

RECENT JURISPRUDENCE ON REMEDIAL LAW*

INTRODUCTION

This Article is a survey of recent cases decided by the Supreme Court (SC) across the remedial law subfields of criminal and civil procedure. The included cases were decided during the Court's 2022 and 2023 term.

Part I focuses on criminal procedure, and reviews cases which deal with: (1) the filing of pleadings and the prosecutorial appeals process; (2) the separate and distinct nature of money laundering and its predicate offense; (3) the importance of stating an offense charged with particularity in an Information; (4) the supremacy of the Court's rule-making power in plea bargaining for drugs cases; and (5) the legal standing of private complainants in questioning the outcome of a criminal proceeding.

Meanwhile, Part II primarily deals with civil procedure, and offers a discussion on: (1) the controlling date for pleadings filed with courts; (2) the element of intent in forum shopping; and (3) the propriety of filing an ejectment cases against a co-owner.

I. CRIMINAL PROCEDURE

A. Porto v. Grant Institute of Trading and Technology, Inc.¹

This case reaffirms several formal requirements for the filing of pleadings and appeals before courts, with a reminder that a petitioner's failure to comply therewith will result in the failure of the action. Notably, the Court also sent a strong signal to practitioners on how it interprets the appellate process of the Department of Justice (DOJ) and its National Prosecution Service ("NPS"). By reconciling numerous contradictory DOJ Issuances, the Court established informal guidelines for the treatment of resolutions issued by Provincial or City Prosecutors in cases cognizable by first-level courts outside the National Capital Region ("NCR").

* *Cite as Recent Jurisprudence in Remedial Law*, 96 Phil. L.J. 426, [page cited] (2023). This *Recent Jurisprudence* was prepared by Editorial Assistants Joergen Gerard H. Camara, Elma Patrisha B. Latayan, and Hans Luigi B. Sayno, and reviewed by Professor Oliver Xavier A. Reyes, Senior Lecturer at the University of the Philippines College of Law.

This Article is part of a series published by the JOURNAL, providing updates in jurisprudence across the eight identified fields of law. The other Articles focus on political law, labor law, civil law, taxation, criminal law, mercantile law, and judicial ethics.

¹ G.R. No. 257446, Oct. 12, 2022 (Gaerlan, J.).

The petitioners were among several complainants who filed joint *estafa* and falsification complaints against Grant Institute of Trading and Technology, Inc. (“GITT”) before the Office of the City Prosecutor (“OCP”) in San Pablo City, Laguna. The petitioners paid for and completed the Cruise Ship Management course offered by GITT. They filed the complaints after finding out that GITT was not authorized to offer the course, and also impleaded GITT’s directors and officers.²

The OCP of San Pablo City found merit in the *estafa* complaint but dismissed the charge of falsification, the latter being absorbed in the former.³ Private respondents filed a petition for review before the Office of the Regional Prosecutor (“ORP”) of Region IV, which reversed the OCP resolution.⁴ The petitioners moved for reconsideration but were denied.⁵

Petitioners then filed joint *certiorari* petitions before the Court of Appeals (CA), challenging the ORP resolution. The CA denied their petitions, citing multiple procedural defects.⁶ Moving for reconsideration, the petitioners prayed for liberality in view of the COVID-19 pandemic, and submitted that they had substantially complied with procedural requirements.⁷

In denying reconsideration, the CA made an interesting pronouncement which would later on catch the Court’s attention. It held that even if the plea for liberality was granted, the petitions would still fail because administrative remedies had not been exhausted. The CA noted that the petitioners should have first sought review from the DOJ, pursuant to Section 1 of the 2000 NPS Rule on Appeal.⁸

A *certiorari* petition was then filed before the Court to challenge the CA resolution. On one hand, the petitioners argued that the DOJ appeals process had been amended, and that their action was properly filed before the CA. On the other hand, the respondents mainly reiterated the procedural defects cited by the CA as grounds for denial. The Court identified two issues: (1) whether the

² *Id.* at 2. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court Website.

³ *Id.* at 3.

⁴ *Id.* at 3–4.

⁵ *Id.*

⁶ The CA found that the petitioners (1) did not pay the docket fee upon filing; (2) failed to attach and submit the sworn verification and certificate against forum shopping; (3) failed to include their complete address; (4) did not serve copies of the petitions to the ORP of Region IV; and (5) did not sign the joint petitions. *Id.* at 4–5.

⁷ *Id.*

⁸ This Rule shall apply to appeals from resolutions of the Chief State Prosecutor, Regional State Prosecutors, and Provincial/City Prosecutors in cases subject of preliminary investigation. *Id.* citing Dep’t of Justice (DOJ) Dep’t Circ. No. 70 (2000), § 1.

procedural defects in the CA were fatal; and (2) whether petitioners failed to exhaust administrative remedies.⁹

The Court held that the CA's outright dismissal was proper, given the procedural lapses in the joint petitions. The petitioners' argument of substantial compliance could not be appreciated since, among other things: (1) they did not indicate their complete address;¹⁰ (2) they did not sign the pleadings, nor the verification and certificate against forum shopping;¹¹ (3) they did not serve the pleadings to the ORP of Region IV;¹² and (4) they still had not paid the docket fees for the CA petition.¹³ These lapses were fatal to their cause, and the CA was justified in denying the joint petitions.

The Court noted that the plea of liberality was not granted by the CA. At most, the CA only "theoretically accommodate[ed]" liberality as a launching point for its discussion on the DOJ appeals process.¹⁴ This belies the petitioners' assumption that procedural rules were relaxed, and the dismissal was based on their failure to exhaust administrative remedies.

Further, the Court found that the COVID-19 pandemic could not be invoked by petitioners as a fortuitous event to support their plea, as regards the non-payment of docket fees. It took judicial notice of its own administrative circular, which directed the full operation of all NCR courts beginning June 1, 2020, and prohibited extensions for court submissions falling due on the same date.¹⁵ As a practical note, this should not be taken as a sweeping statement that the pandemic could not be a fortuitous event, but instead as a specific admonition against the petitioners and their counsel.

At this point in the Decision, the petition has been soundly denied. However, the Court still proceeded to discuss the DOJ appeals process, which had been cited by the CA as a ground for dismissal. The Court even said that the CA "committed [a] grave error" in holding that the case should have first been brought before the DOJ Secretary.¹⁶ This might produce some confusion, since even if a grave error was supposedly committed, the petition still failed.

⁹ *Id.* at 6.

¹⁰ *Id.* at 8.

¹¹ *Id.* at 10–11.

¹² *Id.* at 11.

¹³ *Id.* at 9–10.

¹⁴ *Id.* at 8–9.

¹⁵ "There shall no longer be extensions in the filing of petitions, appeal, complaints, motions, pleadings, and other court submission that will fall due beginning 1 June 2020." *Id.* at 9, citing Supreme Court (SC) Adm. Circ. No. 41-2020 (2020), ¶ 10.

¹⁶ *Id.* at 11.

The Court agreed with the petitioners that the appeals process had been amended. It was found that a subsequent department circular had delegated the reviewing authority of the Secretary of Justice. The circular provided that in cases cognizable by first-level courts outside of NCR, petitions to review the resolutions of Provincial or City Prosecutors shall be resolved *with finality* by Regional State Prosecutors. The Secretary may, however, further review these resolutions pursuant to the power of supervision and control. Still, recourse to the Secretary was no longer mandatory.¹⁷

Changes to this delegation were then traced by the Court. From 2000 to 2010, there had been issuances that shifted the authority to review resolutions to certain officials.¹⁸ In 2014, the final reviewing authority of Regional State Prosecutors was reinstated,¹⁹ but changes to the DOJ's organizational structure transferred the power to DOJ Assistant Secretaries.²⁰ Five days later, however, the authority was reverted to Regional State Prosecutors.²¹ To further support its point, the Court noted that an issuance in 2018 directed the immediate referral to Regional State Prosecutors of petitions for review "mistakenly elevated to the Office of the Secretary of Justice."²² This regime was still in force at the time the petitioners sought review from the ORP of Region IV and filed their joint *certiorari* petitions before the CA.

