

FIRST DIVISION

[G.R. No. 188191, March 12, 2014]

ENRIQUE ALMERO Y ALCANTARA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, MIRASOL BARTOLOME, CLARITA P. MATIAS, ROSENDO P. MATIAS, AND ANTONIO P. MATIAS, RESPONDENTS.

R E S O L U T I O N

SERENO, C.J.:

We resolve the petition filed under Rule 45 of the 1997 Rules of Civil Procedure by Enrique Almero y Alcantara from the Decision of the Court of Appeals (CA) dated 26 September 2008 and Resolution dated 29 May 2009 in CA-G.R. SP. No. 103030.^[1]

THE MTC RULING IN CRIMINAL CASE NO. 96-6531

Petitioner is the accused in Criminal Case No. 96-6531 for reckless imprudence resulting in homicide and multiple physical injuries. After private respondents reserved the right to institute a separate action for damages, trial ensued. On 8 January 2007, the Municipal Trial Court (MTC) of Labo, Camarines Norte found petitioner guilty and sentenced him to suffer *prision correccional* in its medium and maximum periods.

Petitioner filed an Application for Probation on 7 September 2007, reasoning that he was informed of his conviction only upon being served the warrant for his arrest.^[2] Prosecutor Analie Velarde opposed his application on the ground that he was known to be uncooperative, habitually absent, and had even neglected to inform the court of his change of address. On 22 February 2007, the MTC denied his application, prompting petitioner to file a special civil action with the Regional Trial Court (RTC). While his first Petition raised the sole issue of the denial of his application for probation, he filed a Supplemental Petition,^[3] which a) assailed the validity of the promulgation of the 8 January 2007 judgment; and b) impleaded private complainants Mirasol Bartolome, Clarita P. Matias, Rosendo P. Matias and Antonio P. Matias.

THE RTC RULING IN SPECIAL CIVIL ACTION NO. 07-0012

In his supplemental Petition, petitioner stated that upon close scrutiny, he discovered that the judgment itself was premature and flawed, because the MTC never ruled upon his Formal Offer of Exhibits.^[4] The RTC found that the MTC committed grave abuse of discretion in rendering judgment without first ruling on his Formal Offer of Exhibits since, technically, petitioner had not yet rested his case. It also ruled that the promulgation of judgment was similarly tainted with grave abuse of discretion, because petitioner was not present at the time, in violation of Section 6, Rule 120 of the Rules of Court. Without addressing the issue of probation,

the dispositive portion states:

WHEREFORE, premises considered, the instant petition for Certiorari is hereby GRANTED. The judgment promulgated on 22 February, 2007 is hereby SET ASIDE AND NULLIFIED and the case is remanded to the Municipal Trial Court of Labo, Camarines Norte for further proceedings.

The Director of the Bureau of Corrections, Muntinlupa City or any person acting in his behalf to release immediately petitioner ENRIQUE ALMERO Y ALCANTARA from detention by virtue of the property bond posted by him for his provisional liberty in Criminal Case No. 96-6531, unless he is being detained for some other lawful cause or causes.

No costs.

SO ORDERED. ^[5]

THE CA RULING

The CA ruled that the RTC should have confined itself to determining whether or not the MTC committed grave abuse of discretion in denying petitioner's application for probation. Since no appeal or other plain, speedy and adequate remedy in the ordinary course of law is available against the denial of probation, a Rule 65 petition is clearly the appropriate remedy. However, the trial court erred in taking cognizance of supplemental grounds assailing the judgment of conviction, because an application for probation is a waiver of the right to appeal from the judgment of conviction and effectively renders the same final. The CA ruled that even assuming petitioner failed to be present at the promulgation of judgment, he had no one but himself to blame for failing to inform the MTC of his change of address. ^[6]

On the argument that private respondents possessed no legal personality to represent the State in a criminal case, the CA held that petitioner himself impleaded them in the *certiorari* petition before the RTC. The CA also found that petitioner filed his application for probation only on 7 September 2007, or more than one month after he received notice of the judgment of conviction. Inasmuch as the grant of probation rests solely on the discretion of the court, the denial thereof cannot be considered grave abuse, viz.:

WHEREFORE, premises considered, the trial court's appealed January 28, 2008 Decision is *REVERSED* and *SET ASIDE*. In lieu thereof, another is entered ordering the **DISMISSAL** of appellee's petition for certiorari. ^[7]

Petitioner comes before this Court, assigning the following errors:

- I. The Court of Appeals committed an error of law in ruling that private complainants have personality to appeal the 28 January 2008 Decision of the RTC.

- II. The Court of Appeals committed an error of law in ruling that the RTC reversibly erred in nullifying petitioner's judgment of conviction.
- III. The Court of Appeals committed an error of law in ruling that petitioner is not entitled to probation.^[8]

Our Ruling

The Petition lacks merit.

Anent the first issue, petitioner argues that in criminal cases, the offended party is the State, and that private complainants' interest is limited to the civil liability arising therefrom. Petitioner's application for probation purportedly did not involve the civil aspect of the case. *Heirs of the Late Francisco Abueg v. Court of Appeals* cited by the CA allegedly cannot apply, since it does not even discuss the right of private complainants to interpose an appeal.

In the Comment^[9] it filed, the Office of the Solicitor General (OSG) reiterated that what petitioner filed with the RTC was a petition for *certiorari*, which is a special civil action. It cannot be considered an appeal in a criminal case over which only the State has an interest, but an appeal in a civil action from which private persons can appeal in the event of an adverse outcome. Private respondents, in their Comment, ^[10] argued that the CA correctly applied *Abueg*, which is on all fours with the present case. In *Abueg*, the accused was convicted of reckless imprudence resulting in homicide and damage to property for crashing against and killing Francisco *Abueg*. Instead of filing an appeal, the accused applied for probation. After the CA affirmed the grant of probation, the Supreme Court entertained and acted upon the petition for *certiorari* filed by the victims' heirs.^[11]

We agree with the submission of the respondents. While the present petition originated from a criminal proceeding, what petitioner filed with the RTC was a special civil action, in which he himself impleaded private respondents. He cannot now belatedly change his stance to the prejudice of private respondents, who would otherwise be deprived of recourse in a civil action they did not initiate. In any case, this Court has consistently ruled that private parties may be clothed with sufficient personality if the facts show that the ends of substantial justice would be better served, and if the issues in the action could be determined in a more just, speedy and inexpensive manner.

In *Narciso vs. Sta. Romana-Cruz*,^[12] citing *People v. Calo, Jr.*,^[13] the Supreme Court ruled:

While the rule is, as held by the Court of Appeals, only the Solicitor General may bring or defend actions on behalf of the Republic of the Philippines, or represent the People or the State in criminal proceeding pending in this Court and the Court of Appeals, the ends of substantial justice would be better served, and the issues in this action could be determined in a more just, speedy and inexpensive manner, by entertaining the petition at bar. As an offended party in a criminal case,