



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

LEE PUE LIONG a.k.a. PAUL LEE,
Petitioner,

G.R. No. 181658

Present:

SERENO, C.J.,
Chairperson,
BRION,*
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus -

CHUA PUE CHIN LEE,
Respondent.

Promulgated:

AUG 07 2013

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DECISION

VILLARAMA, JR., J.:

Before this Court is a petition¹ for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking the reversal of the May 31, 2007 Decision² and the January 31, 2008 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 81510. The CA affirmed the Orders⁴ dated August 15, 2003 and November 5, 2003 of the Metropolitan Trial Court (MeTC) of Manila denying (a) the Omnibus Motion⁵ for the exclusion of a private prosecutor in the two criminal cases for perjury pending before the MeTC, and (b) the Motion for Reconsideration⁶ of the said order denying the Omnibus Motion, respectively.

The facts follow:

* Designated additional member per Special Order No. 1497 dated July 31, 2013.

¹ *Rollo*, pp. 10-47.

² *Id.* at 159-173. Penned by Associate Justice Regalado E. Maambong with Associate Justices Conrado M. Vasquez, Jr. and Celia C. Librea-Leagogo concurring.

³ *Id.* at 190-191.

⁴ *Id.* at 68-72. Penned by Judge Ruben Reynaldo G. Roxas.

⁵ *Id.* at 97-101.

⁶ *Id.* at 135-145.

Petitioner Lee Pue Liong, a.k.a. Paul Lee, is the President of Centillion Holdings, Inc. (CHI), a company affiliated with the CKC Group of Companies (CKC Group) which includes the pioneer company Clothman Knitting Corporation (CKC). The CKC Group is the subject of intra-corporate disputes between petitioner and his siblings, including herein respondent Chua Pue Chin Lee, a majority stockholder and Treasurer of CHI.

On July 19, 1999, petitioner's siblings including respondent and some unidentified persons took over and barricaded themselves inside the premises of a factory owned by CKC. Petitioner and other factory employees were unable to enter the factory premises. This incident led to the filing of Criminal Case Nos. 971-V-99, 55503 to 55505 against Nixon Lee and 972-V-99 against Nixon Lee, Andy Lee, Chua Kipsi a.k.a. Jensen Chua and respondent, which are now pending in different courts in Valenzuela City.⁷

On June 14, 1999, petitioner on behalf of CHI (as per the Secretary's Certificate⁸ issued by Virginia Lee on even date) caused the filing of a verified Petition⁹ for the Issuance of an Owner's Duplicate Copy of Transfer Certificate of Title (TCT) No. 232238¹⁰ which covers a property owned by CHI. The case was docketed as LRC Record No. 4004 of the Regional Trial Court (RTC) of Manila, Branch 4. Petitioner submitted before the said court an Affidavit of Loss¹¹ stating that: (1) by virtue of his position as President of CHI, he had in his custody and possession the owner's duplicate copy of TCT No. 232238 issued by the Register of Deeds for Manila; (2) that said owner's copy of TCT No. 232238 was inadvertently lost or misplaced from his files and he discovered such loss in May 1999; (3) he exerted diligent efforts in locating the said title but it had not been found and is already beyond recovery; and (4) said title had not been the subject of mortgage or used as collateral for the payment of any obligation with any person, credit or banking institution. Petitioner likewise testified in support of the foregoing averments during an ex-parte proceeding. In its Order¹² dated September 17, 1999, the RTC granted the petition and directed the Register of Deeds of Manila to issue a new Owner's Duplicate Copy of TCT No. 232238 in lieu of the lost one.