Since the *estafa* complaints were cognizable by first-level courts outside Metro Manila, the recourse to the Regional State Prosecutor was the proper method of review. When the petitioners' motion for reconsideration was denied, they had exhausted administrative remedies and "no longer had any plain, speedy, or adequate remedy in the ordinary course of the DOJ-NPS appellate process."²³

It can be argued that the Court's points on the exhaustion of administrative remedies are *obiter dicta*, given that they did not change how the petition was disposed. Hence, citing these points should be met with caution. Even so, the discussion proved to be quite illuminating, as it could be taken as a signal as to how the Court will rule should a similar case reach its bench.

¹⁷ *Id.* at 12, *citing* DOJ Dep't Circ. No. 70-A (2000).

¹⁸ For criminal offenses cognizable by first-level courts outside Metro Manila, for which the penalty did not exceed six years of imprisonment, authority to review resolutions of Regional State Prosecutors was delegated to a specific DOJ Undersecretary. *Id.* at 14, *citing* DOJ Dep't Circ. No. 9 (2003); DOJ Dep't Circ. No. 54 (2004). This authority was then given to a specific Assistant Chief State Prosecutor. *Id.*, *citing* DOJ Dep't Circ. No. 41 (2005). In 2010, specific DOJ Undersecretaries were assigned to review such cases on an "island-group basis." *Id.* at 15, *citing* DOJ Dep't Circ. No. 66 (2010).

¹⁹ *Id.* at 13, *citing* DOJ Dep't Circ. No. 18 (2014), ¶ 1.

²⁰ *Id.*, *citing* DOJ Dep't Circ. No. 3 (2017), ¶ 1(b).

²¹ *Id.*, *citing* DOJ Dep't Circ. No. 3-A (2017).

²² *Id.* at 13–14, *citing* DOJ Dep't Circ. No. 5 (2018), ¶ 7.1.

²³ *Id.* at 18.

B. *Lingad v. People*²⁴

In this case, the Court emphasized that the predicate offense in money laundering is distinct from the offense of money laundering itself. The two offenses, then, may be prosecuted separately. However, to successfully prosecute money laundering, certain elements of the predicate offense also must be proven beyond reasonable doubt.²⁵

While she was an employee of United Coconut Planters Bank, the petitioner effected four unauthorized withdrawals and preterminations of money market placements, then transferred the money to accounts owned by MV2 Telecoms and her brother.²⁶ A case for money laundering was filed against her, and the prosecution presented extensive documentary and testimonial evidence to prove the petitioner's guilt. As her defense, the petitioner denied the charges and alleged that she was being framed by the bank to avoid injuring its reputation.²⁷ The petitioner was convicted by the Regional Trial Court (RTC) of money laundering through qualified theft.²⁸ She appealed, but the CA affirmed the RTC decision in its entirety and denied reconsideration. She then filed a petition for review before the Court, alleging that the prosecution failed to prove her guilt.²⁹

The Court denied the petition and upheld the conviction. It held that money laundering, as an offense under Section 4(a) of the Anti-Money Laundering Act, as amended, is the act of knowingly transacting the proceeds of unlawful activity and making them appear to have been from legitimate sources.³⁰ Section 3 of the same law provides that qualified theft is among the unlawful activities through which money laundering is committed.³¹ Qualified theft, in turn, refers to the crime punished under Article 310 in relation to Article 308 of the Revised Penal Code.³²

The Court sustained the finding that the petitioner committed qualified theft when she withdrew money and preterminated accounts without authority. She committed money laundering when she transferred the stolen money to give

²⁴ G.R. No. 224945, Oct. 11, 2022 (Leonen, J.).

²⁵ *Id.* at 1–2. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court Website.

²⁶ *Id.* at 2.

²⁷ *Id.* at 6–7.

²⁸ *Id.* at 7.

²⁹ *Id.* at 7–8.

³⁰ *Id.* at 9, citing Rep. Act No. 9160 (2001), § 4(a), amended by Rep. Act No. 9194 (2003), § 4.

³¹ *Id.*, citing Rep. Act No. 9160 (2001), § 3(i)(8), amended by Rep. Act No. 9194 (2003), § 3.

³² *Id.* at 9–10, citing REV. PEN. CODE, art. 308, 310.

the appearance that the money market placements were still subsisting.³³ It was also held that petitioner's defenses were "self-serving and unsubstantiated," and that she failed to raise any reversible error.³⁴

Though the decision could have ended there, the Court went on to discuss how money laundering is prosecuted. It was said that money laundering generally involves a predicate offense through which unlawful proceeds are generated. Money laundering and the predicate offense are separate and distinct, though the latter is an element of the former. Each may be prosecuted separately.³⁵

This is a useful point to make since under Section 6(b) of Republic Act No. 9160, proceedings related to the predicate offense are accorded precedence over the prosecution of money laundering.³⁶ Section 5 of Republic Act No. 10365 amended this rule, and now provides that the prosecution of money laundering shall be independent of proceedings related to the predicate offense.³⁷ Precedence under the repealed provision no longer applies.

Given this new rule, the Court confirmed that it is possible for money laundering and its predicate offense to have different perpetrators.³⁸ A person may be found guilty of money laundering if they knowingly transact the proceeds from an unlawful activity, even though someone else committed the unlawful activity. Still, certain elements of the predicate offense must be proven beyond reasonable doubt,³⁹ pursuant to the constitutional presumption of innocence.⁴⁰

In a proceeding for the predicate offense, the goal is to prove the guilt of the accused for said offense. In a money laundering case, however, the prosecution's objective is to show that the predicate offense was committed and that the proceeds arose from such offense were knowingly transacted. While the prosecution no longer needs to prove who is guilty of the predicate offense, it must still prove the existence of the unlawful activity and its connection with the proceeds used.⁴¹ Interestingly, the Court also differentiated money laundering from plunder and terrorism, in that the predicate offenses in the latter crimes are not independent.⁴²

³³ *Id.* at 10–11.

³⁴ *Id.* at 11.

³⁵ *Id.* at 11–12.

³⁶ Rep. Act No. 9160 (2001), § 6(b).

³⁷ *Id.* at 12, *citing* Rep. Act No. 9160 (2001), § 6(b), *amended by* Rep. Act No. 10365 (2013),

§ 5.

³⁸ *Id.* at 16.

³⁹ *Id.*, *citing* RULES OF COURT, Rule 133, § 2.

⁴⁰ *Id.* at 13, *citing* CONST. art. III, § 14.

⁴¹ *Id.* at 16–17.

⁴² *Id.* at 18–21.

The Court ultimately held that the petitioner was correctly convicted since all elements of money laundering were proven, including the required elements of qualified theft. Although the petitioner was also found by the lower courts to have committed qualified theft, she is being prosecuted only for money laundering. As such, only the penalty for money laundering was applied.

Like the *Porto* case, the extensive discussion on remedial law appears to be another set of informal guidelines issued by the Court. The independence of money laundering proceedings from those involving its predicate offense was not among the issues raised in the petition, but the Court took the opportunity to clarify its views.

C. *People v. XXX*⁴³

This case features a reminder issued by the Court on the importance of stating the offense charged in an Information with particularity. Generally alleging an approximate date for the crime does not make an Information *ipso facto* defective. However, if the approximate date spans multiple years, the Court will find that the Information failed to inform the accused of the nature and cause of the charge.⁴⁴

Three separate Informations were filed against the accused XXX for rape, each for: (1) an incident on June 1995, against his daughter who was 13 years old; (2) another incident on October 1999, against the same daughter who was now 17 years old; and (3) an incident between June 1995 and October 1999, against the same daughter who was a minor.⁴⁵ Despite the long span of time alleged in the third Information, the accused did not raise any questions thereon.

The RTC convicted XXX for two counts of qualified rape and one count of simple rape. The trial court found that the evidence established guilt beyond reasonable doubt. For the first two counts, XXX was convicted of qualified rape because the Informations alleged that the victim was between the ages of 12 to 17. However, the conviction for the third count was only simple rape because the victim's age was not specified, instead merely alleging that the victim was "a minor."⁴⁶ The ruling was affirmed by the CA, and the Court upheld the ruling on appeal.⁴⁷ The Court found that the victim's testimony sufficiently established the

⁴³ G.R. No. 231386, July 13, 2022 (Caguioa, J.).

