ 845 Phil. 339 (2019) [Per J. Perlas-Bernabe, Second Division].

¹⁰⁵ *Id.* at 345.

¹⁰⁶ 516 Phil. 717 (2006) [Per J. Azcuna, Second Division].

¹⁰⁷ *Id.* at 724.

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as it would be the height of inequity to ask the courts to consider one's case and rule in his or her favor while simultaneously demonstrating contempt for the court's authority by absconding.

Thus, the Court finds it high time to also apply such mandate to those who have committed a crime or are suspected of committing a crime, and fled outside the Philippines' jurisdiction. Adopting such mandate strengthens the justice system and due process rights, which both the accused and the State are equally entitled to.

For an accused, due process rights include, among others, the right to a fair and impartial trial and to present evidence in his or her defense. On the other hand, for the State, due process rights pertain to a fair opportunity to prosecute and convict.¹⁰⁸ Indubitably, this right of the State is curtailed if an accused can flout the law and mock it by becoming a fugitive from justice because by fleeing and evading arrest, fugitives from justice choose to live and operate outside the jurisdiction of Philippine law. This amounts to a self-repudiation and renunciation of the court's jurisdiction over one's person.

Significantly, ensuring that the State has a fair opportunity to prosecute and convict is the same rationale behind the issuance of precautionary hold departure orders.

Under A.M. No. 18-07-05-SC,¹⁰⁹ a precautionary hold departure is defined as an order commanding the Bureau of Immigration "to prevent any attempt by a person suspected of a crime to depart from the Philippines."¹¹⁰ It shall be issued if, upon determination by a judge, probable cause exists and there is a high probability that the person accused of a crime will depart from the Philippines to evade arrest and prosecution against him or her.¹¹¹ In *Garcia v. Sandiganbayan*,¹¹² the Court explained that A.M. No. 18-07-05-SC was issued precisely to prevent a person accused of committing a crime from being out of reach of the courts:

[I]t becomes more imperative for the courts to use their inherent powers to prevent miscarriage of justice. It was in response to this need that A.M. No. 18-07-05-SC was issued. Specifically, it authorizes the issuance of a precautionary HDO even prior to the filing of an information in court when justified under the circumstances. This recognizes the fact that the processes leading to the filing of a case usually take a while before they are concluded such that by the time the information is filed in court, the accused may have already left the country and is now beyond the reach of courts. This renders futile the processes taken up prior to the filing of information and stalls the

¹⁰⁸ *Gomez v. People*, 889 Phil. 915, 980 (2020) [Per J. Gesmundo, *En Banc*].

¹⁰⁹ Rule on Precautionary Hold Departure Order, August 7, 2018.

¹¹⁰ Section 1, A.M. No. 18-07-05-SC.

¹¹¹ Section 4, A.M. No. 18-07-05-SC.

¹¹² 842 Phil. 240 (2018) [Per J. A. Reyes, Jr., Second Division].

administration of justice until the accused is brought to the jurisdiction of the court. The issuance of a precautionary HDO cures this predicament.¹¹³

In fact, the practical considerations of adopting the fugitive disentitlement doctrine become more apparent because of the current landscape in the Philippines.

In particular, it is well known that several personalities suspected of being engaged in illegal activities related to offshore gambling and human trafficking have fled the Philippines while investigations were being conducted against them. While anticipating possible criminal and administrative charges, these personalities left the Philippines, obviously, to be out of the Philippines' reach. Significantly, to ensure their return, the Government of the Philippines even relied on the aid of international organizations and foreign law enforcement officials so that these personalities could face the charges against them. Securing their return is imperative because while these people remain outside the jurisdiction of the Philippines, the State cannot exercise its right to prosecute and convict.

The same is true in the case of Ricardo. The State cannot exercise its right to prosecute or convict while he remains outside the jurisdiction of the Philippines. His flight, continued absence from the Philippines, and refusal to surrender, undermine and frustrate the administration of justice. Thus, it becomes even more critical to apply and expressly adopt the fugitive disentitlement doctrine to the instant case, and to all other cases where fugitives from justice are involved.

The application of the fugitive disentitlement doctrine is in accordance with the Court's inherent power as provided for in Rule 135, Section 6 of the Rules of Court.¹¹⁴ With the four key factors in determining the applicability of the fugitive disentitlement doctrine in consideration, courts of justice would be able to more effectively administer justice and uphold the very purpose of criminal jurisdiction.

In addition, the application of the fugitive disentitlement doctrine will also promote the equal protection of the laws.

In *Central Bank Employees Association, Inc. v. Bangko Sentral ng Pilipinas*,¹¹⁵ the Court held that statutes earlier declared as valid may

¹¹³ *Id.* at 271.

¹¹⁴ Section 6. *Means to carry jurisdiction into effect.* – When by law jurisdiction is conferred on a court or judicial officer, all auxiliary writs, processes and other means necessary to carry it into effect may be employed by such court or officer; and if the procedure to be followed in the exercise of such jurisdiction is not specifically pointed out by law or by these rules, any suitable process or mode of proceeding may be adopted which appears comfortable to the spirit of the said law or rules.

¹¹⁵ 487 Phil. 531, 793 (2004) [Per J. Puno, *En Banc*].

nevertheless be adjudged as violative of the equal protection clause in light of its application under changed conditions:

The constitutionality of a statute cannot, in every instance, be determined by a mere comparison of its provisions with applicable provisions of the Constitution, since the statute may be constitutionally valid as applied to one set of facts and invalid in its application to another.

A statute valid at one time may become void at another time because of *altered circumstances*. Thus, if a statute in its practical operation becomes arbitrary or confiscatory, its validity, even though affirmed by a former adjudication, is open to inquiry and investigation in the light of *changed conditions*.¹¹⁶

The present situation—where there is no express prohibition on fugitives from availing themselves of judicial remedies—may be reviewed for possibly violating the equal protection clause.

As revealed by the instant case, persons, such as Ricardo, had fled abroad and gone into hiding to evade and frustrate the successful implementation of warrants of arrest, especially in cases where bail is not available as a matter of right. It necessitates big financial resources and connections to evade the long arm of the law. It takes significantly more to flee to foreign jurisdictions and abuse the judicial systems by “appearing” continuously in cases and criminal proceedings through lawyers and legal representatives. Undeniably, this could only be done by those with extensive financial wealth and resources.

Indeed, while it appears that the lack of prohibition on fugitives to continuously avail of judicial remedies does not make an explicit classification, its application shows that there is a clear distinction between the rich and the poor to access to the justice system. Hence, the Court must appreciate and address the same.

For all these reasons, an accused is generally considered a fugitive from justice when the accused fails to appear physically before the court when required by law, our rules, or by order from the judge. More specifically, *the person who flees from the Philippines with knowledge that an Information was filed against them in court and a warrant of arrest is issued, demonstrates a clear intent to evade arrest and prosecution, and renders such person a fugitive from justice*. They may then be disentitled to any judicial relief.

As discussed above, before an Information is filed in court, the prosecution must be satisfied that the quantum of proof – currently, the

¹¹⁶ *Id.* at 562–563.

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existence of a *prima facie* case and reasonable certainty of conviction – has been met. Ensuring that this quantum of proof has been met safeguards those accused of committing a crime, and offers greater protection against unwarranted accusations. In other words, when an Information is filed, and consequently, when a warrant of arrest has been issued against the person, such person cannot readily claim that the accusation against them is baseless or a mere fabrication. At this point in time, there is enough evidence against them that leads to a well-founded belief that they would be convicted during trial.

Thus, for purposes of determining the status of an individual as a fugitive from justice, **the starting point shall be the filing of an Information in court, and the issuance of a warrant of arrest.** However, it is of vital importance that such person has **knowledge** that an Information against him has already been filed, or that a warrant of arrest has been issued. This knowledge may be established through: (1) **actual notice**, such as personal receipt of a copy of the Information ; or (2) **constructive notice**, such as when there are clear, public, and documented efforts by law enforcement to serve legal process, even if personal service was evaded or unsuccessful.