Respondent, joined by her brother Nixon Lee, filed an Omnibus Motion praying, among others, that the September 17, 1999 Order be set aside claiming that petitioner knew fully well that respondent was in possession of the said Owner's Duplicate Copy, the latter being the Corporate Treasurer and custodian of vital documents of CHI. Respondent

⁷ Id. at 13-14, 73-86. Criminal Case No. 55503 for Violation of Section 1 in relation to Section 5 of RA 8294; Criminal Case No. 55504 for Violation of Section 1 par. 2 of RA 8294 (Illegal Possession of Firearms); Criminal Case No. 55505 for Direct Assault; Criminal Case No. 971-V-99 for Violation of Section 3 of PD 1866, as amended by RA 8294 (Illegal Possession of Explosives), and Criminal Case No. 972-V-99 for Violation of Section 3 of PD 1866, as amended by RA 8294.

⁸ CA rollo, p. 252.

⁹ Id. at 247-251.

¹⁰ Id. at 253-254.

¹¹ Id. at 257.

¹² Id. at 259-260.

added that petitioner merely needs to have another copy of the title because he planned to mortgage the same with the Planters Development Bank. Respondent even produced the Owner's Duplicate Copy of TCT No. 232238 in open court. Thus, on November 12, 1999, the RTC recalled and set aside its September 17, 1999 Order.¹³

In a Complaint-Affidavit¹⁴ dated May 9, 2000 filed before the City Prosecutor of Manila, respondent alleged the following:

1. I am a stockholder, Board Member, and duly elected treasurer of Centillion Holdings, Inc. (CHI), which corporation is duly organized and existing under Philippine laws.

2. As duly elected treasurer of CHI, I was tasked with the custody and safekeeping of all vital financial documents including bank accounts, securities, and land titles.

3. Among the land titles in my custody was the Owner's Duplicate copy of Transfer Certificate of Title No. 232238 registered in the name of CHI.

4. On June 14, 1999, Lee Pue Liong, a.k.a. Paul Lee, filed a VERIFIED PETITION for the issuance of a new owner's duplicate copy of the aforementioned certificate claiming under oath that said duplicate copy was in his custody but was lost.

x x x x

5. Paul Lee likewise executed an affidavit of loss stating the same fact of loss, which affidavit he used and presented as exhibit "D".

x x x x

6. On August 18, 1999, Paul Lee testified under oath that TCT No. 232238 was inadvertently lost and misplaced from his files.

x x x x

7. *Paul Lee made a willful and deliberate assertion of falsehood in his verified petition, affidavit and testimony, as he perfectly knew that I was in possession of the owner's duplicate copy of TCT No. 232238.*

8. I and my brother Nixon Lee opposed the petition of Paul Lee and even produced in open court the owner's duplicate copy of TCT No. 232238.

Such fact was contained in the Order of Branch 4, RTC, Manila, dated November 12, 1999, x x x.

9. I and Paul Lee are involved in an intra-corporate dispute, which dispute is now pending with the SEC.

10. Paul Lee needed to have a new owner's duplicate of the aforementioned TCT so that he could mortgage the property covered thereby with the Planters Development Bank, even without my knowledge and consent as well as the consent and knowledge of my brother Nixon Lee who is likewise a shareholder, board member and officer of CHI.

¹³ Records, Vol. I, pp. 23-24.

¹⁴ Rollo, pp. 87-88.

11. If not for the timely discovery of the petition of Paul Lee, with his perjurious misrepresentation, a new owner's duplicate could have been issued.

x x x x¹⁵ (Italics supplied.)

On June 7, 2000, respondent executed a Supplemental Affidavit¹⁶ to clarify that she was accusing petitioner of perjury allegedly committed on the following occasions: (1) by declaring in the VERIFICATION the veracity of the contents in his petition filed with the RTC of Manila concerning his claim that TCT No. 232238 was in his possession but was lost; (2) by declaring under oath in his affidavit of loss that said TCT was lost; and (3) by testifying under oath that the said TCT was inadvertently lost from his files.

The Investigating Prosecutor recommended the dismissal of the case. However, in the Review Resolution¹⁷ dated December 1, 2000 issued by First Assistant City Prosecutor Eufrosino A. Sulla, the recommendation to dismiss the case was set aside. Thereafter, said City Prosecutor filed the Informations¹⁸ docketed as Criminal Case Nos. 352270-71 CR for perjury, punishable under Article 183¹⁹ of the Revised Penal Code, as amended, against petitioner before the MeTC of Manila, Branch 28.