⁴⁴ *Id.* at 9–10. This pinpoint citation refers to the copy of the decision uploaded to the Supreme Court Website.

⁴⁵ *Id.* at 2.

⁴⁶ *Id.* at 6.

⁴⁷ *Id.* at 7.

elements of rape, and that XXX's denial was unable to rebut the prosecution's evidence.⁴⁸

After deciding on the merits, the Court reiterated that the purpose of an Information is to inform the accused of the cause and nature of the accusation, pursuant to their constitutional right.⁴⁹ Although alleging an approximate date during which the crime was committed is sufficient,⁵⁰ alleging an approximate date which spans multiple years could defeat the very purpose of an Information.⁵¹ To illustrate, the Court gave two examples of defective Informations. One case alleged that the crime had been committed “between October[] 1910 to August[] 1912,” which deprived the accused of the opportunity to prepare a defense.⁵² Another case approximated the commission of the crime between 1977 to 1983. The Court noted that this placed an “unfair and unreasonable burden” upon the accused of needing to remember their activities over a period of over 2,500 days.⁵³

In the case of XXX, the period alleged in the third Information spanned around 1,600 days from June 1995 to October 1999. The Information was said to be “egregiously defective,” but the failure of the accused to raise a timely question constituted an implied waiver.⁵⁴ Prior to arraignment, XXX could have filed a motion to quash or a motion for a bill of particulars, which would have prompted the trial court to order the amendment of the Information.⁵⁵ Further, the trial court could have ordered such amendment by its own initiative.⁵⁶ The Court thus called for a more watchful eye in safeguarding the constitutional rights of the accused.

The particularity of the third Information was not raised as an issue on appeal, based on the Court's main discussion on the merits. With this in mind, the Court's pronouncements on this matter are best read not as additional precedent, but as a *reminder*, as the Court puts it, not only to prosecutors but also to courts.

D. *People v. Montierro*⁵⁷

This decision asserted the primacy of the Court's rule-making power over the DOJ's power to promulgate issuances, in relation to plea bargaining for drugs

⁴⁸ *Id.* at 8–9.

⁴⁹ *Id.* at 10, *citing* CONST. art. III, § 14(2).

⁵⁰ *Id.*, *citing* RULES OF COURT, Rule 110, § 6.

⁵¹ *Id.*

⁵² *Id.*, *citing* United States v. Dichao, 27 Phil. 698 (1914).

⁵³ *Id.*, *citing* Rocaberte v. People, 271 Phil. 154, 159 (1991).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*, *citing* RULES OF COURT, Rule 119, § 19.

⁵⁷ G.R. No. 254564, July 26, 2022 (Caguioa, J.). This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court Website.

cases involving Section 5 of Republic Act No. 9165.⁵⁸ No less than the Constitution provides that the Court has the exclusive power to “[p]romulgate rules concerning the protection and enforcement of constitutional rights.”⁵⁹ In this sense, plea bargaining is a rule of procedure designed to protect and enforce the right to speedy disposition of cases.⁶⁰

The decision addressed two petitions for review involving drugs cases. In the first case, Cypher Baldadera allegedly sold 0.047 grams of methamphetamine hydrochloride, which is more popularly known as *shabu*. In the second case, Erick Montierro allegedly sold a total of 0.721 grams of *shabu*. Both were separately charged with the violation of Section 5 of Republic Act No. 9165, which punishes the sale of dangerous drugs.⁶¹ They both pleaded “not guilty,” and trials proceeded separately. While pending trial, the Court decided *Estipona v. Lobrigo*, which declared as unconstitutional the prohibition on plea bargaining for drugs cases.⁶²

Despite the *Estipona* decision, DOJ issued DOJ Department Circular No. 61 which still prohibited plea bargaining for violations of Section 5 of Republic Act No. 9165 regardless of quantity.⁶³ Afterwards, the Court promulgated the Plea Bargaining Framework in Drugs Cases.⁶⁴ Contrary to the DOJ circular, the Framework allowed Section 5 violations to be subject to plea bargaining provided that: (1) the dangerous drug involved is *shabu*; (2) the quantity of *shabu* ranges from 0.01 gram to 0.99 grams; and (3) the acceptable plea is a lower charge under Section 12 of Republic Act No. 9165, i.e., possession of equipment or other paraphernalia for dangerous drugs.⁶⁵ Months later, DOJ issued DOJ Department Circular No. 27, which recognized the doctrine in *Estipona*. However, while the Framework fixes Section 12 as the acceptable plea bargain, the new circular instead prescribes Section 11, paragraph 3, i.e., illegal possession of dangerous drugs.⁶⁶

⁵⁸ *Id.* at 14–18.

⁵⁹ *Id.* at 12–13, *citing* CONST. art. VIII, § 5(5).

⁶⁰ *Id.* at 16–17, *citing* *Estipona v. Lobrigo*, 816 Phil. 789, 806, 808, 813 (2017).

⁶¹ *Id.* at 3–6, *citing* Rep. Act No. 9165 (2002), § 5.

⁶² “Section 23 of Republic Act No. 9165 is declared unconstitutional for being contrary to the rule-making authority of the Supreme Court under Section 5(5), Article III of the 1987 Constitution.” *Estipona*, 816 Phil. at 817.

⁶³ *Id.* at 4–5, *citing* DOJ Dep’t Circ. No. 61 (2017).

⁶⁴ *Id.*, *citing* SC Adm. Matter No. 18-03-16-SC [hereinafter “Plea Bargaining Framework in Drugs Cases”] (2018).

⁶⁵ *Id.* Section 12 punishes the possession of equipment, instrument, apparatus, and other paraphernalia for dangerous drugs. The penalty is imprisonment from six months and one day to four years, and a fine ranging from PHP 10,000 to PHP 50,000. Rep. Act No. 9165 (2002), § 12.

⁶⁶ *Id.* Section 11(3) punishes illegal possession of dangerous drugs, with an indeterminate penalty of 12 years and one day to 20 years, and a fine from PHP 300,000 to PHP 400,000. Rep. Act No. 9165 (2002), § 11(3).

Montierro and Baldadera were both allowed to plea bargain, and their respective courts convicted them for the lesser offense under Section 12.⁶⁷ However, while Montierro's conviction was upheld by the CA on appeal, Baldadera's conviction was vacated. The CA in Montierro's case held that DOJ encroached on the Court's rule-making authority, and that the prosecutor's consent for the plea bargain would have been vitiated by their oath to follow the DOJ circular.⁶⁸ In Baldadera's case, the CA ruled in the opposite way. It held that while the Framework and DOJ circulars were valid, the prosecutor's consent was still required to make a plea deal valid.⁶⁹

While the petitions were pending before the Court, DOJ issued DOJ Department Circular No. 18, amending the previous relevant circulars.⁷⁰ This rendered the petitions moot since the circular's provisions on plea bargaining for the sale of *shabu* aligned directly with the Framework. However, the Court still proceeded to rule on the merits on account of exceptional circumstances.⁷¹

The Court reiterated that plea bargaining in criminal cases is a rule of procedure governed by its exclusive rule-making power, as it concerns the speedy disposition of cases.⁷² Pursuant to such power, the Court's Plea Bargaining Framework in Drugs Cases provides for the acceptable plea bargains for offenses punished by Republic Act No. 9165. This takes primacy over any internal issuance of the DOJ on the matter.⁷³ Further, while plea bargaining requires mutual consent of the parties, its approval must ultimately be submitted to the sound discretion of the court.⁷⁴ In certain instances, the court may even *override* the prosecution's objection, such as when the objection is based only on an "internal guideline" and not on an exclusively prosecutorial prerogative. The courts may not override the objection if it is based on the disqualification of the accused, or when the plea does not conform to the Framework promulgated by the Court.⁷⁵

It was also pointed out that the "mutual consent" in plea bargaining is not the same as the principle of mutuality in contracts. In plea bargaining, mutuality

⁶⁷ *Id.* at 5, 7.

⁶⁸ *Id.* at 6.

⁶⁹ *Id.* at 8.

⁷⁰ *Id.* at 11–12, *citing* DOJ Dep't Circ. No. 18 (2022).