Relevantly, as suggested by Associate Justice Alfredo Benjamin Caguioa during the deliberations of this case, before declaring an individual as a fugitive from justice, the following procedure should be observed by the court where the Information is filed:

1. After finding probable cause, the court shall issue a warrant of arrest.
2. The warrant of arrest, including an e-warrant, shall be implemented within 10 calendar days from its receipt by the executing officer.
3. If there is a failure to execute the warrant of arrest by reason that the accused is outside the Philippine jurisdiction, as stated in the executing officer's return, the court may, either by motion or *motu proprio*, and after assessment of the circumstances of the case, declare the accused a fugitive from justice. From then, such person loses their standing in court, can no longer participate in the proceedings, and cannot seek any judicial relief. They can only restore his or her standing before the court through voluntary surrender.
4. A warrant of arrest which was not served personally to the accused because they are outside the Philippine jurisdiction shall remain outstanding until its eventual implementation.

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5. The criminal case shall be archived only if the accused remains at large for six months from the date of the issuance of the warrant of arrest or creation of the e-warrant, without prejudice to the revival of the case upon successful implementation of the warrant of arrest or upon notice to the court that the person subject of the warrant of arrest has been arrested or committed under a different warrant.

Based on the foregoing guidelines, the Court deems it proper to remand the case to the MTCC for the lower court to implement the Court's guidelines and, at the same time, ensure that Ricardo is given due process and the opportunity to voluntarily surrender, prior to any declaration that he is a fugitive from justice.

ACCORDINGLY, the Petition for Review on *Certiorari* dated September 23, 2021 filed by petitioners Vallacar Transit, Inc. and Nixon A. Banibane is **GRANTED**. The Orders dated March 1, 2021 and August 12, 2021 of the Regional Trial Court of Bacolod City, Branch 45 in Civil Case No. 20-15564 are **REVERSED** and **SET ASIDE**.

The case is remanded to the Municipal Trial Court in Cities, Branch 7 of Bacolod City. The lower court is directed to revive and reinstate Criminal Case No. 20-07-34724 from the archives and order the issuance of a warrant of arrest against respondent Ricardo V. Yanson, Jr. Pursuant to the guidelines set forth in this case, if there is a failure to execute the warrant of arrest by reason that Ricardo V. Yanson, Jr. is outside the Philippine jurisdiction as stated in the executing officer's return, the MTCC may, if the circumstances warrant, make a declaration that Ricardo V. Yanson, Jr. is a fugitive from justice, and therefore, cannot seek any judicial relief from the court.

SO ORDERED.

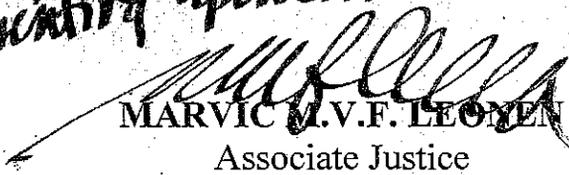

SAMUEL H. GAERLAN
Associate Justice

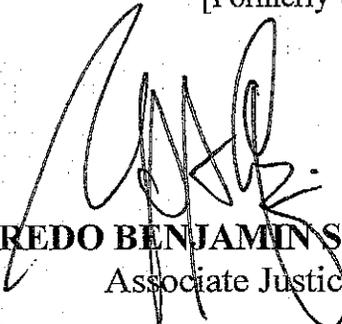
WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

See separate concurring and dissenting opinion

See Dissenting & Concurring

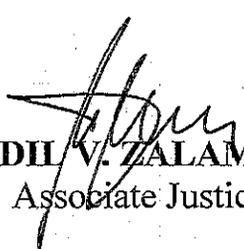

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

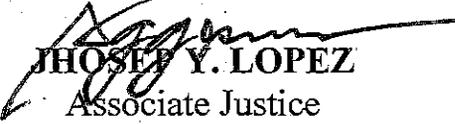
(No part)
AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

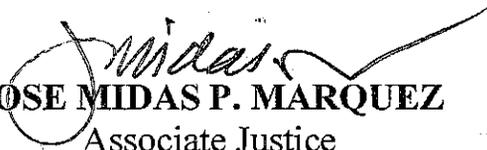

RODIL V. ZALAMEDA
Associate Justice

(On Official Leave but
left a Concurring Opinion)


RICARDO R. ROSARIO
Associate Justice

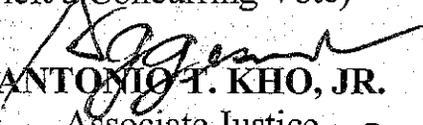

JOSE Y. LOPEZ
Associate Justice

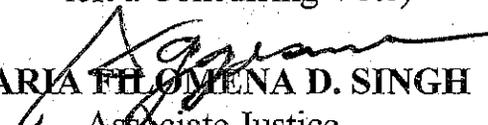
(On wellness leave)
JAPAR B. DIMAAMPAO
Associate Justice

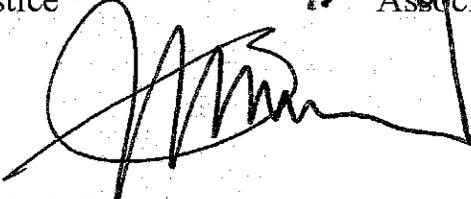

JOSE MIDAS P. MARQUEZ
Associate Justice

(On Official Leave but
left a Concurring Vote)

(On Official Business but
left a Concurring Vote)

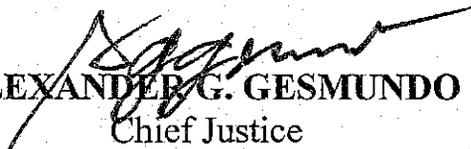

ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice


RAUL B. VILLANUEVA
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

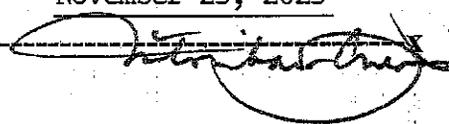
EN BANC

G.R. No. 259337 – VALLACAR TRANSIT, INC. AND NIXON BANIBANE, Petitioners, v. RICARDO V. YANSON, JR., Respondent.

Promulgated:

November 25, 2025

X-----



CONCURRING AND DISSENTING OPINION

LEONEN, S.A.J.:

I concur with the *ponencia*'s adoption of our colleagues' comments during deliberations, which refined the understanding of fugitive disentitlement in our jurisdiction based on our laws, rules, and context.

The petition before this Court questions the propriety of suspending a criminal prosecution for grave coercion in view of a prejudicial question in a pending intra-corporate dispute. The petition further questions whether or not the respondent Ricardo V. Yanson, Jr. possesses standing to seek affirmative relief from the courts given his alleged status as a fugitive from justice.¹

I commend the *ponente*'s discussion of fugitive disentitlement in the context of analogous principles found in our jurisdiction. I respectfully submit that the American common law's hold on our legal order is subject to our own law and our own rules. American common law has no intrinsic authority in our jurisdiction unless, to us, it makes sense. Thus, a person's specific circumstances, their applicable constitutional rights, and our jurisdiction's policies on maintaining judicial authority and economy should form part of the calculus in determining whether such a person has lost their standing before the courts. There may be valid reasons for a person to leave the country while a criminal prosecution against them is pending but willful evasion of criminal prosecution or subsequent punishment may result in the loss of recourse before the courts. As such, I offer this opinion to aid in developing our own standards for when a person may be deemed a fugitive from justice.

