

THIRD DIVISION

[G.R. No. 203287, April 05, 2017]

RENATO S.D. DOMINGO ON HIS OWN BEHALF AND ON BEHALF OF HIS CO-HEIRS OF THE LATE SPOUSES FELICIDAD DE DOMINGO AND MACARIO C. DOMINGO, PETITIONERS, VS. SPOUSES ENGRACIA D. SINGSON AND MANUEL F. SINGSON, RESPONDENTS.

[G.R. No. 207936]

HEIRS OF SPOUSES FELICIDAD S.D. DOMINGO AND MACARIO DOMINGO NAMELY, CONSOLACION D. ROMERO, RAFAEL S.D. DOMINGO, RAMON S.D. DOMINGO, JOSEFINA D. BORJA, ROSARIO S.D. DOMINGO, AND RENATO RAMIRO S.D. DOMINGO, PETITIONERS, VS. ENGRACIA D. SINGSON, ESTELITA I. CABALLES, AND THE REGISTER OF DEEDS, SAN JUAN CITY, METRO MANILA, RESPONDENTS.

D E C I S I O N

REYES, J.:

Before the Court are two consolidated petitions for review on *certiorari* – G.R. Nos. 203287^[1] and 207936^[2] – under Rule 45 of the Rules of Court seeking to annul and set aside the Decision^[3] dated August 31, 2012 in CA-G.R. SP No. 122054 and the Decision^[4] dated June 28, 2013 in CA-G.R. CV No. 98026, both issued by the Court of Appeals (CA).

Facts

The spouses Macario C. Domingo (Macario) and Felicidad S.D. Domingo (Felicidad) (Spouses Domingo) are the parents of respondent Engracia D. Singson (Engracia) and petitioners Renato S.D. Domingo (Renato) and his co-heirs whom he represents herein, namely: Consolacion D. Romero (Consolacion), Josefina D. Borja, and Rafael, Ramon, and Rosario, all surnamed Domingo (collectively, the petitioners).^[5]

During their lifetime, the Spouses Domingo owned a parcel of land, situated in F. Sevilla Street, San Juan, Metro Manila, covered by Transfer Certificate of Title (TC1) No. 32600 (23937) 845-R,^[6] and the house built thereon (subject property). Macario died on February 22, 1981, while Felicidad died on September 14, 1997.^[7]

It appears that on September 26, 2006, Engracia filed with the Metropolitan Trial Court of Manila a complaint^[8] for ejectment/unlawful detainer, docketed as Civil Case No. 9534, against Consolacion, Rosario, Rafael, and Ramon. Engracia claimed

that she is the absolute owner of the subject property, having bought the same from the Spouses Domingo as evidenced by an Absolute Deed of Sale^[9] dated June 6, 2006. She likewise averred that TCT No. 32600 (23937) 845-R was already cancelled and TCT No. 12575^[10] covering the subject property was already issued under her name. The petitioners only learned of the supposed sale of the subject property when they received the summons and a copy of Engracia's complaint in Civil Case No. 9534.

Consequently, on July 31, 2006, the petitioners filed a complaint^[11] with the Regional Trial Court (RTC) of Pasig City, which sought the nullity of the sale. They alleged that the Absolute Deed of Sale dated June 6, 2006, upon which Engracia bases her ownership of the subject property, was a nullity since the signatures of their parents appearing thereon as the supposed vendors were forged.^[12] The case was docketed as Civil Case No. 70898 and was raffled to Branch 160 of the RTC.

Meanwhile, on February 28, 2007, Renato, Consolacion, and Ramon filed a Joint Affidavit Complaint^[13] with the Office of the City Prosecutor (OCP) of Pasig City, claiming that Engracia falsified the signatures of their parents in the Absolute Deed of Sale and, thus, charging her with the crimes of falsification of public document, estafa, and use of falsified documents. Consequently, on May 6, 2008, the OCP filed an Information^[14] with the RTC, charging Spouses Engracia and Manuel Singson (Spouses Singson) with the crime of estafa through falsification of public documents. The case was docketed as Criminal Case No. 137867 and was raffled to Branch 264 of the RTC.

On July 11, 2008, the Spouses Singson filed a Motion to Suspend Proceedings Due to Prejudicial Question^[15] with the RTC in Criminal Case No. 137867. They alleged that the validity and genuineness of the Absolute Deed of Sale, which is the subject of Civil Case No. 70898 then still pending with the RTC Branch 160, are determinative of their guilt of the crime charged.^[16] Accordingly, they prayed that the proceedings in Criminal Case No. 137867 be suspended pursuant to Section 6 of Rule 111 of the Rules of Court.^[17] The private prosecutor filed an opposition to the motion, stating that Criminal Case No. 137867 can proceed independently from Civil Case No. 70898 pursuant to Article 33 of the Civil Code, in relation to Section 3 of Rule 111 of the Rules of Court.^[18]

On February 12, 2010, the RTC Branch 264, issued an Order^[19] in Criminal Case No. 137867, which granted the motion to suspend the proceedings filed by the Spouses Singson. The private prosecutor sought a reconsideration^[20] of the Order dated February 12, 2010, but it was denied by the RTC in its Order^[21] dated June 7, 2011.