⁷¹ The Court found that all the exceptions for ruling on a moot issue were present. It held that (1) there was a grave violation of the Constitution; (2) the exceptional character of the situation and the paramount public interest are involved; (3) when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and (4) the case is capable of repetition yet evading review. *Id.* at 12, *citing* *Intl Serv. for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia*, 791 Phil. 243, 259 (2016).

⁷² *Id.* at 14, *citing* CONST. art. VIII, § 5(5).

⁷³ *Id.* at 21.

⁷⁴ *Id.* at 22, *citing* RULES OF COURT, Rule 116, § 2.

⁷⁵ *Id.* at 28.

simply describes “the convergence of the interest of the parties and should not be understood to prevent or restrict the exercise of the trial court’s discretion in relation to the Court’s rule-making power.”⁷⁶ Plea bargaining was also said to be different from a compromise agreement. In the former, which deals with criminal liability, the lesser offense to be pleaded must be necessarily included in the offense charged, and the accused must not be disqualified. In the latter, which pertains to civil liability, the parties have near unlimited discretion as to the terms of their agreement.⁷⁷

The Court was also very adamant in emphasizing that the prosecution is inherently incapable of seeing the “middle ground” in plea bargaining. Given its duty to pursue criminals to the full extent of the law, the prosecution at times may lose sight of the rights and interests of the accused.⁷⁸ As such, it is the province of the judiciary, as impartial tribunals, to determine what is fair and reasonable under plea bargaining.⁷⁹

Given these pronouncements, the Court remanded the cases of Montierro and Baldadera to their respective trial courts. The courts should have determined whether the evidence of guilt is strong, and whether accused were qualified for plea bargaining—i.e., whether the accused is a recidivist, a habitual offender, a known community drug addict and troublemaker; has undergone rehabilitation but suffered a relapse; or has been charged many times. The trial courts should have first resolved the prosecution’s objection before ruling on the plea bargain.⁸⁰ Also pursuant to the Court’s Framework, both the accused should undergo a drug dependency test.⁸¹

Finally, the Court provided a comprehensive summary of its guidelines for plea bargaining in drugs cases. These are:

1. Offers for plea bargaining must be initiated in writing by way of a formal written motion filed by the accused in court.
2. The lesser offense which the accused proposes to plead guilty to must necessarily be included in the offense charged.
3. Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Plea Bargaining Framework in Drugs Cases, the judge shall order that a drug dependency assessment be administered. If the accused admits drug use, or denies it but is found positive after a drug dependency test, then [they] shall undergo treatment and rehabilitation for a period of not less than

⁷⁶ *Id.* at 29.

⁷⁷ *Id.* at 29–30.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.* at 30.

⁸¹ *Id.* at 30–31, *citing* Plea Bargaining Framework in Drugs Cases.

six (6) months. Said period shall be credited to [their] penalty and the period of [their] after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then [they] will be released on time served, otherwise, [they] will serve [their] sentence in jail minus the counselling period at rehabilitation center.

4. As a rule, plea bargaining requires the mutual agreement of the parties and remains subject to the approval of the court. Regardless of the mutual agreement of the parties, the acceptance of the offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right but is a matter addressed entirely to the sound discretion of the court.
 - a. Though the prosecution and the defense may agree to enter into a plea bargain, it does not follow that the courts will automatically approve the proposal. Judges must still exercise sound discretion in granting or denying plea bargaining, taking into account the relevant circumstances, including the character of the accused.
5. The court shall not allow plea bargaining if the objection to the plea bargaining is valid and supported by evidence to the effect that:
 - a. the offender is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times; or,
 - b. when the evidence of guilt is strong.
6. Plea bargaining in drugs cases shall not be allowed when the proposed plea bargain does not conform to the Court-issued Plea Bargaining Framework in Drugs Cases.
7. Judges may overrule the objection of the prosecution if it is based solely on the ground that the accused's plea bargaining proposal is inconsistent with the acceptable plea bargain under any internal rules or guidelines of the DOJ, though in accordance with the plea bargaining framework issued by the Court, if any.
8. If the prosecution objects to the accused's plea bargaining proposal due to the circumstances enumerated in item no. 5, the trial court is mandated to hear the prosecution's objection and rule on the merits thereof. If the trial finds the objection meritorious, it shall order the continuation of the criminal proceedings.
9. If an accused applies for probation in offenses punishable under RA No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Section 24 thereof, then the law on probation shall apply.⁸²

The power over plea bargaining in drugs cases is one that the Court was unwilling to abdicate, and rightly so, given the widespread prosecution of smalltime drug users and sellers. While such prosecution was not inherently

⁸² *Id.* at 31–32.

harmful, the Court took judicial notice of how many who are charged with selling *shabu* or marijuana in small quantities “languish[] in jail for years, only to be acquitted upon appeal to the Supreme Court because the prosecution failed to strictly comply with the mandatory requirements of Section 21 of [Republic Act] No. 9165.”⁸³ To this end, *Montierro* joins the small corpus of cases in which the Court took the extraordinary initiative of deciding on the merits despite mootness. Even when the DOJ already conceded its position by aligning its circular with the Framework, the Court still ensured that its guidelines were part of jurisprudence.

E. *Austria v. AAA*⁸⁴

This case clarifies the legal standing of a private complainant to question court judgments and orders in criminal proceedings.⁸⁵ After sifting through its diverging jurisprudence, the Court held that the interest of the private complainant remains limited to the civil aspect of a criminal case. Henceforth, any assertion of legal standing for further appeals or petitions must be made in that capacity.⁸⁶

The RTC convicted Austria for five counts of acts of lasciviousness. A motion for reconsideration was filed, and while pending, the trial judge was promoted.⁸⁷ The new trial judge reconsidered the conviction and acquitted Austria, holding that the prosecution’s evidence failed to prove guilt beyond reasonable doubt.⁸⁸ Private complainants, who were both Austria’s 11-year-old female students, sought reconsideration but were denied.⁸⁹

The private complainants filed a *certiorari* petition before the CA, alleging grave abuse of discretion against the new judge. They argued that the assailed resolution “merely recited the contents of the accused’s motion [...] without stating any factual and legal basis” for the ruling.⁹⁰ Austria opposed the petition, saying that (1) giving due course thereto would violate his right against double jeopardy; and (2) the private complainants had no standing for a *certiorari* review of criminal proceedings without the OSG’s conformity or participation.⁹¹

The CA granted *certiorari* and found the resolution void for being constitutionally defective. It failed to clearly state and explain the factual and legal

⁸³ *Id.* at 19.

⁸⁴ G.R. No. 205275, June 28, 2023 (Lopez, M., J.).

⁸⁵ *Id.* at 1. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court website.

⁸⁶ *Id.* at 33–34.

⁸⁷ *Id.* at 2.

⁸⁸ *Id.* at 2–5.

⁸⁹ *Id.* at 2, 5.

⁹⁰ *Id.* at 5.

⁹¹ *Id.*

basis, and merely reproduced the motion filed by Austria.⁹² Austria moved for reconsideration, but the appeals court denied. He then sought a review on *certiorari* before the Court, maintaining that the CA should not have given due course to the private complainant's petition since they lacked legal standing. The proper party to file the petition should have been the OSG.⁹³

In its Comment, the OSG agreed with Austria that the private complainants, on their own, had no standing to file a *certiorari* petition concerning the criminal aspect of the case, and that they should have secured the OSG's conformity before filing the same.⁹⁴ Crucially, however, the OSG expressly gave its conformity to the *certiorari* petition in the CA.⁹⁵ It also propounded some suggestions on how to better facilitate the process of questioning the outcomes of criminal proceedings.⁹⁶

The Court denied Austria's petition and upheld the CA, seemingly invoking its equity jurisdiction. It found that while the private complainants had no standing to question the criminal aspect of the case, they could not be faulted for their reliance on a branch of jurisprudence which implied otherwise.⁹⁷ The Court also noted that the conformity given by the OSG—albeit belated—was helpful to the private complainants' cause.⁹⁸

As a rule, the Court held that the State is the party affected by the dismissal of a criminal complaint. While private complainants are plaintiffs for the civil aspect of the case, they are only witnesses in prosecuting the criminal aspect.⁹⁹ Therefore, the proper party to question the dismissal of a criminal case is the OSG, as provided by law.¹⁰⁰ An appeal or *certiorari* may be filed by the private

⁹² *Id.* at 6–7.