However, I maintain that the pending intra-corporate dispute in Commercial Case No. 19-118 determines an essential element of grave coercion and, thus, creates a prejudicial question that should have suspended

¹ *Ponencia*, pp. 9-10.



the criminal prosecution against respondent in Criminal Case No. 20-07-34724.

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I disagree with the *ponencia*'s finding that there is no prejudicial question in Commercial Case No. 19-118. Rule 111, Section 7 of the Rules of Criminal Procedure enumerates its elements, as follows:

RULE 111

Prosecution of Civil Action

....

SECTION 7. *Elements of prejudicial question.* — The elements of a prejudicial question are: (a) the previously instituted civil action involves *an issue similar or intimately related* to the issue raised in the subsequent criminal action, and (b) the *resolution of such issue determines whether or not the criminal action may proceed.* (Emphasis supplied)

JM Dominguez v. Liclican,² which the *ponencia* cited as basis to deny the application of the rule on prejudicial questions, clarified the same rule, as follows:

As jurisprudence elucidates, a prejudicial question generally exists in a situation where a civil action and a criminal action are both pending, and there exists in the former an issue that must be pre-emptively resolved before the latter may proceed, because howsoever the issue raised in the civil action is resolved would be determinative *juris et de jure* of the guilt or innocence of the accused in the criminal case. The rationale behind the principle is to avoid two conflicting decisions, and its existence rests on the concurrence of two essential elements: (i) the civil action involves an issue similar or intimately related to the issue raised in the criminal action; and (ii) the resolution of such issue determines whether or not the criminal action may proceed.³ (Citations omitted)

Thus, *JM Dominguez* ruled that an intra-corporate dispute, which sought to determine which set of corporate officers had the "authority to commence and prosecute" the criminal cases, raised a prejudicial question that should have suspended the criminal proceedings in question:

Here, the CA aptly observed that Civil Case No. 6623-R, the intra-corporate dispute, posed a prejudicial question to Criminal Case Nos. 29175-R and 29176-R. To be sure, *Civil Case No. 6623-R* involves the same parties herein, and *is for nullification of JMD's meetings, election and acts of its directors and officers, among others. Court intervention was sought to ascertain who between the two contesting group of officers*

² 765 Phil. 262 (2015) [Per J. Velasco, Third Division]

³ *Id.* at 271-272.

should rightfully be seated at the company's helm. Without Civil Case No. 6623-R's resolution, *petitioners' authority to commence and prosecute Criminal Case Nos. 29175-R and 29176-R against respondents for qualified theft in JMD's behalf remained questionable, warranting the suspension of the criminal proceedings.*⁴ (Emphasis supplied, citations omitted)

Here, the intra-corporate determines an essential element of grave coercion—"that the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right."⁵

In *Timoner v. People*,⁶ this Court acquitted the accused of a charge of grave coercion because it found that the accused's acts were executed under lawful authority.

The barbershop occupied a portion of the sidewalk of the poblacion's main thoroughfare and had been recommended for closure by the Municipal Health Officer. In fact, the Court of First Instance of Camarines Norte, in its decision in Civil Case No. 2257, declared said barbershop as a nuisance per se. . . .

....

In the case at bar, petitioner, as mayor of the town, merely implemented the aforesaid recommendation of the Municipal Health Officer. Having then acted in good faith in the performance of his duty, petitioner incurred no criminal liability.

Grave coercion is committed when "a person who, without authority of law, shall by means of violence, prevent another from doing something not prohibited by law or compel to do something against his will, either it be right or wrong." The three elements of grave coercion are: [1] that any person be prevented by another from doing something not prohibited by law, or compelled to do something against his will, be it right or wrong; [2] that the prevention or compulsion be effected by violence, either by material force or such display of it as would produce intimidation and control the will of the offended party, and [3] that the person who restrained the will and liberty of another had no right to do so, or, in other words, that the restraint was not made under authority of law or in the exercise of a lawful right.

*The third element being absent in the case at bar, petitioner cannot be held guilty of grave coercion.*⁷ (Emphasis supplied, citations omitted)

Concurrently, the resolution of Commercial Case No. 19-118 would determine the third element of grave coercion—whether the allegedly criminal acts were done with lawful authority, as it involves the respondent's

⁴ Id. at 272.

⁵ *Alejandro v. Bernas*, 672 Phil. 698, 708 (2011) [Per J. Peralta, Third Division].

⁶ 211 Phil. 166 (1983) [Per J. Escolin, Second Division].

⁷ Id. at 169-170.

authority to act as a corporate officer in taking control of corporate property. The intra-corporate dispute's resolution, therefore, involves an issue intimately related to the charge of grave coercion, which, once resolved, may determine whether the subsequently instituted criminal action may proceed.

The *ponencia* cites the Resolution issued by the Court's Second Division on April 15, 2024 in G.R. No. 271961 entitled *Ricardo V. Yanson, Jr., v. People of the Philippines and Nixon A. Banibane*, in support of its conclusion that the intra-corporate dispute questioning the validity of the July 7, 2019 Special Board Meeting did not raise an issue that would affect the possible findings in Criminal Case No. 20-07-34724 for grave coercion.⁸

However, the crime charged in G.R. No. 271961 involved an alleged violation of Section 19(a) in relation to Section 24 of Commonwealth Act No. 146, otherwise known as the Public Service Act, which requires proof of elements entirely different from the charge of grave coercion.

*Manzanal v. Ausejo*⁹ clarifies the nature of Section 19(a) of the Public Service Act, which if violated may cause penal sanctions under Section 24 of the same law. This case involved the revocation of a taxicab service's certificate of public service after a passenger was robbed while onboard the vehicle.

*Section 19(a) of the Public Service Act contemplates of failure to provide a service that is safe, proper or adequate and refusal to render any service which can reasonably be demanded and furnished. It refers specifically to the operator's inability to provide reliable vehicles to transport the riding public to their places of destination and to the failure to provide an adequate number of units authorized under his franchise at all times to secure the public of sustained service. While the words "unsafe, inadequate and improper" may be broad enough to cover a lot of things, they must be interpreted in consonance with the purpose of the Public Service Law, which was specifically enacted, among other things, to protect the public against unreasonable charges and poor inefficient service and to secure adequate sustained service for the public at the least possible costs.*¹⁰ (Emphasis supplied, citations omitted)

Going into matters of proof, *Manzanal* clarified which management or operational matters, if established by evidence, may qualify as violations of Section 19(a):

The facts of the case are bereft and wanting of any evidence to the effect that petitioner rendered a service that is unsafe, inadequate and improper. There was no testimony whatsoever that her vehicles are of such kind

⁸ *Ponencia*, p. 13.

⁹ 247 Phil. 35 (1988) [Per J. Medialdea, First Division].

¹⁰ *Id.* at 43.

*which may endanger the lives of the passengers or are not suitable for the peculiar characteristics of the area serviced. There is no proof that petitioner is not in a position to cope with the obligations and responsibilities of the service and to maintain a complete number of units as authorized. While we agree with respondent Commission that said provision does not necessarily require a "passenger-operator" relationship, We disagree that a single hold-up incident which does not clearly link petitioner's taxicab can be comprehended within its meaning.*¹¹ (Emphasis supplied)

In G.R. No. 271961, the intra-corporate dispute posed no prejudicial question to the alleged violation of the Public Service Act because the issue of whether or not the respondent was a validly elected corporate officer was wholly unrelated to the resolution of whether or not the public service was operated in an "unsafe, improper, or inadequate" manner. Moreover, the petition in G.R. No. 271961 was denied through a minute resolution, which establishes no precedent with respect to the prejudicial nature of the same intra-corporate dispute. In contrast, the intra-corporate dispute's finding on the validity of the July 7, 2019 Special Board Meeting determines whether or not the respondent had a lawful right to relocate Vallacar Transit, Inc.'s buses to the Dynamic Builders and Construction compound. Thus, the intra-corporate dispute determines an essential element of the crime of grave coercion and must necessarily suspend the criminal proceedings pending its resolution.