At the trial, Atty. Augusto M. Macam appeared as counsel for respondent and as private prosecutor with the consent and under the control and supervision of the public prosecutor. After the prosecution's presentation of its first witness in the person of Atty. Ronaldo Viesca, Jr.,²⁰ a lawyer from the Land Registration Authority, petitioner's counsel moved in open court that respondent and her lawyer in this case should be excluded from participating in the case since perjury is a public offense. Said motion was vehemently opposed by Atty. Macam.²¹ In its Order²² dated May 7, 2003, the MeTC gave both the defense and the prosecution the opportunity to submit their motion and comment respectively as regards the issue raised by petitioner's counsel.

Complying with the MeTC's directive, petitioner filed the aforementioned Omnibus Motion²³ asserting that in the crime of perjury

¹⁵ Id.

¹⁶ Id. at 89.

¹⁷ Id. at 90-92.

¹⁸ Id. at 93-96.

¹⁹ Article 183 of the Revised Penal Code provides:

Art. 183. *False testimony in other cases and perjury in solemn affirmation.* – The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person who, knowingly making untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

Any person who, in case of a solemn affirmation made in lieu of an oath, shall commit any of the falsehoods mentioned in this and the three preceding articles of this section, shall suffer the respective penalties provided therein.

²⁰ TSN, April 23, 2003, pp. 1-39; records, Vol. I, pp. 234-272.

²¹ TSN, May 7, 2003, pp. 1-10; id. at 275-284.

²² Records, Vol. I, p. 273.

²³ Supra note 5.

punishable under Article 183 of the Revised Penal Code, as amended, there is no mention of any private offended party. As such, a private prosecutor cannot intervene for the prosecution in this case. Petitioner argued that perjury is a crime against public interest as provided under Section 2, Chapter 2, Title IV, Book 2 of the Revised Penal Code, as amended, where the offended party is the State alone. Petitioner posited that there being no allegation of damage to private interests, a private prosecutor is not needed. On the other hand, the Prosecution filed its Opposition²⁴ to petitioner's Omnibus Motion.

The MeTC denied the Omnibus Motion in the Order²⁵ dated August 15, 2003, as follows:

[W]hile criminal actions, as a rule, are prosecuted under the direction and control of the public prosecutor, however, an offended party may intervene in the proceeding, personally or by attorney, especially in cases of offenses which cannot be prosecuted except at the instance of the offended party. The only exception to this rule is when the offended party waives his right to [file the] civil action or expressly reserves his right to institute it after the termination of the case, in which case he loses his right to intervene upon the theory that he is deemed to have lost his interest in its prosecution. And, in any event, whenever an offended party intervenes in the prosecution of a criminal action, his intervention must always be subject to the direction and control of the public prosecutor. (*Lim Tek Goan vs. Yatco*, 94 Phil. 197).

Apparently, the law makes no distinction between cases that are public in nature and those that can only be prosecuted at the instance of the offended party. In either case, the law gives to the offended party the right to intervene, personally or by counsel, and he is deprived of such right only when he waives the civil action or reserves his right to institute one. Such is not the situation in this case. The case at bar involves a public crime and the private prosecution has asserted its right to intervene in the proceedings, subject to the direction and control of the public prosecutor.²⁶

The MeTC also denied petitioner's motion for reconsideration.²⁷

Petitioner sought relief from the CA via a petition²⁸ for certiorari with a prayer for the issuance of a writ of preliminary injunction and temporary restraining order. Petitioner prayed, among others, for the CA to enjoin the MeTC and respondent from enforcing the MeTC Orders dated August 15, 2003 and November 5, 2003, and likewise to enjoin the MeTC and respondent from further allowing the private prosecutor to participate in the proceedings below while the instant case is pending.