⁹³ *Id.* at 7.

⁹⁴ *Id.* at 8.

⁹⁵ *Id.*

⁹⁶ The OSG suggested that the reglementary period to question the trial outcome for the criminal aspect must be counted from its receipt of an endorsement from the Office of the Prosecutor General or of a request from the private complainant. This was underpinned by the fact that the OSG does not receive case records during trial, and is left with very little time to study the prospect of appealing or seeking review. Alternatively, the OSG suggested that it should always be required to comment on an appeal or petition filed by private complainants, if the action is based on due process considerations. *Id.* at 8.

⁹⁷ *Id.* at 30.

⁹⁸ *Id.*

⁹⁹ *Id.* at 9.

¹⁰⁰ "Section 35. *Power and Functions.* — The Office of the Solicitor General shall represent the Government [...] in any litigation, proceeding, investigation[,] or matter requiring the services of a lawyer [...] It shall have the following specific powers and functions:

(1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings." *Id.* at 9, citing REV. ADM. CODE, bk. III, § 35(1).

complainants only to preserve their interest in the civil liability of the accused, but the OSG's conformity must be sought to question the criminal aspect.¹⁰¹

To demonstrate its point, the Court cited several cases in which this rule was uniformly upheld, such as:

1. In *Jimenez v. Sorongon*, it was affirmed that a private complainant does not have the legal personality to question the dismissal of a complaint for syndicated and large-scale illegal recruitment without conformity from the OSG;¹⁰²
2. In *Anlud Metal Recycling Corp. v. Ang*, the Court held that without the OSG's participation, the private complainant could not appeal the dismissal of an *estafa* case for lack of probable cause;¹⁰³
3. The Court in *People v. Piccio* ruled that the dismissal of a libel complaint based on a defective Information could not be appealed by the private complainant without the OSG's consent;¹⁰⁴
4. In *Bangayan v. Bangayan*, it was also held that a private complainant, on their own, had no personality to question the dismissal of a bigamy charge on demurrer to evidence;¹⁰⁵
5. Similarly, the Court in *Burgos v. Naval* found that the private complainant lacks standing, without the OSG's conformity, to file a *certiorari* petition before the CA to assail the dismissal of an *estafa* case based on prescription;¹⁰⁶
6. In *Yokohama Tire Philippines, Inc. v. Reyes*, the Court ruled that the private complainant could not file a *certiorari* petition to annul the acquittal of the accused and to question the admissibility of evidence, since only the State may do so;¹⁰⁷ and
7. In *JCLV Realty & Development Corp. v. Mangali*, in which the private complainant was not allowed to file a *certiorari* petition to question the grant of a demurrer to evidence based on the identification of the accused as perpetrator of the crime.¹⁰⁸

The Court noted that the review sought by private complainants in these cases pertained to questions on the substantive merits of the criminal aspect. Since the right to prosecute belongs to the State, the complainants had no personality to bring such actions without the OSG's conformity.¹⁰⁹ The Court also pointed

¹⁰¹ *Id.* at 9–10.

¹⁰² *Id.* at 10, *citing* *Jimenez v. Sorongon*, 700 Phil. 316, 325 (2012).

¹⁰³ *Id.* at 10–11, *citing* *Anlud Metal Recycling Corp. v. Ang*, 766 Phil. 676, 687 (2015).

¹⁰⁴ *Id.* at 11, *citing* *People v. Piccio*, 740 Phil. 616, 621–23 (2014).

¹⁰⁵ *Id.* at 12, *citing* *Bangayan v. Bangayan*, 675 Phil. 656, 664–69 (2011).

¹⁰⁶ *Id.* at 13, *citing* *Burgos v. Naval*, 786 Phil. 881, 889–90 (2016).

¹⁰⁷ *Id.* at 13, *citing* *Yokohama Tire Phil., Inc. v. Reyes*, 870 Phil. 292, 303–06 (2020).

¹⁰⁸ *Id.* at 14, *citing* *JCLV Realty & Dev. Corp. v. Mangali*, 880 Phil. 267, 278, 280 (2020).

¹⁰⁹ *Id.* at 14–15.

out that none of the questioned orders or judgments were “tainted with grave abuse of discretion or rendered in violation of the parties’ right to due process.”¹¹⁰

In the past, these were the same distinctions made by the Court to allow private complainants to seek *certiorari* on their own. Complainants were allowed to question acquittals, dismissals, and even interlocutory orders in criminal proceedings based on (1) grave abuse of discretion or (2) due process violations, leading to the development of a separate branch of jurisprudence. For support, the Court cited the following:

1. In *People v. Santiago*, the Court upheld the standing of a private complainant to seek *certiorari* against an acquittal without a trial on the merits, vindicating a due process violation against the prosecution and the complainant;¹¹¹
2. In *Dela Rosa v. CA*, the Court cited *Santiago* and found that the private complainant had standing to seek *certiorari* against an unfounded dismissal based on the right of the accused to a speedy trial;¹¹²
3. In *People v. Salico*, the Court noted that private complainants were allowed to appeal or seek *certiorari* against decisions and orders which dismissed the case without prejudice;¹¹³
4. Likewise, in *Perez v. Hagonoy Rural Bank*, the Court cited *Dela Rosa* and held that the private complainant possessed the legal personality to question the dismissal of an *estafa* case based solely on the recommendation of the Secretary of Justice;¹¹⁴
5. In *David v. Marquez*, the private complainant’s standing was also duly recognized in a *certiorari* petition against the improper dismissal of a complaint for *estafa* and illegal recruitment;¹¹⁵
6. In *Flores v. Joven*, the Court cited *Perez* and ruled that the private complainant validly invoked her standing to question the grave abuse of discretion that attended the dismissal of a rape case against one of the accused;¹¹⁶
7. The Court in *Morillo v. People* allowed a private complainant to seek a review on *certiorari* under Rule 45 to question a dismissal due to

¹¹⁰ *Id.* at 15.

¹¹¹ The private complainant is also an “aggrieved person” under Rule 65, since grave abuse also covers the civil aspect of the case, and over which they retain an interest. *Id.* at 15, *citing* *People v. Santiago*, 255 Phil. 851, 860–62 (1989).

¹¹² *Id.* at 16, *citing* *Dela Rosa v. Ct. of Appeals*, 323 Phil. 596, 603–06 (1996).

¹¹³ *Id.* at 16, *citing* *People v. Salico*, 84 Phil. 722, 732–33 (1949).

¹¹⁴ The Court ruled that the dismissal was tainted with grave abuse of discretion. *Id.* at 17, *citing* *Perez v. Hagonoy Rural Bank, Inc.*, 384 Phil. 322, 331–37 (2000).

¹¹⁵ The dismissal granted a motion to quash the information based on improper venue, but private complainants argued that venue was properly laid. *Id.* at 19, *citing* *David v. Marquez*, 810 Phil. 187, 200–04 (2017).

¹¹⁶ *Id.* at 19–20, *citing* *Flores v. Joven*, 442 Phil. 576, 583–88 (2002).

improper venue, as the complainant had no other suitable recourse since the OSG took an adverse position;¹¹⁷

8. In *Rodriguez v. Gadiane*, a private complainant was allowed to question interlocutory orders in criminal proceedings, since “the order which [the private complainant] seeks to assail is not one dismissing the case or acquitting respondents[.]”¹¹⁸
9. In *Salvador v. Chua*, the private complainant was also allowed to file a *certiorari* petition against the grant of a notice of appeal, on account of the grave abuse committed by the trial court for overturning a final and immutable conviction;¹¹⁹ and
10. Finally, in *Narciso v. Cruz*, it was held that even the sister of the offended party had standing to file a *certiorari* petition against an order granting bail to the accused, since no prior hearing was held on the motion, and the offense charged was punishable with *reclusion perpetua*.¹²⁰

The Court appears to have acknowledged the incongruence between the *ratio* and the disposition of the cases in this “divergent” branch. Even in those listed above, the Court always held that the interest of the private complainant was limited to the civil aspect of the criminal proceedings.¹²¹ Logically, any review sought by them without the OSG’s conformity should have been limited to the civil liability of the accused. Instead, in these 10 cases, the Court expanded the scope of review to also include the criminal liability of the accused. This expansion was consistently underpinned by the rule that any judgment or order issued with grave abuse of discretion or in violation of due process is void.