II

I agree with the *ponencia's* discussion of the fugitive disentitlement doctrine, as framed by our jurisdiction's Rules of Criminal Procedure and relevant jurisprudence. Fugitive disentitlement is a common law doctrine by which a court may "decline to entertain the claims of a defendant who is a fugitive from justice."¹² United States common law developed this principle as one of equity,¹³ which allows a court to effectively enforce its powers and fulfill its functions despite a person's efforts to evade them.¹⁴ The *ponencia* aptly discussed the purposes sought by fugitive disentitlement, as follows:

In the present, the application of the fugitive disentitlement doctrine is determined by examining four key factors, namely: (1) assuring the enforceability of a decision against the fugitive; (2) not allowing a fugitive to utilize the resources of the court when he or she has flouted the judicial system; (3) discouraging escape and encouraging voluntary surrender; and (4) avoiding prejudice to the other side or the Government caused by the fugitive's escape or extended absence.¹⁵

¹¹ *Id.*

¹² *United States v. Bescond*, 24 F.4th 759, 764 (2d Cir. 2021)

¹³ *United States v. \$40,877.59 in United States Currency*, 32 F.3d 1151, 1152 (7th Cir. 1994).

¹⁴ *Ortega-Rodriguez v. United States*, 507 U.S. 234, 239-240 (1993)

¹⁵ *Ponencia*, p. 25.

Further, common law operationalizes the fugitive disentitlement doctrine's application through a two-step process of determining: (1) the defendant's fugitive status; and (2) the extent to which disentitlement would uphold the doctrine's purposes.¹⁶

The pursuit of upholding judicial authority and respect for legal processes is not unique to common law. Rather, the fugitive disentitlement doctrine's emergence from the need "to ensure orderly and efficient judicial procedure"¹⁷ shares common objectives with our jurisdiction's efforts to ensure that parties seeking relief from the courts may be held to account for the consequences of such a recourse.

The fugitive disentitlement doctrine was originally designed to ensure orderly and efficient judicial procedure. In applying the doctrine, some courts focus on the fugitive's defiance of the legal system and on the delay caused by his escape. However, the supervisory capacity of the federal courts to apply the doctrine is necessarily limited in scope. Because it is grounded in a court's power to control its docket and its proceedings, when a court invokes the doctrine, the fugitive's status must be somehow related to the ongoing proceedings. If the fugitive's status does not have the requisite "connection"—i.e., it neither affects the court's ability to carry out its judicial business nor prejudices the government as a litigant—the claim may not be dismissed.

The critical question is "what disruption, if any, the fugitive's absence has on the integrity of the sanctioning court's own processes."¹⁸ (Emphasis supplied, citations omitted)

Ultimately, fugitive disentitlement addresses a party litigant's actions that impact the integrity of the court's processes and its institutional stability.¹⁹ The *ponencia's* adoption of this concept admirably seeks to bolster judicial authority over those who would seek to reap the benefits of legal remedies while insulating themselves from adverse outcomes. I join in the *ponencia's* reference to our rules and jurisprudence, which show that our legal institutions are sufficiently equipped to hold fugitives accountable without having to resort to foreign precedent.

*People v. Prades*²⁰ defined a "fugitive from justice" using language similar to the fugitive disentitlement concept, as understood in common law:

Flight is the evasion of the course of justice by voluntarily withdrawing oneself in order to avoid arrest, detention or the institution or continuance of criminal proceedings. It is considered an indication of guilt. A "fugitive from justice," on the other hand, is one who flees after

¹⁶ *United States v. Bescond*, 24 F.4th 127, at 771 (2nd Cir., 2021).

¹⁷ Martha B. Stolley, *Sword or Shield: Due Process and the Fugitive Disentitlement Doctrine*, 87 J. Crim. L. & Criminology 751, 778 (1997).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ 355 Phil. 150 (1998) [*Per Curiam, En Banc*].

conviction to avoid punishment, as well as one who, after being charged, flees to avoid prosecution. By his flight and thereafter becoming a fugitive, appellant waived his right to adduce evidence and consequently denied himself the opportunity to dispute the charge against him.²¹ (Emphasis supplied, citations omitted)

Concurrently, I join the *ponencia's* reference to Rule 124, Section 8 of the Rules of Criminal Procedure, which allows our courts to decline a claim of relief made by a person who is essentially a fugitive from justice.²²

SECTION 8. *Dismissal of appeal for abandonment or failure to prosecute.* — The Court of Appeals may, upon motion of the appellee or *motu proprio* and with notice to the appellant in either case, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except where the appellant is represented by a counsel de officio.

The Court of Appeals may also, upon motion of the appellee or *motu proprio*, *dismiss the appeal if the appellant escapes from prison or confinement, jumps bail or flees to a foreign country during the pendency of the appeal.* (Emphasis supplied)

Usares v. People,²³ citing *People v. Mapalao*,²⁴ further applied Rule 124, Section 8 of the Rules of Criminal Procedure in a manner consistent with the common law concept of fugitive disentitlement.

Under Section 8, Rule 124 of the Rules of Court, the CA is authorized to dismiss an appeal, whether upon motion of the appellee or *motu proprio*, once it is determined that the appellant, among others, jumps bail[.]

....

The reason behind this provision is not difficult to discern. *Same as one who escapes from prison or confinement, or flees to a foreign country, an accused-appellant who jumps bail during the pendency of his appeal is considered to have evaded the established judicial processes to ensure his proper criminal prosecution, and in so doing, forfeits his right to pursue an appeal.* In *People v. Mapalao*, the Court explained that:

The reason for this rule is x x x once an accused escapes from prison or confinement or jumps bail or flees to a foreign country, he loses his standing in court and unless he surrenders or submits to the jurisdiction of the court he is deemed to have waived any right to seek relief from the court.

Thus when as in this case he escaped from confinement x x x, he should not be afforded the right to

²¹ *Id.* at 164–165.

²² *Ponencia*, p. 25.

²³ 845 Phil. 339 (2019) [Per J. Perlas-Bernabe, Second Division].

²⁴ 247 Phil. 354 (1991) [Per J. Gancayo, *En Banc*].

appeal therefrom x x x. While at large as above stated he cannot seek relief from the Court as he is deemed to have waived the same and he has no standing in court.

In this relation, it should be pointed out that *the right to appeal is merely a statutory remedy and that the party who seeks to avail of the same must strictly follow the requirements therefor.* As the Court discerns, Section 8, Rule 124 evokes an implicit requirement for an appellant to duly observe prevailing criminal processes pending appeal, else, he runs the risk of, among others, having the same dismissed.²⁵ (Emphasis supplied, citations omitted)

The doctrine's applicability to appellate reliefs sought by one who "escapes prison or confinement or jumps bail or flees to a foreign country"²⁶ reflects considerations found in common law. Further, the *ponencia's* reference to *Labao, Jr. v. Commission on Elections*,²⁷ and *Rodriguez v. Commission on Elections*,²⁸ it becomes apparent that a person's "intent to evade prosecution or punishment" is a crucial factor for determining when a person may be deemed a fugitive from justice.²⁹

I agree with this analysis of fugitive disentitlement, as it exists in our jurisdiction. I further add that several other provisions must be read together with Rule 124, Section 8 of the Rules of Criminal Procedure in order to fully appreciate the scope of authority given to our courts in pursuing the same goals sought by fugitive disentitlement.

RULE 114

Bail

SECTION 1. Bail defined. — *Bail is the security given for the release of a person in custody of the law, furnished by him or a bondsman, to guarantee his appearance before any court as required under the conditions hereinafter specified.* Bail may be given in the form of corporate surety, property bond, cash deposit, or recognizance.