By Decision²⁹ dated May 31, 2007, the CA ruled in favor of respondent, holding that the presence of the private prosecutor who was under the control and supervision of the public prosecutor during the

²⁴ Records, Vol. I, pp. 305-317.

²⁵ Supra note 4, at 68-71.

²⁶ Id. at 70.

²⁷ Supra note 4, at 72 and note 6.

²⁸ Id. at 49-67.

²⁹ Supra note 2.

criminal proceedings of the two perjury cases is not proscribed by the rules. The CA ratiocinated that respondent is no stranger to the perjury cases as she is the private complainant therein, hence, an aggrieved party.³⁰ Reiterating the MeTC's invocation of our ruling in *Lim Tek Goan v. Yatco*³¹ as cited by former Supreme Court Associate Justice Florenz D. Regalado in his Remedial Law Compendium,³² the CA ruled that "the offended party, who has neither reserved, waived, nor instituted the civil action may intervene, and such right to intervene exists even when no civil liability is involved."³³

Without passing upon the merits of the perjury cases, the CA declared that respondent's property rights and interests as the treasurer and a stockholder of CHI were disturbed and/or threatened by the alleged acts of petitioner. Further, the CA opined that petitioner's right to a fair trial is not violated because the presence of the private prosecutor in these cases does not exclude the presence of the public prosecutor who remains to have the prosecuting authority, subjecting the private prosecutor to his control and supervision.

Petitioner filed a Motion for Reconsideration³⁴ but the CA denied it under Resolution³⁵ dated January 31, 2008.

Hence, this petition raising the following issues:

I

WHETHER OR NOT THE HONORABLE COURT OF APPEALS COMMITTED A GRAVE ERROR WHEN IT UPHELD THE RESOLUTION OF THE METROPOLITAN TRIAL COURT THAT THERE IS A PRIVATE OFFENDED PARTY IN THE CRIME OF PERJURY, A CRIME AGAINST PUBLIC INTEREST; AND

II

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED WHEN IT UPHELD THE RESOLUTIONS OF THE *LOWER COURT* WHICH IN TURN UPHELD THE RIGHT OF RESPONDENT, AN ALLEGED STOCKHOLDER OF CHI, TO INTERVENE IN THE CRIMINAL CASE FOR PERJURY AS PRIVATE COMPLAINANT ON BEHALF OF THE CORPORATION WITHOUT ITS AUTHORITY.³⁶

Petitioner claims that the crime of perjury, a crime against public interest, does not offend any private party but is a crime which only offends the public interest in the fair and orderly administration of laws. He opines that perjury is a felony where no civil liability arises on the part of the offender because there are no damages to be compensated and that there is no private person injured by the crime.

³⁰ Id. at 167, 169, citing *Rodriguez v. Gadiane*, 527 Phil. 691 (2006).

³¹ 94 Phil. 197 (1953).

³² Volume II, Seventh Revised Edition, p. 236.

³³ Supra note 2, at 168.

³⁴ Id. at 174-187.

³⁵ Supra note 3.

³⁶ Supra note 1, at 18.

Petitioner argues that the CA's invocation of our pronouncement in *Lim Tek Goan*, cited by Justice Regalado in his book, is inaccurate since the private offended party must have a civil interest in the criminal case in order to intervene through a private prosecutor. Dissecting *Lim Tek Goan*, petitioner points out that said case involved the crime of grave threats where Lim Tek Goan himself was one of the offended parties. Thus, even if the crime of grave threats did not have any civil liability to be satisfied, petitioner claims that Lim Tek Goan, as a matter of right, may still intervene because he was one of the offended parties.