It was clarified that notwithstanding such cases, private complainants do not enjoy a “blanket authority” to question decisions or orders pertaining to criminal liability.¹²² The Court harkened back to the OSG’s statutory mandate of representing the State and noted that the OSG “must be given the opportunity to be heard on how the remedies that the private complainants sought before the SC and the CA might affect the interest of the People in the criminal aspect of the case.”¹²³ The Court then referred to instances in which it required the OSG to comment on an appeal or *certiorari* petition brought by private complainants, instead of dismissing the same.¹²⁴ It begins to hint at its preferred solution to harmonize the divergence in case law.

¹¹⁷ *Id.* at 21–22, *citing* *Morillo v. People*, 775 Phil. 192, 211–16 (2015).

¹¹⁸ *Id.* at 22–23, *citing* *Rodriguez v. Gadiane*, 527 Phil. 691, 696–98 (2006).

¹¹⁹ *Id.* at 23–24, *citing* *Salvador v. Chua*, 764 Phil. 244, 252–54 (2015).

¹²⁰ *Id.* at 24–25, *citing* *Narciso v. Cruz*, 385 Phil. 208, 217–23 (2000).

¹²¹ *Id.* at 25–26.

¹²² *Id.* at 26.

¹²³ *Id.*

¹²⁴ *Id.* at 26–29, *citing* *People v. Ct. of Appeals*, 755 Phil. 80, 99–102 (2015); *Merciales v. Ct. of Appeals*, 429 Phil. 70, 77–82 (2002).

The discussion also surfaced the rule that the OSG is allowed to ratify and adopt the private complainant's petition upon expressing its conformity.¹²⁵ Specifically, if a private complainant questions the criminal aspect of a case without the OSG's participation, and if the OSG later files a Comment expressing its conformity, the private complainant's pleading is considered adopted by the OSG. This is adequate even if the Comment manifesting conformity was filed before the Court, and the assailed appeal or petition is pending before the CA.¹²⁶ According to the Court, this sufficiently answers the problem of legal standing.

Going by the Court's disquisitions so far, it would make sense for it to grant Austria's petition. By questioning the acquittal, the private complainants in this case sought the review of not only the civil aspect, but also the criminal aspect, in which they have no legal standing. However, the Court's decision turned on the fact that the OSG expressed its conformity with the complainants' *certiorari* petition.¹²⁷ Notably, the OSG's conformity was manifested in its Comment filed with the Court, and not the CA, in which the complainant's petition was pending.¹²⁸ Further still, the Court held that the private complainants could not be faulted for relying on jurisprudence which allowed them to question the criminal aspect of a case through *certiorari* based on grave abuse of discretion and denial of due process.¹²⁹

Ultimately, the Court ruled on the merits and found that Austria's acquittal was rendered with grave abuse of discretion. The trial court failed to adhere to Article VIII, Section 14 of the Constitution, which resulted in a violation of due process.¹³⁰ It was found that the order which reconsidered Austria's conviction "contained neither an analysis of the evidence nor a reference to any legal basis for the conclusion."¹³¹ It also held that the right to double jeopardy will not attach if there has been a grave abuse of discretion, which consequently renders the trial court without jurisdiction.¹³²

To harmonize case law, the Court also issued the following guidelines on a private complainant's legal standing to question the criminal aspect of a case:

¹²⁵ *Id.* at 29–30, *citing* Labaro v. Panay, 360 Phil. 102 (1998); Montañez v. Cipriano, 697 Phil. 586 (2012); People v. Nano, 282 Phil. 164, 168–69 (1992).

¹²⁶ *Id.*

¹²⁷ *Id.* at 30.

¹²⁸ This was also the case for *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.* at 30–32, *citing* CONST. art. III, § 14; Yao v. Ct. of Appeals, 398 Phil. 86, 105–06 (2000).

¹³¹ *Id.* at 32.

¹³² *Id.*

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

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

(2) The private complainant has no legal personality to appeal or file a petition for *certiorari* to question the judgments or orders involving the criminal aspect of the case or the right to prosecute, unless made with the OSG's conformity.

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

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

(4) These guidelines shall be prospective in application.¹³³

¹³³ *Id.* at 33–34.

The guidelines laid down here are arguably different from the others in the past, in that Court's exclusive rule-making authority was specifically invoked. Thus, it appears that the Court would adhere more strictly to this set of rules, and would furrow its brow at subsequent pleas for liberality.

II. CIVIL PROCEDURE

A. *Republic v. Salinas*¹³⁴

In this case, the Court held that in determining the date in which a pleading was filed, the date stamped by the post office on the envelope or the date appearing in the registry receipt is controlling.¹³⁵ The Office of the Solicitor General's (OSG) Inner Registered Sack Bill cannot be equated to a registry receipt to prove the pleading's filing date.¹³⁶

The respondent filed a petition to declare the nullity of her marriage on the ground of psychological incapacity before the Manila RTC. The RTC granted the petition, and the Republic's motion for reconsideration was denied on July 27, 2015. The Republic received the RTC's order on August 4, 2015, which meant that its last day to appeal was August 19, 2015.¹³⁷ However, the Republic's Notice of Appeal was filed through registered mail, and the date stamped on its envelope was October 15, 2015. This date was used by the RTC as basis for denying the notice for being filed out of time.¹³⁸

Moving for reconsideration, the Republic argued that it filed the pleading on August 18, 2015. The Republic offered a photocopy of the OSG Inner Registered Sack Bill that allegedly showed records of the pleading being sent to the RTC and to opposing counsel. It bore a rubber stamp from the Ermita Post Office dated August 18, 2015. The Republic also submitted a certification by the postmaster of the same post office, stating that the letters indicated in the OSG Sack Bill were posted on the same date. The RTC denied reconsideration.¹³⁹

In the *certiorari* petitions before the CA and then the Court, the Republic reiterated its arguments. The courts were asked to consider the OSG Registered Sack Bill and the postmaster's affidavit as proof of the pleading's filing date, as

¹³⁴ G.R. No. 238308, Oct. 12, 2022 (Lopez, M., J.).

¹³⁵ *Id.* at 5–6. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court website.

¹³⁶ *Id.* at 5.

¹³⁷ *Id.* at 2.

¹³⁸ *Id.*

¹³⁹ *Id.* at 2–3.

opposed to the date stamped on the envelope.¹⁴⁰ For its part, the CA denied the petition and reconsideration because the Republic did not present either (1) the registry receipt, or (2) the affidavit of the person who mailed the pleading, as well as the date and specific post office.¹⁴¹

The Court also denied the petition for review on *certiorari*. It clarified that Rule 13, Section 16 was not applicable to the case, since the said rule only controls when pleadings or other court submissions have been filed but are missing from the records.¹⁴² The proper rule was Rule 13, Section 3, which states that the filing date for a pleading can be proven in two ways: “(1) the post stamp on the envelope, which is considered part of the records; or (2) the registry receipt.”¹⁴³ Further, the OSG’s Inner Registered Sack Bill was not equivalent to a registry receipt since “it was not issued or signed by the postmaster or any authorized receiving personnel of the concerned post office,”¹⁴⁴ hence it could not be authenticated by the postmaster. The Court also said that even if the Sack Bill was admitted as authentic, several entries were left blank. It could not have been a sufficient basis to conclude the dispatch of the pleading by the post office on August 18, 2015.¹⁴⁵

The affidavit executed by the postmaster also could not prove the date of mailing, under Rule 13, Section 3. Although such certification would prove the fact of mailing, it was not sufficient to show that the date stamped on the envelope was wrong, or that it was not stamped by the post office.¹⁴⁶ Since the date on the envelope formed part of the records, it was presumed that the act of stamping was done with regularity, unless sufficiently rebutted.¹⁴⁷ The Court also noted that

¹⁴⁰ *Id.* at 3.

¹⁴¹ *Id.*, citing RULES OF COURT, Rule 13, § 12.

¹⁴² *Id.* at 4–5.