Unperturbed, the petitioners filed a petition for *certiorari*^[22] with the CA, docketed as CA-G.R. SP No. 122054, claiming that the RTC gravely abused its discretion when it directed the suspension of the proceedings in Criminal Case No. 137867 on the ground of prejudicial question. They pointed out that the bases of their respective claims in both Civil Case No. 70898 and Criminal Case No. 137867 are the forged signatures of their deceased parents.^[23] They claimed that where both a civil and criminal case arising from the same facts are filed in court, the criminal case takes

precedence.^[24]

On August 31, 2012, the CA rendered a Decision^[25] in CA-G.R. SP No. 122054, which denied the petition for *certiorari*. The CA opined that all the elements of a prejudicial question under Sections 6 and 7 of Rule 111 of the Rules of Court are present; hence, the RTC did not abuse its discretion when it directed the suspension of Criminal Case No. 137867.^[26]

Meanwhile, Civil Case No. 70898 was initially set for pre-trial conference on February 7, 2008.^[27] However, upon motion^[28] of Engracia, the pre-trial was reset on March 6, 2008.^[29] During the pre-trial conference on March 6, 2008, Engracia moved that Rafael be substituted by his heirs since he had already died on October 15, 2007.^[30] Thus, the RTC issued an Order^[31] dated March 6, 2008 directing the petitioners to comment on Engracia's motion to substitute Rafael as plaintiff in the case below. On April 8, 2008, Engracia filed a Motion to Dismiss^[32] the case on the ground that the petitioners failed to substitute the heirs of Rafael as plaintiff in the case. The motion to dismiss was consequently denied by the RTC in its Order^[33] dated November 12, 2008 for lack of merit.

The continuation of the pre-trial conference, which has been sidelined pending the resolution of Engracia's motion to dismiss, was then set on March 19, 2009.^[34] On March 12, 2009, Engracia's counsel, with her conformity, withdrew his appearance as counsel in the case.^[35] During the pre-trial conference on March 19, 2009, the petitioners and their counsel appeared. Engracia was likewise present although without her new counsel. Accordingly, pre-trial was again reset on June 1, 2009 to afford Engracia time to secure the services of a new counsel.^[36]

Thereafter, Atty. Tristram B. Zoleta entered his appearance for Engracia and moved that the pre-trial conference on June 1, 2009 be reset on July 13 or 20, 2009.^[37] However, Judge Amelia A. Fabros (Judge Fabros) was reassigned to Muntinlupa City and Judge Myrna V. Lim-Verano (Judge Lim-Verano) was named to replace Judge Fabros as Presiding Judge of Branch 160.^[38] On June 17, 2010, Judge Lim-Verano, having previously presided over Criminal Case No. 137867, recused herself from adjudicating Civil Case No. 70898.^[39] Civil Case No. 70898 was subsequently raffled to Branch 264 of the RTC then presided by Judge Leoncio M. Janolo, Jr. (Judge Janolo). On July 15, 2010, Judge Janolo issued an Order,^[40] setting the pre-trial of the case on August 25, 2010.

On August 12, 2010, the petitioners' counsel moved to reset the pre-trial on September 15, 2010 due to previously scheduled hearings in the trial courts of Malolos City and Parañaque City.^[41] Accordingly, the pre-trial was reset on October 6, 2010.^[42] On October 6, 2010, the respective counsels of the parties jointly agreed to reset the pre-trial on December 9, 2010.^[43] However, the pre-trial scheduled on December 9, 2010 was again reset on January 24, 2011.^[44]

On December 27, 2010, the petitioners filed a motion,^[45] which sought to exclude Rafael as being represented by Renato. They averred that they were unable to effect a substitution of the heirs of Rafael as plaintiffs in the case since they could not

locate them.