Petitioner submits that the MeTC erred in allowing the private prosecutor to represent respondent in this case despite the fact that the latter was not the offended party and did not suffer any damage as she herself did not allege nor claim in her Complaint-Affidavit and Supplemental Affidavit that she or CHI suffered any damage that may be satisfied through restitution,³⁷ reparation for the damage caused³⁸ and indemnification for consequential damages.³⁹ Lastly, petitioner asserts that respondent is not the proper offended party that may intervene in this case as she was not authorized by CHI. Thus, he prayed, among others, that Atty. Macam or any private prosecutor for that matter be excluded from the prosecution of the criminal cases, and that all proceedings undertaken wherein Atty. Macam intervened be set aside and that the same be taken anew by the public prosecutor alone.⁴⁰

On the other hand, respondent counters that the presence and intervention of the private prosecutor in the perjury cases are not prohibited by the rules, stressing that she is, in fact, an aggrieved party, being a stockholder, an officer and the treasurer of CHI and the private complainant. Thus, she submits that pursuant to our ruling in *Lim Tek Goan* she has the right to intervene even if no civil liability exists in this case.⁴¹

The petition has no merit.

Generally, the basis of civil liability arising from crime is the fundamental postulate of our law that “[e]very person criminally liable x x x is also civilly liable.”⁴² Underlying this legal principle is the traditional theory that when a person commits a crime, he offends two entities, namely (1) the society in which he lives in or the political entity, called the State, whose law he has violated; and (2) the individual member of that society whose person, right, honor, chastity or property was actually or directly injured or damaged by the same punishable act or omission.⁴³

³⁷ Article 105, REVISED PENAL CODE.

³⁸ Article 106, *id.*

³⁹ Article 107, *id.*

⁴⁰ Petitioner's Memorandum dated June 10, 2009, *rollo*, pp. 371-406.

⁴¹ Respondent's Memorandum dated June 5, 2009, *id.* at 328-342.

⁴² Article 100, REVISED PENAL CODE.

⁴³ *Banal v. Judge Tadeo, Jr.*, 240 Phil. 326, 331 (1987).

Section 1, Rule 111 of the Revised Rules of Criminal Procedure, as amended, provides:

SECTION 1. *Institution of criminal and civil actions.*—(a) When a criminal action is instituted, the civil action for the recovery of civil liability arising from the offense charged **shall be deemed instituted with the criminal action** unless the offended party waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.

x x x x (Emphasis supplied)

For the recovery of civil liability in the criminal action, the appearance of a private prosecutor is allowed under Section 16 of Rule 110:

SEC. 16. *Intervention of the offended party in criminal action.*—Where the civil action for recovery of civil liability is instituted in the criminal action pursuant to Rule 111, **the offended party may intervene by counsel** in the prosecution of the offense. (Emphasis supplied.)

Section 12, Rule 110 of the Revised Rules of Criminal Procedure, as amended, defines an offended party as “the person against whom or against whose property the offense was committed.” In *Garcia v. Court of Appeals*,⁴⁴ this Court rejected petitioner’s theory that it is only the State which is the offended party in public offenses like bigamy. We explained that from the language of Section 12, Rule 10 of the Rules of Court, it is reasonable to assume that the offended party in the commission of a crime, public or private, is the party to whom the offender is civilly liable, and therefore the private individual to whom the offender is civilly liable is the offended party.

In *Ramiscal, Jr. v. Hon. Sandiganbayan*,⁴⁵ we also held that

Under Section 16, Rule 110 of the Revised Rules of Criminal Procedure, **the offended party may also be a private individual whose person, right, house, liberty or property was actually or directly injured by the same punishable act or omission of the accused, or that corporate entity which is damaged or injured by the delictual acts complained of.** Such party must be one who has a legal right; a substantial interest in the subject matter of the action as will entitle him to recourse under the substantive law, to recourse if the evidence is sufficient or that he has the legal right to the demand and the accused will be protected by the satisfaction of his civil liabilities. Such interest must not be a mere expectancy, subordinate or inconsequential. The interest of the party must be personal; and not one based on a desire to vindicate the constitutional right of some third and unrelated party.⁴⁶ (Emphasis supplied.)

In this case, the statement of petitioner regarding his custody of TCT No. 232238 covering CHI’s property and its loss through inadvertence, if

⁴⁴ 334 Phil. 621, 631-632 (1997).