¹⁴³ “[Section] 3. Manner of filing. — The filing of pleadings and other court submissions shall be made by:

(a) Submitting personally the original thereof, plainly indicated as such, to the court;
(b) Sending them by registered mail;

* * *

In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second [... case], *the date of the mailing of motions, pleadings, and other court submissions* [...] shall be considered as the date of their filing, payment, or deposit in court. The envelope shall be attached to the record of the case.” *Id.* at 5, citing RULES OF COURT, Rule 13, § 3. (Emphasis in the original.)

¹⁴⁴ *Id.*

¹⁴⁵ The blank entries identified were the (1) sack bill number; (2) lock number; (3) total number of articles received by the post office; and (4) signature of the receiving postmaster or authorized personnel. *Id.* at 5–6.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at 6, citing *Eureka Personnel & Mgmt. Serv. v. Valencia*, 610 Phil. 444, 459 (2009).

the Republic could have simply presented the registry receipt to dispute the date appearing on the envelope, but it failed to do so.¹⁴⁸

In *Salinas*, the Court was very methodical in applying the rules on filing pleadings. It was also firm in correcting the Republic and the CA on the proper legal basis. Though the disposition appears clear-cut, the Court did make an interesting pronouncement. In the last page of its decision, it was noted that the original registry receipt could have been the Republic's "best evidence" for its claim that the actual filing date was August 18, 2015. The subtext implies that the original registry receipt could have had some useful probative value for the Republic. Some might interpret this as creating an evidentiary preference for the registry receipt over the date stamped on the pleading's envelope. It also begs the question of whether the rule works in the reverse, i.e., if the date stamped by the postmaster on the pleading envelope would be the best evidence to support a claim that the date on the registry receipt was incorrect.

Though the "best evidence" pronouncement was merely an aside, the Court cited *Mangahas v. Court of Appeals* as its basis.¹⁴⁹ In *Mangahas*, the Court found that a photocopy of the registry receipt alongside an affidavit of the postmaster were insufficient to rebut the date on the pleading envelope. Unfortunately, the most relevant portions were also arguably *obiter dicta*. Laced with a similar subtext on probative weight, the discussion on the registry receipt focused on the non-production of the original copy.¹⁵⁰ In this sense, the Court's pronouncements in *Salinas* and *Mangahas*, insofar as producing the original registry receipt, could be best read as comments on admissibility, and not on probative value.

B. *Quiambao v. Sumbilla*¹⁵¹

This decision affirms that litigants who file the same case in multiple venues will not be found guilty of forum shopping if: (1) such filing was made in good faith, without any intent to increase the chances of obtaining a favorable judgment; and (2) the other cases were subsequently withdrawn.¹⁵²

The respondents were stockholders of Pacifica, Inc., while the petitioners were its corporate directors. The directors allegedly organized the annual stockholders' meeting and elected a new board of directors without serving summons and notices to the respondents. As such, the respondents filed an intra-corporate dispute case in Pasig City. They had selected the venue based on the

¹⁴⁸ *Id.* at 7.

¹⁴⁹ 588 Phil. 61, 81 (2008).

¹⁵⁰ *Id.*

¹⁵¹ G.R. No. 192901, Feb. 1, 2023 (Gaerlan, *J.*).

¹⁵² *Id.* at 8–9.

principal place of business indicated in the corporation's 2004–2006 General Information Sheet ("GIS").¹⁵³

Soon after, the respondents noticed a conflict in the company's records. While the latest GIS showed that the principal place of business was Pasig City, the Articles of Incorporation ("AOI") indicated the City of Manila, and the Amendment AOI declared Makati City instead.¹⁵⁴ They wrote to the Securities and Exchange Commission (SEC) to ask for the correct address, stating that their purpose was to determine the proper venue for a case. Because the respondents only had 15 days from the date of election to file a complaint,¹⁵⁵ they instituted similar actions in Manila and Makati City. They manifested in their Verification and Certification Against Forum Shopping that once the SEC clarifies the proper venue, they would immediately withdraw the other cases.¹⁵⁶

The SEC eventually replied to the respondents' inquiry and identified Makati City as the principal place of business. The respondents then immediately withdrew their cases in Pasig City and Manila. Notably, petitioners had not filed any responsive pleading to any of the pending cases. The Makati City case proceeded, and the trial court granted a motion to render judgment by default since no Answer had been filed.¹⁵⁷

In their *certiorari* petition filed with the CA, the petitioners argued along two main points: (1) the summons were improperly served; and (2) the complaint should be dismissed because the respondents were guilty of forum shopping.¹⁵⁸ The CA partially granted the petition and ordered the issuance of summons. However, the appeals court disagreed on the existence of forum shopping. It was held that the filing of complaints in three different venues was justified by the confusion on Pacifica, Inc.'s principal place of business, and by the respondent's wish to ensure that the case was filed on time.¹⁵⁹ Aggrieved, the petitioners sought *certiorari* from the Court to declare the respondents guilty of forum shopping.

The Court denied the petition and upheld the CA decision. It found that forum shopping exists when several suits are filed in different fora involving an identity of parties, causes of action, or reliefs prayed for with the goal of "increasing the chances of obtaining a favorable judgment."¹⁶⁰ The Court noted that in the present case, the respondents could not be faulted for filing the actions

¹⁵³ *Id.* at 2.

¹⁵⁴ *Id.* at 3.

¹⁵⁵ *Id.*, *citing* SC Adm. Matter No. 01-2-04-SC (2001), § 3(1).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.* at 3–4.

¹⁵⁸ *Id.* at 4–5.

¹⁵⁹ *Id.* at 5.

¹⁶⁰ *Id.* at 7–8, *citing* *San Juan v. Arambulo*, 514 Phil. 112, 115–16 (2005); *Dy v. Mandy Commodities Co., Inc.*, 611 Phil. 74, 74 (2009); *Uematsu v. Balinon*, 866 Phil. 553, 563 (2019).

instead of waiting for the SEC's clarification, otherwise their remedies could have been foreclosed. They also immediately withdrew the cases in Manila and Pasig City, which avoided the possibility of tribunals rendering contradictory decisions.¹⁶¹

The Court reiterated that “there can be no forum shopping when the danger of conflicting decisions is not present.”¹⁶² It also emphasized that because the other complaints were withdrawn before responsive pleadings were filed, the elements of *litis pendencia* or *res judicata* could not have been complete.¹⁶³ All told, *Quiambao* resurfaced a significant factor in evaluating forum shopping: the litigant's intent to obtain a more favorable judgment by “shopping around,” which risks generating conflicting decisions.

C. *Mabalo v. Heirs of Babuyo*¹⁶⁴

In this case, the Court held that an action for forcible entry is the proper remedy to eject a co-owner who dispossessed the other co-owners through force, intimidation, or threat. This constitutes a departure from the Court's previous treatment of co-ownership in ejectment cases.

The subject property is a lot that passed to the children of Roman by succession, with each heir owning an undivided share.¹⁶⁵ They took actual possession of the lot and introduced improvements. Unknown to them, their father had another heir who claimed to have also inherited a portion of the lot. This other heir sold a specific area of the lot to the petitioner. A day after the sale, the petitioner went to the area sold to her and built a fence with a sign bearing the words “No Trespassing Private Property.” She also caused two houses to be demolished and pruned the plants growing therein.¹⁶⁶

The heirs filed a complaint for forcible entry against the petitioner after their demands to vacate the property were left unheeded. The Municipal Circuit Trial Court (MCTC) ruled in favor of the heirs, stating that the requisites for a forcible entry action were complete, since: (1) they proved prior physical possession; and (2) the petitioner deprived them of such possession by force, intimidation, and threat.¹⁶⁷ On appeal, the RTC affirmed the ruling, with the same

¹⁶¹ *Id.* at 8.

¹⁶² *Id.* at 9.

¹⁶³ The dismissal issued in the withdrawn cases is without prejudice, and merely operates to confirm that the actions would no longer be pursued. *Id.* at 10, *citing* *Roxas v. Ct. of Appeals*, 415 Phil. 430 (2001).

¹⁶⁴ G.R. No. 238468, July 6, 2022 (Lopez, J., J.).