SECTION 2. Conditions of the bail; requirements. — All kinds of bail are subject to the following conditions:

....

(c) *The failure of the accused to appear at the trial without justification and despite due notice shall be deemed a waiver of his right to be present thereat. In such case, the trial may proceed in absentia; . . .*

....

²⁵ *Usares v. People*, 845 Phil. 339, 344–345 (2019) [Per J. Perlas-Bernabe, Second Division].

²⁶ *Id.* at 345.

²⁷ 790 Phil. 348 (2016) [Per J. Leonardo-De Castro, *En Banc*].

²⁸ 328 Phil. 624 (1996) [Per J. Francisco, *En Banc*].

²⁹ *Ponencia*, pp. 21–22.

RULE 115
Rights of Accused

SECTION 1. Rights of accused at the trial. — In all criminal prosecutions, the accused shall be entitled to the following rights:

....

(c) To be present and defend in person and by counsel at every stage of the proceedings, from arraignment to promulgation of the judgment. *The accused may, however, waive his presence at the trial pursuant to the stipulations set forth in his bail, unless his presence is specifically ordered by the court for purposes of identification. The absence of the accused without justifiable cause at the trial of which he had notice shall be considered a waiver of his right to be present thereat. When an accused under custody escapes, he shall be deemed to have waived his right to be present on all subsequent trial dates until custody over him is regained. Upon motion, the accused may be allowed to defend himself in person when it sufficiently appears to the court that he can properly protect his right without the assistance of counsel.*

....

RULE 120
Judgment

....

SECTION 6. Promulgation of judgment. — The judgment is promulgated by reading it in the presence of the accused and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or outside of the province or city, the judgment may be promulgated by the clerk of court.

If the accused is confined or detained in another province or city, the judgment may be promulgated by the executive judge of the Regional Trial Court having jurisdiction over the place of confinement or detention upon request of the court which rendered the judgment. The court promulgating the judgment shall have authority to accept the notice of appeal and to approve the bail bond pending appeal, provided, that if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed and resolved by the appellate court.

The proper clerk of court shall give notice to the accused personally or through his bondsman or warden and counsel, requiring him to be present at the promulgation of the decision. If the accused tried in absentia because he jumped bail or escaped from prison, the notice to him shall be served at his last known address.

In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him a copy thereof at his last known address or thru his counsel.

*If the judgment is for conviction and the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these rules against the judgment and the court shall order his arrest. Within fifteen (15) days from promulgation of judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of said remedies within fifteen (15) days from notice.*³⁰ (Emphasis supplied)

The foregoing provisions illustrate the avenues by which courts may deal with a party litigant's compliance with required procedures in a criminal prosecution. Clearly, the enumerated rules, while non-exclusive, encompass proceedings before, during, and after a criminal prosecution, as part of the comprehensive guarantee of the accused's rights. As correctly discussed by the *ponencia*, however, these rights must be read together with the State's right to due process.³¹ In illustrating the importance of these processes, the *ponencia* aptly summarized the four instances when an accused is required to physically appear before the courts:

In fact, under the rules, there are only a number of specific instances when the physical presence of an accused is required. First, as discussed above, the physical presence of an accused is required for the courts to act on *applications for bail*. Second, even if out on bail, the presence of an accused is required *when specifically ordered by the court for purposes of identification*. Third, the accused must personally appear during his or her *arraignment*. Fourth, the accused must be present *during the promulgation of judgment*.³² (Emphasis supplied, citations omitted)

Thus, I submit that an accused's failure to appear physically before the court when required by law, our rules, or by order from the judge illustrates their "intent to evade prosecution or punishment."³³ Concurrently, I agree with the *ponencia*'s formulation of our jurisdiction's process for stripping fugitives of their recourse to our legal processes, as follows:

For all these reasons, an accused is generally considered a fugitive from justice when the accused fails to appear physically before the court when required by law, our rules, or by order from the judge. More specifically, the person who flees from the Philippines with knowledge that an Information was filed against them in court and a warrant of arrest is issued, demonstrates a clear intent to evade arrest and prosecution, and renders such a person a fugitive from justice. They may then be disentitled to any judicial relief.³⁴

³⁰ Rules of Criminal Procedure, Rule 114, secs. 1-2; Rule 115, sec. 1; Rule 120, sec. 6.

³¹ *Ponencia*, p. 27.

³² *Id.* at 19.

³³ *Rodriguez v. Commission on Elections*, 328 Phil. 624, 642 (1996) [Per J. Francisco, *En Banc*].

³⁴ *Ponencia*, p. 29.

Here, respondent's failure and continued refusal to appear during the trial incidents that required his personal appearance may be considered as proof of their intent to evade prosecution and subsequent criminal liability. In my opinion, these instances of required personal appearance before the court are facets of the right to due process. The accused's disregard of these procedural requirements, without valid justification, shows their intent to evade prosecution and subsequent criminal liability.

The foregoing analysis, as reflected in the *ponencia*, is consistent with a holistic appreciation of our current laws and rules. The *ponencia*'s discussion provides a better understanding of our jurisdiction's conception of fugitive disentitlement, insofar as it pursues its goal of maintaining our courts' institutional integrity and respect for their judicial authority, while also according the necessary respect for due process considerations.

Our jurisdiction's rules and legal principles provide that a fugitive from justice may lose their right to affirmative relief from our courts when they show clear intent to flout our legal processes.³⁵ The *ponencia*'s discussion of the country's current difficulties in prosecuting those who would flee in anticipation of criminal prosecution is well taken.³⁶ However, an accused may similarly flee because of political persecution, fear for their personal safety, or some other manifestation of the power imbalances in our society. Careful distinctions must be made and balanced with the specific circumstances of each case or else we run the risk of denying a litigant's access to relief in a case where their absence from our jurisdiction may be justified.

The common goal of all court procedures remains the strengthening of judicial efficiency, respect for judicial authority, and integrity of court processes. Thus, I caution against facilitating the denial of relief in a manner that would be insensitive to the possibility of our legal processes being used to serve political and often purely personal ends, and to otherwise perpetuate the power gap between the elite and the marginalized. The right of the accused to be presumed innocent,³⁷ and all of its concomitant rights,³⁸ must therefore take precedence in any determination of a person's status that would result in the forfeiture of their constitutionally protected rights. Thus, I commend the *ponencia*'s remand of these proceedings to the lower court for the proper determination of respondent's status and standing.³⁹

³⁵ *Usares v. People*, 845 Phil. 339, 343 (2019) [Per J. Perlas-Bernabe, Second Division]; citing *People v. Mapalao*, 247 Phil. 354, 363 (1991) [Per J. Gancayo, *En Banc*]; See also Rules of Criminal Procedure, Rules 114, 115, and 120.

³⁶ *Ponencia*, p. 28.

³⁷ CONST., art. III, sec. 14.

³⁸ CONST., art. III, secs. 15-22.

³⁹ *Ponencia*, p. 31.

III

The *ponencia* explains that applying the fugitive disentitlement doctrine “will also promote equal protection of the laws” as guaranteed by the Constitution.⁴⁰ *Provincial Bus Operators Association v. Department of Labor*⁴¹ discusses the scope of this guarantee:

“Equal protection of the laws” requires that “all persons . . . be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced.” “The purpose of the equal protection clause is to secure every person within a state’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through the state’s duly constituted authorities.”

