

## THIRD DIVISION

[ G.R. No. 188372, November 25, 2015 ]

**BEAMS PHILIPPINE EXPORT CORPORATION, PETITIONER, VS.  
MARIANITA CASTILLO AND NIDA QUIRANTE, RESPONDENTS.**

### R E S O L U T I O N

**REYES, J.:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court assailing the Resolutions dated November 28, 2007<sup>[2]</sup> and May 28, 2009<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 03081 which dismissed the petition for *certiorari*<sup>[4]</sup> filed by Beams Philippine Export Corporation (petitioner) for being defective.

#### The Facts

As borne by the records, Marianita Castillo and Nida Quirante (respondents) were charged with 16 counts of Estafa for conspiring, confederating and helping one another in issuing, encashing and misappropriating the proceeds of some of the petitioner's checks.<sup>[5]</sup> These cases were raffled to the Regional Trial Court (RTC) of Cebu City, Branch 7 docketed as Criminal Cases Nos. CBU-56537 to CBU-56552.

On August 30, 2007, the RTC rendered a Decision<sup>[6]</sup> dismissing the criminal cases for estafa filed against the respondents on the ground that the acts complained of do not constitute the crime of estafa. A Motion for Reconsideration<sup>[7]</sup> was filed on September 7, 2007 but the same was denied by the RTC in an Order<sup>[8]</sup> dated September 28, 2007.

Aggrieved, the petitioner filed a petition for *certiorari* with the CA to assail the Decision dated August 30, 2007 and Order dated September 28, 2007 of the RTC dismissing the estafa cases filed against the respondents.

On November 28, 2007, the CA issued a Resolution dismissing the petition of the petitioner for being defective because the same was not filed by the Office of the Solicitor General (OSG). It held that when criminal actions are brought to the CA or to the Supreme Court (SC), it is the OSG who must represent the People of the Philippines.<sup>[9]</sup> Additionally, the CA found defects on the Verification/Certification for Non-Forum Shopping of the Petition as well as violation of Section 1, Rule 65 of the Rules of Civil Procedure for failure to attach relevant and pertinent pleadings and documents to the petition.<sup>[10]</sup> The petitioner filed a Motion for Reconsideration but the same was denied by the CA in a Resolution dated May 28, 2009.

#### The Issues

The main issue presented in this case is whether or not the CA erred when it dismissed the petition for *certiorari* under Rule 65 filed by the petitioner for being defective due to lack of authority to file the same.<sup>[11]</sup>

### **Ruling of the Court**

"The purpose of a criminal action, in its purest sense, is- to determine the penal liability of the accused for having outraged the state with his crime and, if he be found guilty, to punish him for it. 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."<sup>[12]</sup>

Consequently, the sole authority to institute proceedings before the CA or the SC is vested only on the OSG. Under Presidential Decree No. 478, among the specific powers and functions of the OSG was to "represent the Government in the [SC] and the [CA] in all criminal proceedings x x x." This provision has been carried over to the Revised Administrative Code particularly in Book IV, Title III, Chapter 12 thereof. Clearly, the OSG is the appellate counsel of the People of the Philippines in all criminal cases. <sup>[13]</sup>

Moreover, in *Bautista v. Cimeta-Pangilinan*,<sup>[14]</sup> this Court held that in criminal cases, the acquittal of the accused or the dismissal of the case against him can only be appealed by the OSG, acting on behalf of the State. The private complainant or the offended party may question such acquittal or dismissal only insofar as the civil liability of the accused is concerned.<sup>[15]</sup>

In the present case, a perusal of the petition for *certiorari* filed by the petitioner before the CA discloses that it sought reconsideration of the criminal aspect of the decision of the RTC, not the civil aspect of the case. Specifically, the petitioner's "Discussion" in its petition for *certiorari* states:

1. The evidence as detailed in the assailed decision (Annex "B") proved beyond reasonable doubt that estafa was committed warranting a judgment of conviction.<sup>[16]</sup>

x x x x

2. [The RTC] gravely abused its discretion when it arbitrarily dismissed CBU-56537 to CBU-56552 when it injected unfounded facts or situations not raised as defenses to somehow justify dismissal by claiming that the wrong crime was charged.<sup>[17]</sup>

x x x x

3. [The RTC] abused its discretion and ignored laws when it issued the assailed Orders (Annexes "C" and "D") particularly the directive to file new Informations.<sup>[18]</sup>