¹⁶⁵ *Id.* at 2. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court Website.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at 2–3.

emphasis on the prior possession of the heirs.¹⁶⁸ The CA denied *certiorari* when the RTC ruling was contested. The appeals court noted that the lot was still undivided, and the petitioner only bought the vendor's *pro indiviso* rights as a co-owner.¹⁶⁹

The Court likewise denied the petition for review on *certiorari*. Preliminarily, it held that the issues advanced by the petition were factual questions and presented no reason to depart from the uniform findings of the trial and appeals courts.¹⁷⁰ However, instead of disposing solely on prudential grounds, the Court further ruled on the merits. It held that a co-owner may evict another co-owner from community property through an ejectment suit.

It was emphasized that a definite portion of undivided land could not be sold without consent of the other co-owners, as this transaction would alter the common property. If the sale of a share in co-owned property was made before partition, only the vendor's undivided interest passes to the vendee.¹⁷¹ The Court noted that since the property had yet to be partitioned, the petitioner effectively bought only an undivided share in the lot and not a specific demarcated portion.¹⁷² She became a co-owner of the lot by taking the place of the vendor in the co-ownership.¹⁷³

The Court then noted that co-owners are entitled to possess the common property by virtue of their ownership, but their actions may not be prejudicial to the interest of their co-owners.¹⁷⁴ Conceptually, this presents a problem because it would be difficult to determine which co-owner has a better right of possession against the other.

Prior to this case, the application of ejectment suits to co-ownerships was quite limited. In *De Guia v. CA*, the Court held that a co-owner may be ejected from the common property after taking exclusive possession and asserting sole ownership, but only to affirm the existence of a co-ownership.¹⁷⁵ Incidentally, the Court could have disposed the instant case by directly applying *De Guia*. It could have held that because the petitioner was asserting sole ownership over a specific portion of the undivided lot, ejectment was proper to assert the co-ownership.

¹⁶⁸ *Id.* at 3–4.

¹⁶⁹ *Id.* at 4.

¹⁷⁰ *Id.* at 5.

¹⁷¹ *Id.* at 6–7, *citing* *Cabrera v. Ysaac*, 747 Phil. 187, 206 (2014).

¹⁷² *Id.* at 7–8, *citing* *Ulay v. Bustamante*, G.R. No. 231721, Mar. 18, 2021.

¹⁷³ *Id.* at 8, *citing* *Bulalacao-Soriano v. Papina*, 793 Phil. 801, 812 (2016).

¹⁷⁴ *Id.* at 9–10, *citing* *Salamat v. Tamayo*, 358 Phil. 797, 803–04 (1998); *Sanchez v. Ct. of Appeals*, 452 Phil. 665, 676 (2003).

¹⁷⁵ *Id.* at 12–13, *citing* *De Guia v. Ct. of Appeals*, 459 Phil. 447, 462–63 (2003).

Instead, the Court found *De Guia* too restrictive, and re-examined some shortcomings of the rule. It noted that preventing co-owners from being ejected from the common property (1) “fails to capture the correlation of the co-owners’ possession as both a right and an obligation[;]”¹⁷⁶ and (2) “fails to consider the rationale behind ejection cases, which is to prevent the owners from taking the law into their own hands and undermine the rights to due process of the person in prior possession.”¹⁷⁷

Based on these, the Court adopted two key pronouncements to expand its doctrine. First, it held that a co-owner’s right to possess the common property must give way to the obligation to respect the other co-owners’ rights. The Court noted that co-owners are like mutual trustees who have an obligation to abstain from acts which injure the others.¹⁷⁸ This obligation extends to respecting the other co-owners’ rights to use and enjoy the common property.¹⁷⁹ The Court also cited Article 486 of the Civil Code, which provided that a co-owner may not prevent the other co-owners from using the common property within the extent of their rights.¹⁸⁰ By exclusively possessing a specific section of the lot, the Court found that the petitioner had exerted force against her co-owners,¹⁸¹ thereby exceeding the limits of her rights and breaching her fiduciary duties to her co-owners.¹⁸²

Second, the Court held that a co-owner may be ejected from the common property to protect the prior possessor. To anchor this finding, it cited Article 539 of the Civil Code¹⁸³ and Rule 70 of the Rules of Court,¹⁸⁴ which provide for the restoration of possession to those who were unduly disturbed. The Court then clarified that even owners, who have a right to possess the property, must wield such rights reasonably.¹⁸⁵ Since possession is a property right, due process—i.e., providing notices and an opportunity to be heard—serves as the limit for its

¹⁷⁶ *Id.* at 18.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.* at 14, *citing* Sanchez v. Ct. of Appeals, 452 Phil. 665, 676 (2003).

¹⁷⁹ *Id.* at 11.

¹⁸⁰ *Id.* at 14, *citing* CIVIL CODE, art. 486.

¹⁸¹ *Id.*, *citing* Bunyi v. Factor, 609 Phil. 134, 144 (2009).

¹⁸² *Id.* at 15.

¹⁸³ “Art. 539. Every possessor has a right to be respected in [their] possession; and should [they] be disturbed therein [they] shall be protected in or restored to said possession by the means established by the laws and the Rules of Court.” *Id.*, *citing* CIVIL CODE, art. 539.

¹⁸⁴ “Section 1. *Who may institute proceedings, and when.* — [...] [A] person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, [...] may [...] bring an action [...] against the person or persons unlawfully withholding or depriving [them] of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.” *Id.*, *citing* RULES OF COURT, Rule 70, § 1.

¹⁸⁵ *Id.* at 16–18.

proper exercise.¹⁸⁶ Hence, even owners must comply with the proper proceedings and avoid taking the law into their own hands.

It was also considered that if the law protects lessees, tenants, or informal settlers who had prior possession, the Court must also give due regard to similarly situated co-owners ousted from the common property.¹⁸⁷ In this case, the petitioner unilaterally took over the specific lot portion, fenced it off, and demolished the improvements thereon. She violated the due process rights of her co-owners, who in turn, were justified in asserting their prior possession through an ejectment complaint.

With these reasons, the Court justified its denial. It also issued the following guidelines for ejectment cases among co-owners:

1. If a co-owner takes possession of a definite portion of the common property in the exercise of their right to possession as a co-owner, they may not be ejected as long as they recognize the co-ownership, since as such, they are considered to have been in possession thereof as a trustee for the co-ownership.
2. If a co-owner takes exclusive possession of a specific portion of the common property, which results in the exclusion or deprivation of another co-owner *in prior possession*, any co-owner may file an action for ejectment to evict the co-owner who wrested its possession by force.
3. To evict a co-owner from the common property, the burden is on the plaintiff co-owner to prove that the defendant co-owner employed force, intimidation, threat, strategy, or stealth when they came into possession of the common property.
4. Failing to meet this requirement, the plaintiff co-owner can neither exclude the defendant co-owner nor recover a determinate part of the property because then, the latter is considered to have entered the same in their own right as a co-owner and trustee of the co-ownership.¹⁸⁸

With its decision in *Mabalo*, the Court expanded the purpose and basis of ejectment cases as between co-owners. While the prior doctrine allowed such complaints only to rebut sole ownership claims and uphold the co-ownership, the new rule now vindicates a due process violation against prior possessors. The Court, in its justification, also applied a provision dealing with the general effects of possession to the special case of co-ownership.

¹⁸⁶ *Id.* at 17–18, *citing* *Cuerpo v. People*, 863 Phil. 350, 357–58 (2019).

¹⁸⁷ *Id.* at 19.

¹⁸⁸ *Id.* at 20–21. (Emphasis in the original.)

Notably, it appears that none of the parties advanced the idea that forcible entry was an improper remedy against a co-owner. The decision tended to show that their arguments focused more on whether the elements of forcible entry were satisfied, i.e., the fact of prior possession, and the manner through which the petitioner began to possess the subject lot.¹⁸⁹ Still, it can be said that the *Mabalo* doctrine is good law. It was promulgated by the Court's Second Division, modifying the rule in *De Guia*, which was issued by the Court's First Division. There appears to be no substantive obstacle to the doctrinal change since, to support the limited rule in *De Guia*, the Court merely cited a Civil Code annotation by Senator Arturo Tolentino.¹⁹⁰

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¹⁸⁹ *Id.* at 4–5.

¹⁹⁰ *De Guia v. Ct. of Appeals*, 459 Phil. 447, 462–63 nn.18–19 (2003).