However, the clause does not prevent the legislature from enacting laws making valid classifications. Classification is “the grouping of persons or things similar to each other in certain particulars and different from all others in these same particulars.” To be valid, the classification must be: first, based on “substantial distinctions which make real differences”; second, it must be “germane to the purposes of the law”; third, it must “not be limited to existing conditions only”; and fourth, it must apply to each member of the class.⁴² (Emphasis supplied, citations omitted)

Santos v. People,⁴³ citing *Himagan v. People*,⁴⁴ further discusses the equal protection guarantee’s goal of eliminating “discrimination and oppression based on inequality”:

The equal protection clause exists to prevent undue favor or privilege. *It is intended to eliminate discrimination and oppression based on inequality.* Recognizing the existence of real differences among men, the equal protection clause does not demand absolute equality. It merely requires that all persons shall be treated alike, under like circumstances and conditions, both as to the privileges conferred and liabilities enforced.⁴⁵ (Emphasis supplied)

However, as discussed above, our jurisdiction already has adequate measures for protecting the integrity of judicial processes while also respecting the rights of party litigants. The *ponencia* itself recognizes that the Rules of Court provide for remedies that achieve the same goals of fugitive disentitlement, though not explicitly adopting identical nomenclature or legal context found in common law.⁴⁶

⁴⁰ *Id.* at 28.

⁴¹ 836 Phil. 205 (2018) [Per J. Leonen, *En Banc*].

⁴² *Id.* at 277.

⁴³ 585 Phil. 337 (2008) [Per J. Chico-Nazario, Third Division].

⁴⁴ 307 Phil. 555 (1994) [Per J. Kapunan, *En Banc*].

⁴⁵ *Santos v. People*, 585 Phil. 337, 362 (2008) [Per J. Chico-Nazario, Third Division].

⁴⁶ *Ponencia*, p. 26.

The *ponencia* further reasons that by upholding the ruling in *Miranda v. Tuliao*,⁴⁷ the Court has allowed fugitives from justice to seek affirmative judicial reliefs while deliberately evading arrest.⁴⁸ Thus, fugitive disentitlement should operate to preclude the respondent from seeking affirmative reliefs from the court unless the court acquires custody over their person.⁴⁹

I agree only to the extent that the ruling in *Miranda* must maintain the distinction between the effects of a person's surrender to the custody of the law and their submission to the court's jurisdiction, as a matter of due process.

To recapitulate what we have discussed so far, in criminal cases, jurisdiction over the person of the accused is deemed waived by the accused when he files any pleading seeking an affirmative relief, except in cases when he invokes the special jurisdiction of the court by impugning such jurisdiction over his person. Therefore, in narrow cases involving special appearances, an accused can invoke the processes of the court even though there is neither jurisdiction over the person nor custody of the law. However, if a person invoking the special jurisdiction of the court applies for bail, he must first submit himself to the custody of the law.

In cases not involving the so-called special appearance, the general rule applies, i.e., the accused is deemed to have submitted himself to the jurisdiction of the court upon seeking affirmative relief. Notwithstanding this, there is no requirement for him to be in the custody of the law.

....

*In fine, as much as it is incongruous to grant bail to one who is free, it is likewise incongruous to require one to surrender his freedom before asserting it. Human rights enjoy a higher preference in the hierarchy of rights than property rights, demanding that due process in the deprivation of liberty must come before its taking and not after.*⁵⁰
(Emphasis supplied, citations omitted)

Respect for due process is intrinsic to court efforts in enforcing its judicial authority and has emerged as a point of contention in attempts to expand the scope of fugitive disentitlement in the United States.

Another underlying rationale for the disentitlement doctrine consistently cited by the Court is the desire to protect the court's dignity and to engender respect. When a criminal appellant disappears while his appeal is pending, he flouts the authority of both the trial court and the court adjudicating his appeal. . . .

⁴⁷ 520 Phil. 907 (2006) [Per J. Chico-Nazario, First Division].

⁴⁸ *Ponencia*, p. 20.

⁴⁹ *Id.* at 20-21.

⁵⁰ *Miranda v. Tuliao*, 520 Phil. 907, 921-923 (2006) [Per J. Chico-Nazario, First Division].

*Even if one accepts the notion that the fugitive's conduct constitutes an affront to the forfeiture court, there remains less severe alternatives to disentitlement. Indiscriminate application of the doctrine as punishment for any misconduct is extreme: "[I]t is a greater stain on our jurisprudence for the court . . . to discard those procedures that safeguard right and fair decision." As Justice Kennedy noted in *Degen*, the judicial system earns respect and dignity not through oppressive implementation of its rules, but through fair and considered judgment on the merits of any claim.⁵¹ (Emphasis supplied, citations omitted)*

Clearly, the distinction made in *Miranda* continues to serve a valid purpose and need not be abandoned. While I agree that an exception for fugitives should be made in order to implement the *ponencia's* ruling on when and how to deal with fugitives from justice, there remain valid reasons to allow a person to submit to the court's jurisdiction, or otherwise invoke its special jurisdiction, while not yet under custody. I respectfully submit that our current rules, which necessarily include the rule laid down in *Miranda*, remain capable of addressing the *ponencia's* concern over fugitives abusing our legal processes.

In evolving jurisprudence, we should constantly review and, in the appropriate case, articulate the philosophical and policy foundations of our doctrinal interpretations. We should also be sensitive to the social impact that our past declarations have had on the unique culture, political economy, and societies that we have. If we are to do justice, we often should chart a separate path from the common law of our former colonizers. We are a pluralistic society, still with numerous legal transplants that are a residue of our colonial past. I commend the *ponente* and my colleagues for showing the way forward to a more egalitarian review of common law doctrine.

ACCORDINGLY, I vote to PARTIALLY GRANT the Petition.



MARVIC M.V.F. LEONEN
Senior Associate Justice

⁵¹ Martha B. Stolley, *Sworn or Shield: The Process and the Fugitive Disentitlement Doctrine*, 87 J. Crim. L. & Criminology 751, 779-780 (1997).

EN BANC

G.R. No. 259337 – VALLACAR TRANSIT, INC. and NIXON A. BANIBANE, Petitioners, v. RICARDO V. YANSON, JR., Respondent.

Promulgated:

November 25, 2025

X-----

DISSENTING AND CONCURRING OPINION

CAGUIOA, J.:

The *ponencia* grants the Petition for Review on *Certiorari* (Petition) filed by petitioners Vallacar Transit, Inc. (VTI) and Nixon A. Banibane (Nixon) and reverses and sets aside the Orders dated March 1, 2021 and August 12, 2021 of the Regional Trial Court, Branch 45, Bacolod City (RTC Branch 45) which held in abeyance the criminal case against Ricardo V. Yanson, Jr. (Ricardo) for Grave Coercion due to a pending prejudicial question before the commercial court.¹ The *ponencia* further orders the remand of the criminal case against Ricardo to the court of origin, specifically, Branch 7 of the Municipal Trial Courts in Cities, Bacolod City (MTCC) for the application of the new procedure provided by the Court before declaring an accused, who flees from Philippine jurisdiction, a fugitive from justice. By doing so, the *ponencia* redefines a “fugitive from justice” and extends to such person the application of the Fugitive Disentitlement Doctrine as adopted in Rule 124, Section 8 of the Rules of Criminal Procedure.

A fugitive from justice was first defined by the Court in *Rodriguez v. Commission on Elections*² as a person who flees after conviction to avoid punishment or who, after being charged, flees to avoid prosecution.³ The *ponencia* calibrates this definition and clarifies that a fugitive from justice includes a person who flees from the Philippines after an information is filed in court and a warrant of arrest is issued and demonstrates a clear intent to evade arrest and prosecution. Such person must have the knowledge that an information against him has already been filed and that a warrant of arrest has been issued. This knowledge may be established through: (1) actual notice, such as personal receipt of the information, or (2) constructive notice, such as when there are clear, public, and documented efforts by law enforcement to serve legal process, even if personal service was evaded or unsuccessful.

¹ *Ponencia*, pp. 1–2.

² 328 Phil. 624 (1996) [Per J. Francisco, *En Banc*].

³ *Id.* at 642.