On January 27, 2011, the petitioners' counsel failed to appear and the pre-trial was reset on March 24, 2011.^[46] In the morning of March 23, 2011, the petitioners' counsel informed Renato that he would not be able to attend the pre-trial conference since he was indisposed and asked the latter to go to the RTC and request for a resetting of the hearing. When the case was called, the petitioners and their counsel failed to appear, which thus prompted Engracia's counsel to move for the dismissal of the complaint and be given time to file the proper pleading. Thus, the RTC gave Engracia's counsel 10 days within which to file a motion to dismiss. The continuation of the pre-trial was reset on May 26, 2011.^[47]

On April 5, 2011, Engracia filed a motion to dismiss^[48] in compliance with the RTC's directive.^[49] During the pre-trial on May 26, 2011, the RTC gave the parties' respective counsels, upon their request, five days to file a comment on the motion to dismiss and a reply to such comment, after which time the motion to dismiss is deemed submitted for resolution.^[50]

On July 29, 2011, the RTC Branch 264 issued an Order^[51] in Civil Case No. 70898, dismissing the petitioners' complaint due to their and their counsel's repeated failure to appear during the scheduled pre-trial hearing dates.

The petitioners then filed an appeal with the CA, docketed as CA-G.R. CV No. 98026, insisting that the RTC erred in dismissing their complaint on a mere technicality. They also claimed that Engracia's motion to dismiss is but a mere scrap of paper since the same did not comply with Sections 4, 5 and 6 of Rule 15 of the Rules of Court. The CA, in its Decision^[52] dated June 28, 2013 in CA-G.R. CV No. 98026, affirmed the RTC's dismissal of the petitioners' complaint.

Issues

Essentially, the issues set forth for the Court's resolution are: *first*, whether the proceedings in Criminal Case No. 137867 were properly suspended on the ground of prejudicial question; and *second*, whether the dismissal of the petitioners' complaint in Civil Case No. 70898 due to failure to prosecute was proper.

Ruling of the Court

The petitions are denied.

First Issue: Suspension of the proceedings in Criminal Case No. 137867 on the ground of prejudicial question

A prejudicial question is understood in law to be that which arises in a case the resolution of which is a logical antecedent of the issue involved in said case and the cognizance of which pertains to another tribunal. The doctrine of prejudicial question comes into play generally in a situation where civil and criminal actions are pending and the issues involved in both cases are similar or so closely related that an issue must be pre-emptively resolved in the civil case before the criminal action can

proceed.^[53] The rationale behind the principle of prejudicial question is to avoid two conflicting decisions.^[54]

For a civil action to be considered prejudicial to a criminal case as to cause the suspension of the criminal proceedings until the final resolution of the civil case, the following requisites must be present: (1) the civil case involves facts intimately related to those upon which the criminal prosecution would be based; (2) in the resolution of the issue or issues raised in the civil action, the guilt or innocence of the accused would necessarily be determined; and (3) jurisdiction to try said question must be lodged in another tribunal.^[55]

Based on the issues raised in both Civil Case No. 70898 and Criminal Case No. 137867 against the Spouses Singson, and in the light of the foregoing concepts of a prejudicial question, there indeed appears to be a prejudicial question in the case at bar. The defense of the Spouses Singson in the civil case for annulment of sale is that Engracia bought the subject property from her parents prior to their demise and that their signatures appearing on the Absolute Deed of Sale are true and genuine. Their allegation in the civil case is based on the very same facts, which would be necessarily determinative of their guilt or Innocence as accused in the criminal case.

If the signatures of the Spouses Domingo in the Absolute Deed of Sale are genuine, then there would be no falsification and the Spouses Singson would be innocent of the offense charged. Otherwise stated, a conviction on Criminal Case No. 137867, should it be allowed to proceed ahead, would be a gross injustice and would have to be set aside if it were finally decided in Civil Case No. 70898 that indeed the signatures of the Spouses Domingo were authentic.

The petitioners' reliance on Section 3^[56] of Rule 111 of the Rules of Court, in relation to Article 33^[57] of the Civil Code, is misplaced. Section 3 provides that a civil action for damages in cases provided under Articles 32, 33, 34 and 2176 of the Civil Code, which may also constitute criminal offenses, may proceed independently of the criminal action. In instances where an independent civil action is permitted, the result of the criminal action, whether of acquittal or conviction, is entirely irrelevant to the civil action.^[58]

The concept of independent civil actions finds no application in this case. Clearly, Civil Case No. 70898 is very much relevant to the proceedings in Criminal Case No. 137867. To stress, the main issue raised in Civil Case No. 70898, *i.e.*, the genuineness of the signature of the Spouses Domingo appearing in the Absolute Deed of Sale, is intimately related to the charge of estafa through falsification of public document in Criminal Case No. 137867; the resolution of the main issue in Civil Case No. 70898 would necessarily be determinative of the guilt or innocence of the Spouses Singson.

Accordingly, the RTC Branch 264 correctly suspended the proceedings in Criminal Case No. 137867 on the ground of prejudicial question since, at the time the proceedings in the criminal case were suspended, Civil Case No. 70898 was still pending.

Second Issue: Dismissal of the