

SECOND DIVISION

[G.R. No. 169365, November 25, 2008]

**SPOUSES PEDRO SANTIAGO AND LIWANAG SANTIAGO,
PETITIONERS, VS. THE PEOPLE OF THE PHILIPPINES, CRISELDA
MAS, ATTY. LORENZO O. NAVARRO, JR. AND JESSE LANTORIA,
RESPONDENTS.**

[G.R No. 169669]

**SPOUSES PEDRO SANTIAGO AND LIWANAG SANTIAGO,
PETITIONERS, VS. ATTY. LORENZO O. NAVARRO, JR., CRISELDA
MAS AND JESSE LANTORIA, RESPONDENTS.**

RESOLUTION

BRION, J.:

These are consolidated petitions for review under Rule 45 of the 1997 Rules of Court of the Decisions of the Court of Appeals (CA) issued in CA-G.R. CR No. 21847 and CA-G.R. CR No. 45932, to wit:

- (1) Decision dated March 9, 2005^[1] issued by the Twelfth Division of the CA in CA-G.R. CR No. 21847 which reversed and set aside, on appeal, the order dated October 9, 1997 issued by Hon. Jaime N. Salazar, Jr. (*Judge Salazar*) of the Regional Trial Court (RTC), Branch 103, Quezon City, in Criminal Case Nos. Q-96-64931, Q-96-64932, Q-96-64934 and Q-96-64935 that granted the *Motion to Withdraw the Informations* for murder, frustrated murder and illegal possession of firearms;^[2] and
- (2) Decision dated May 14, 1998^[3] issued by the Special Sixteenth Division of the CA in CA-G.R. CR No. 45932 which granted the petition for *certiorari* and annulled the order dated October 6, 1997 issued by Hon. Oscar Leviste of the RTC, Branch 97, Quezon City that granted the *Motion to Withdraw the Information* in Criminal Case No. 96-64933 for illegal possession of firearms and ammunitions against Pedro S. Santiago and Liwanag P. Santiago (petitioners-spouses).

The records of these consolidated cases show the developments described below.

G.R. No. 169365

In the *Minute* Resolution dated November 21, 2005, we required respondents^[4] People of the Philippines and Criselda Mas to file their Comment. The Office of the Solicitor General (OSG), representing the People of the Philippines, filed its *Comment* as required, and prayed for the dismissal of the petition on the ground that the CA was correct in its findings and conclusions that no independent

assessment of the evidence was made by Judge Salazar before he dismissed the criminal cases before him.^[5]

The petitioners-spouses thereafter filed a Reply^[6] to the OSG's *Comment*; they claimed that they erred in including the OSG as a party respondent, and stated that the respondents are actually Atty. Navarro, Lantoria and Mas.^[7]

In the *Minute* Resolution dated September 6, 2006, we required Atty. Navarro *as counsel for respondent* Mas to show cause why he failed to file a comment in compliance with the order of the Court. On March 25, 2007, however, Atty. Navarro's widow (Mrs. Trinidad P. Navarro), through counsel and by way of a special appearance,^[8] informed this Court that Atty. Navarro died on March 31, 2004.^[9]

In our *Minute* Resolution of June 6, 2007, we reflected that we were waiting for the comments of respondents Lantoria and Mas. The Resolution was sent with attached copy of the petition at the addresses^[10] furnished us by the petitioners-spouses.^[11] On September 3, 2007, copies of our *Minute* Resolution dated June 6, 2007, along with the copies of the petition for review, were returned to this Court unserved with the notations - "*RTS party refused to accept. No such person at the said address*" and "*[p]lease indicate house number, street and barangay/geographical area.*" Subsequent verification made by the Court on the whereabouts of the two respondents from the petitioners-spouses, as well as from Mrs. Trinidad Navarro, proved unsuccessful.^[12]

G.R. No. 169669

In the *Minute* Resolution dated September 6, 2006, the Court required the respondents to file their Comment. No comment was filed in light of Atty. Navarro's death while copies of the petitions could not be served on respondents Lantoria and Mas. In a *Minute* Resolution dated November 26, 2007, the Court resolved:

...to GRANT petitioners' prayer for them to be spared from further ascertaining the whereabouts of said respondents; however, should Mrs. Trinidad Navarro fail to inform the Court of the correct address of respondents Jesse Lantoria and Criselda Mas, the petitions will be dismissed as against them . . . [Underscoring supplied]

Mrs. Trinidad P. Navarro also failed to comply and submit the correct and present addresses of respondents Lantoria and Mas. On July 7, 2008, we resolved to issue a *show cause* order against her to explain why she should not be penalized for her failure to comply with the Court's directive.

Discussion and Ruling

A facial examination of the petitions shows that respondents Lantoria and Mas were never served copies of the petitions. Copies of G.R. No. 169365 sent on October 10, 2005 were addressed to the OSG and to Atty. Navarro as *addressees* as shown from Registry Receipt Nos. 7104 and 7105.^[13] Similarly, a copy of G.R. No. 169669 was sent on November 2, 2005 to Atty. Navarro as the sole *addressee* under Registry Receipt No. 8602.^[14] In both instances, Atty. Navarro was already dead when the petitions were sent at his address.