Foremost, in light of recent events, specifically the anomalies and corruption in the government's flood control projects, and the flight from the Philippines of certain personalities seeking to evade prosecution for their involvement therein, it may indeed be high time for the Court to reconsider the current jurisprudential definition of a fugitive. Accordingly, I agree with the *ponencia's* redefinition of fugitive from justice. Further, the proposed remand of the case and the procedure I provided during deliberations, which the *ponencia* adopts in full, is an added measure of safeguarding constitutional rights to due process of an accused.

That said, I dissent on the sole ground that the Petition filed by VTI and Nixon should be denied on the ground that the intra-corporate cases between the Yanson siblings pose a prejudicial question to the present case for Grave Coercion.

Essentially, the intra-corporate cases relate to the change in leadership of the VTI Board of Directors. Thus, the Grave Coercion case against Ricardo whose alleged criminal act pertains to his functions as a board member and Vice-President for Maintenance of VTI, is intertwined with the resolution of the intra-corporate cases.

To recall, the present case stems from a dispute over VTI, a family-owned corporation, particularly between two factions of the Yanson family. The first group is composed of Ricardo and his other siblings Roy V. Yanson (Roy), Celina Yanson-Lopez and Emily V. Yanson (collectively, Yanson 4) while the second group consists of their younger brother Leo Rey V. Yanson (Leo Rey), sister Ginette Y. Dumancas, and their mother, Olivia V. Yanson. The Yanson siblings are all directors/officers of VTI. Initially, Leo Rey was the President of VTI, but he was eventually voted out in a Special Board Meeting (SBM) held on July 7, 2019 by the Board of Directors due to unexplained company expenses. Roy was then designated as the new VTI President while Ricardo held the position of Vice-President for Maintenance. The Yanson 4 took over the VTI head office and obtained possession of 55 VTI buses which were then transferred to Ricardo's compound.⁴

On July 12, 2019, Leo Rey filed an intra-corporate case against the Yanson 4, asking for the nullification of the July 7, 2019 SBM. The case was docketed as Commercial Case No. 19-118 and raffled to the Regional Trial Court, Branch 53, Bacolod City (RTC Branch 53). While the case was pending, Leo Rey attempted to retrieve the buses from Ricardo's compound and was finally able to do so on August 9, 2019, with the help of law enforcement personnel.⁵

A few days thereafter, Leo Rey was able to reclaim his position as President through a Special Stockholders' Meeting (SSM). The Yanson 4 filed

⁴ *Ponencia*, pp. 2-3.

⁵ *Id.* at 3.

a Petition for Nullification of the SSM which was docketed as Commercial Case No. 19-122 and raffled to the RTC Branch 45.⁶

Meanwhile, after the SSM, Leo Rey issued a Secretary's Certificate dated **August 28, 2019** authorizing the filing of criminal actions against the Yanson 4. Later, a Complaint-Affidavit was filed before the Office of the Prosecutor of Bacolod City (OCP) against the Yanson 4 for Carnapping, violation of the Public Service Act and Grave Coercion.⁷

However, as early as **March 7, 2020**, Ricardo already left the Philippines. He executed a Special Power of Attorney authorizing Atty. Philip Sigfrid A. Fortun of Fortun Narvasa & Salazar (FNS) to represent him in all proceedings before any court in the Philippines.⁸

Later, in a Resolution dated **June 8, 2020**, the OCP found probable cause against Ricardo for the crime of Grave Coercion.⁹ Consequently, on June 9, 2020, an Information¹⁰ for Grave Coercion was filed against him. FNS filed an Urgent Motion with Alternative Prayer to Suspend Proceedings and Hold in Abeyance Issuance of Arrest Warrant (Motion to Suspend Proceedings).¹¹

The MTCC initially granted the Motion to Suspend Proceedings due to the prejudicial question posed by the intra-corporate cases, but later modified its order finding that no prejudicial question existed. After denial of its Motion for Reconsideration, FNS filed a Petition for *Certiorari* before the RTC Branch 45.¹² The RTC Branch 45 issued an Order which annulled and set aside the MTCC Orders. The RTC Branch 45 also ordered that the criminal case be held in abeyance pending resolution of the prejudicial question before the commercial court.¹³ Hence, the present Petition filed by VTI and Nixon.

It is from the above factual backdrop that it can easily be seen that Commercial Case Nos. 19-118 and 19-122 pending before the RTC Branch 53 and RTC Branch 45, respectively, pose a prejudicial question to the present

⁶ *Id.* at 4.

⁷ *Id.*

⁸ *Id.* at 6-7.

⁹ *Id.* at 4.

¹⁰ *Id.* at 5. The Information reads:

That on or about 08 to 09 August 2019 in Bacolod City, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above names accused, President of Dynamic Builders & Construction Co. (Phils.) and having general supervision, control and management of the day to day affairs of the said corporation, did then and there willfully, unlawfully and feloniously prevented and failed to release or turn-over the fifty-five (55) buses parked inside the premises of the corporation to Vallacar Transit, Inc. or its duly authorized representatives when demand was made upon him, thereby depriving or preventing the latter of its gainful and lawful use of the same from 08 August to 09 August 2019 by means of blocking the main gate of the said premises with two (2) dump trucks, said accused in doing so, has no lawful right whatsoever or authority of law and justifiable cause.

CONTRARY TO LAW. (Citation omitted)

¹¹ *Id.*

¹² *Id.* at 7.

¹³ *Id.* at 8.

criminal case for Grave Coercion. Thus, for this reason alone, the Court should deny the Petition.

The rules relating to prejudicial questions are found in Sections 6 and 7 of Rule 111 of the Rules of Court:

Section 6. *Suspension by Reason of Prejudicial Question.* – A petition for suspension of the criminal action based upon the pendency of a prejudicial question in a civil action may be filed in the office of the prosecutor or the court conducting the preliminary investigation. When the criminal action has been filed in court for trial, the petition to suspend shall be filed in the same criminal action at any time before the prosecution rests. (6a)

Section 7. *Elements of Prejudicial Question.* – The elements of a prejudicial question are: (a) the previously instituted civil action involves an issue similar or intimately related to the issue raised in the subsequent criminal action, and (b) the resolution of such issue determines whether or not the criminal action may proceed. (5a)

A prejudicial question is defined as that which arises in a case the resolution of which is a logical antecedent of the issue involved therein, and the cognizance of which pertains to another tribunal.¹⁴ The rationale behind the principle of prejudicial question is to avoid two conflicting decisions.¹⁵

The *ponencia* determines that the intra-corporate cases do not pose a prejudicial question to the criminal case for Grave Coercion because the question of who the legitimate members of VTI's Board of Directors does not have any relation to any of the elements of Grave Coercion.

I disagree. Section 7 of Rule 111 merely requires that the previously instituted action involves an **issue similar or intimately related** to the issue raised in the subsequent criminal action, the resolution of such determines whether or not the criminal case should proceed.

In the case of *People v. Arambulo, et al.*,¹⁶ the Court was tasked to determine whether an intra-corporate case posed a prejudicial question to a criminal case for Estafa. The case involved Anaped Estate, Inc. (Anaped), which was incorporated as part of the estate planning of Pedro C. Reyes (Pedro). Jose Buban (Buban), as Vice President of Anaped, filed a Complaint for Estafa against Victoria R. Arambulo (Victoria), an heir of Pedro, and her husband claiming that they failed to remit rentals collected from the time ownership of commercial apartments owned by Pedro were transferred to Anaped. In due time, an Information against Victoria and other respondents were filed. Victoria filed a Motion to Suspend Proceedings on the ground of a prejudicial question in view of two intra-corporate cases. Victoria, along

¹⁴ *Sabandal v. Hon. Tongco*, 419 Phil. 13, 17 (2001) [Per J. Pardo, First Division].

