

SECOND DIVISION

[G.R. No. 196508, September 24, 2014]

**LEONARDO A. VILLALON AND ERLINDA TALDE-VILLALON,
PETITIONERS, VS. AMELIA CHAN, RESPONDENT.**

DECISION

BRION, J.:

We review in this petition for review on *certiorari*^[1] the July 30, 2010 decision^[2] and April 8, 2011 resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 93807. The CA annulled and set aside the March 3, 2006 resolution^[4] and September 5, 2006 order^[5] of the Regional Trial Court (RTC), Branch 74, Antipolo City, which disallowed the private offended party's counsel from participating in the prosecution of the petitioners for bigamy and dismissed the bigamy case filed against the petitioners, respectively.

Factual Antecedents

On May 6, 1954, the respondent Amelia Chan married Leon Basilio Chua in a civil ceremony solemnized by then Judge Cancio C. Garcia of the City Court of Caloocan. The respondent claimed that her husband Leon Basilio Chua and the present petitioner, Leonardo A. Villalon, are one and the same person.

During the subsistence of his marriage to Amelia, Leon Basilio Chua, this time under the name of Leonardo A. Villalon, allegedly contracted a second marriage with Erlinda Talde that took place on June 2, 1993. This marriage was solemnized by Judge Ruth C. Santos of the Municipal Trial Court of Antipolo, Rizal.

Amelia, who was then living in the United States and could not personally file a case for bigamy in the Philippines, requested Benito Yao Chua and Wilson Go to commence the criminal proceedings against the petitioners. On September 13, 2003, a verified complaint-affidavit^[6] alleging the commission of the crime of bigamy was filed with the Office of the City Prosecutor in Antipolo. Consequently, an Information^[7] was filed with the RTC, docketed as Criminal Case No. 05-30485. On arraignment, the petitioners pleaded not guilty.

During the pre-trial (or on February 6, 2006), Atty. Apollo V. Atencia appeared in behalf of Amelia, the private offended party. On February 20, 2006, Atty. Atencia formally filed his entry of appearance^[8] as private prosecutor, with the conformity and under the control and supervision of Assistant City Prosecutor Gerardo P. Barot.

Leonardo filed an omnibus motion^[9] with the RTC seeking to disqualify Atty. Atencia. He argued that Amelia could not be represented in the bigamy case because she was not a party to the case, as she did not file the complaint-affidavit.

He also argued that Amelia had already waived her right to file a civil and criminal case against him and his co-defendant Erlinda. Amelia opposed the omnibus motion,^[10] while the public prosecutor joined the petitioners in disqualifying Atty. Atencia from appearing in the case.^[11]

In a resolution^[12] dated March 3, 2006, the RTC granted Leonardo's omnibus motion. Trial of the case ensued thereafter.

On March 27, 2006, Amelia filed a petition^[13] for *certiorari* and prohibition, with prayer for the issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction, with the CA. In a resolution^[14] dated April 19, 2006, the CA issued a TRO enjoining further proceedings on the case.

Despite the TRO issued by the CA, trial of the bigamy case proceeded with the presentation of the prosecution's evidence, to which Leonardo filed a demurrer to evidence. In an order^[15] dated September 5, 2006, the RTC dismissed the bigamy case for failure of the prosecution to prove the petitioners' guilt.

Petition for certiorari and prohibition with the CA

In her petition for *certiorari* and prohibition before the CA, Amelia alleged grave abuse of discretion on the part of the RTC when it issued its March 3, 2006 resolution and proceeded with the bigamy case without permitting the participation of Atty. Atencia as private prosecutor.

In a decision^[16] dated July 30, 2010, the CA granted Amelia's petition and annulled the RTC's March 3, 2006 resolution disqualifying Atty. Atencia from participation in the case, and its September 5, 2006 order that dismissed the bigamy case against the petitioners. The CA ruled that the crime of bigamy, being public in nature, can be denounced by anyone, not only by the offended party, before the prosecuting authorities without the offended party losing her right to recover damages. Thus, the CA concluded that the trial court committed grave abuse of discretion when it did not allow Atty. Atencia to intervene and represent Amelia in the bigamy case and that the trial court denied Amelia her right to due process.

Also, the CA ruled that the offended party could be deprived of the right to intervene in the criminal case only when he or she expressly waives the civil action or reserves the right to institute one. The CA found no such waiver from Amelia and held that Atty. Atencia's appearance as private prosecutor was proof enough of Amelia's determination to enforce her claim for damages in the bigamy case.

The CA disposed of the *certiorari* petition under these terms:

WHEREFORE, the petition is **GRANTED**. The Resolution dated 3 March 2006 disqualifying Petitioner's counsel to intervene and the Order dated 5 September 2006 dismissing Criminal Case No. 05-30485 is ANNULLED and SET ASIDE. Public respondent is hereby inhibited from further hearing the case. This case is therefore REMANDED to the Regional Trial Court of Antipolo City for RE-RAFFLE to another branch and for further proceedings. The trial court and public prosecutor are ORDERED to allow

the private prosecutor subject to the latter's control and supervision to intervene in the proceedings in order to protect the interests of Petitioner as a complaining witness.

SO ORDERED.^[17]

Petition for review on certiorari with this Court

With the denial of their motion for reconsideration^[18] before the CA, the petitioners filed the present petition for review on *certiorari* before this Court and raised the following arguments:

- A. The Decision of the Court of Appeals gravely transgresses the petitioners' constitutional right to due process of law, apart from being violative of the legal proscription against double jeopardy.
- B. The Court of Appeals grossly erred in granting the petition for certiorari insofar as the Resolution, dated 3 March 2006, of therein respondent Judge was concerned.
- C. The petition in CA-G.R. SP No. 93907 is fatally defective in that, among other things, it failed to implead the People of the Philippines as a party-respondent in that case, hence, the same should have been dismissed outright.^[19]

Our Ruling

We find no merit in the petitioners' arguments.

First, the petitioners argue that the RTC's September 5, 2006 order dismissing the bigamy case against them had already become final because it was not assailed by the respondent in her petition for *certiorari* before the CA. The petitioners point out that the respondent only particularly assailed the RTC's March 3, 2006 resolution and failed to file a separate or amended petition for *certiorari* to include the September 5, 2006 order as one of the assailed orders of the RTC. Based on this assertion, the petitioners contend that the CA, in ordering the remand and re-raffle of the bigamy case to another RTC branch, violates their right against double jeopardy.

The petitioners are mistaken. The review by the CA on whether the RTC committed grave abuse of discretion encompassed, not only the issuance of the March 3, 2006 resolution, but all proceedings in the bigamy case thereafter. This is apparent from the words used by the respondent in her *certiorari* petition before the CA where she raised the following supporting grounds:

1. THE RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ISSUING THE QUESTIONED RESOLUTION DATED 03 MARCH