¹⁵ *Dreamwork Construction, Inc. v. Janiola, et al.*, 609 Phil. 245, 251 (2009) [Per J. Velasco, Jr., Third Division].

¹⁶ 760 Phil. 754 (2015) [Per J. Perez, First Division].

with two brothers, claimed that she filed a petition questioning the authority of their elder sibling and the Anaped Board of Directors, including Buban, to act on behalf of the corporation. When the case reached the Court, the Court upheld the Court of Appeals' (CA) finding that a prejudicial question existed. The Complaint pending with the Securities and Exchange Commission prayed for the nullification of the election of Anaped directors and officers, including Buban. Essentially, the question in the intra-corporate case was the authority of the said officers to act for and on behalf of the corporation. Meanwhile, the criminal case pertained to whether Victoria and the other respondents committed Estafa, the elements of which included misappropriation of money by the offender and demand by the offended party. Such elements bore relevance to the validity or invalidity of the authority of Anaped directors and officers. Since the alleged offended party is the corporation in this case, the validity of the demand for the delivery rests upon the authority of the person making such demand for the company. If the supposed authority of the person making the demand is found wanting, it is as if no demand was made, hence the prosecution for Estafa could not prosper.¹⁷ Thus, should Victoria prevail in the intra-corporate case, then Buban, who does not own either by himself or in behalf of Anaped, the property managed by Victoria, cannot demand remittance of the rentals on the apartments and Victoria does not have the obligation to turn over the rentals to Buban.¹⁸

Another case in point is *JM Dominguez Agronomics Co., Inc., et al. v. Liclican, et al.*¹⁹ In the said case, the Court found that the intra-corporate dispute between two sets of officers and directors of the corporation presented a prejudicial question to the criminal case filed by one faction against the other. To elaborate, the first set of officers and directors, who were newly appointed through an annual stockholders meeting, instituted a Complaint for nullification of meetings, election, and acts of directors and officers before the regional trial court (RTC) against a second set of officers and directors who claimed to have been duly elected by the stockholders of the corporation. The first faction then filed a criminal case for Qualified Theft against two officers of the second faction, claiming that the two officers, without authority, withdrew substantial amounts from the corporation's bank account. Later, Informations for Qualified Theft against the two officers were filed before the RTC which eventually found probable cause for the issuance of a warrant of arrest. In due time, the two officers filed a Petition for *Certiorari* before the CA to annul and set aside the Orders of the RTC due to the prejudicial question posed by the intra-corporate case between the parties. The CA granted the Petition for *Certiorari*. Upon further review by the Court, the Court affirmed the CA's finding that the RTC acted with grave abuse of discretion when it ordered the arrest of the two officers despite the existence of a prejudicial question, viz.:

¹⁷ *Id.* at 763.

¹⁸ *Id.* at 765.

¹⁹ 765 Phil. 262 (2015) [Per J. Velasco, Jr., Third Division].

As jurisprudence elucidates, a prejudicial question generally exists in a situation where a civil action and a criminal action are both pending, and there exists in the former an issue that must be pre-emptively resolved before the latter may proceed, because howsoever the issue raised in the civil action is resolved would be determinative *juris et de jure* of the guilt or innocence of the accused in the criminal case. The rationale behind the principle is to avoid two conflicting decisions, and its existence rests on the concurrence of two essential elements: (i) the civil action involves an issue similar or intimately related to the issue raised in the criminal action; and (ii) the resolution of such issue determines whether or not the criminal action may proceed.

Here, the CA aptly observed that Civil Case No. 6623-R, the intra-corporate dispute, posed a prejudicial question to Criminal Case Nos. 29175-R and 29176-R. To be sure, Civil Case No. 6623-R involves the same parties herein, and is for nullification of JMD's meetings, election and acts of its directors and officers, among others. Court intervention was sought to ascertain who between the two contesting group of officers should rightfully be seated at the company's helm. Without Civil Case No. 6623-R's resolution, petitioners' authority to commence and prosecute Criminal Case Nos. 29175-R and 29176-R against respondents for qualified theft in JMD's behalf remained questionable, warranting the suspension of the criminal proceedings.

Judge Tiongson-Tabora cannot deny knowledge of the pendency of Civil Case No. 6623-R as the judge presiding over its JDR. As correctly held by the CA:

Judge Tiongson-Tabora is well-aware of the existence of said prejudicial question that should have barred the filing of the criminal complaint against petitioners Liclican and Isip, for the simple reason that a juridical person can only act through its officers, and the issue in the main case submitted for JDR before Judge Tiongson-Tabora is one for nullification of meetings, election and act of directors and officers, injunction and other reliefs. Thus, she knows for a fact that there is a question as to who are the legitimate directors of JMD such that there is doubt as to whether private respondents are in a position to act for JMD. . . .

Verily, the RTC ought to have suspended the proceedings, instead of issuing the challenged Orders issued by the RTC.²⁰ (Emphasis supplied, citations omitted)

Similarly, the present case involves two intra-corporate disputes between two sets of officers of VTI. The first intra-corporate dispute was filed by Leo Rey seeking to nullify the July 7, 2019 SBM which changed the composition of VTI's Board of Directors by removing Leo Rey as President and instituting the Yanson 4 as officers of the corporation, with Ricardo as the new Vice President for Maintenance. Meanwhile, the second intra-corporate dispute was filed by the Yanson 4 seeking to nullify the SSM which re-elected Leo Rey as President. The seizure of the 55 VTI buses were done when the Yanson 4, including Ricardo, were part of the Board of Directors and officers

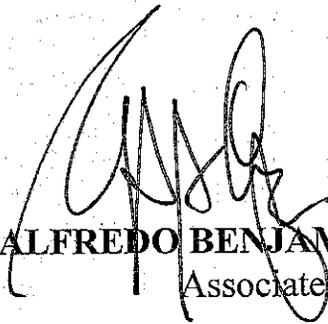
²⁰ *Id.* at 271-272.

of VTI. It would appear then that Ricardo had the authority to refuse the surrender of the VTI buses to Leo Rey, who was no longer VTI President. Since the Information for Grave Coercion against Ricardo hinges on his lack of authority to possess the buses, the intra-corporate cases pose a prejudicial question to the criminal case.

Thus, if the present criminal case is allowed to proceed alongside the two intra-corporate cases, and later, the commercial courts determine that the July 7, 2019 SBM instituting the Yanson 4 as valid, then necessarily, the criminal case for Grave Coercion should be dismissed, as Ricardo was acting within his powers in seizing the 55 VTI buses and withholding their return to Leo Rey. Clearly then, the issue of which set of siblings is the duly constituted Board of Directors and officers of VTI is intimately connected to the issue raised in the criminal case for Grave Coercion. The resolution of the intra-corporate cases is determinative of the guilt or innocence of Ricardo because if he is found to be a director and the duly appointed officer of VTI, he was exercising a lawful right on behalf of VTI when he prevented Leo Rey from taking possession of the 55 VTI buses. One of the essential elements to prove the crime of grave coercion would be missing (i.e., that the accused who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right).²¹

Based on the foregoing discussion, the Petition should already be denied, and the determination of whether Ricardo is a fugitive would not be necessary.

FOR THESE REASONS, I vote to DENY the Petition for Review on *Certiorari* filed by Vallacar Transit, Inc. and Nixon A. Banibane.


ALFREDO BENJAMIN S. CAGUTOA
Associate Justice

²¹ The elements of Grave Coercion under Article 286 of the Revised Penal Code are as follows: 1) that a person is prevented by another from doing something not prohibited by law, or compelled to do something against his will, be it right or wrong; 2) that the prevention or compulsion is effected by violence, threats or intimidation; and 3) that the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right. *Alejandro, et al. v. Atty. Bernas, et al.*, 672 Phil. 698, 708 (2011) [Per J. Peralta, Third Division].