⁴⁵ 487 Phil. 384 (2004).

⁴⁶ Id. at 407-408.

found to be perjured is, without doubt, injurious to respondent's personal credibility and reputation insofar as her faithful performance of the duties and responsibilities of a Board Member and Treasurer of CHI. The potential injury to the corporation itself is likewise undeniable as the court-ordered issuance of a new owner's duplicate of TCT No. 232238 was only averted by respondent's timely discovery of the case filed by petitioner in the RTC.

Even assuming that no civil liability was alleged or proved in the perjury case being tried in the MeTC, this Court declared in the early case of *Lim Tek Goan v. Yatco*,⁴⁷ cited by both MeTC and CA, that whether public or private crimes are involved, it is erroneous for the trial court to consider the intervention of the offended party by counsel as merely a matter of tolerance. Thus, where the private prosecution has asserted its right to intervene in the proceedings, that right must be respected. The right reserved by the Rules to the offended party is that of intervening for the sole purpose of enforcing the civil liability born of the criminal act and not of demanding punishment of the accused. Such intervention, moreover, is always subject to the direction and control of the public prosecutor.⁴⁸

In *Chua v. Court of Appeals*,⁴⁹ as a result of the complaint-affidavit filed by private respondent who is also the corporation's Treasurer, four counts of falsification of public documents (Minutes of Annual Stockholder's Meeting) was instituted by the City Prosecutor against petitioner and his wife. After private respondent's testimony was heard during the trial, petitioner moved to exclude her counsels as private prosecutors on the ground that she failed to allege and prove any civil liability in the case. The MeTC granted the motion and ordered the exclusion of said private prosecutors. On certiorari to the RTC, said court reversed the MeTC and ordered the latter to allow the private prosecutors in the prosecution of the civil aspect of the criminal case. Petitioner filed a petition for certiorari in the CA which dismissed his petition and affirmed the assailed RTC ruling.

When the case was elevated to this Court, we sustained the CA in allowing the private prosecutors to actively participate in the trial of the criminal case. Thus:

Petitioner cites the case of *Tan, Jr. v. Gallardo*, holding that where from the nature of the offense or where the law defining and punishing the offense charged does not provide for an indemnity, the offended party may not intervene in the prosecution of the offense.

Petitioner's contention lacks merit. Generally, the basis of civil liability arising from crime is the fundamental postulate that every man criminally liable is also civilly liable. When a person commits a crime he offends two entities namely (1) the society in which he lives in or the political entity called the State whose law he has violated; and (2) the individual member of the society whose person, right, honor, chastity or

⁴⁷ Supra note 31, at 201. See also Manuel Pamaran, Revised Rules of Criminal Procedure Annotated, 2010 Edition, p. 150.

⁴⁸ Id. at 200; id. at 149-150, 153.

⁴⁹ 485 Phil. 644 (2004).

property has been actually or directly injured or damaged by the same punishable act or omission. **An act or omission is felonious because it is punishable by law, it gives rise to civil liability not so much because it is a crime but because it caused damage to another.** Additionally, what gives rise to the civil liability is really the obligation and the moral duty of everyone to repair or make whole the damage caused to another by reason of his own act or omission, whether done intentionally or negligently. The indemnity which a person is sentenced to pay forms an integral part of the penalty imposed by law for the commission of the crime. The civil action involves the civil liability arising from the offense charged which includes restitution, reparation of the damage caused, and indemnification for consequential damages.

Under the Rules, where the civil action for recovery of civil liability is instituted in the criminal action pursuant to Rule 111, the offended party may intervene by counsel in the prosecution of the offense. Rule 111(a) of the Rules of Criminal Procedure provides that, “[w]hen a criminal action is instituted, the civil action arising from the offense charged shall be deemed instituted with the criminal action unless the offended party waives the civil action, reserves the right to institute it separately, or institutes the civil action prior to the criminal action.”

Private respondent did not waive the civil action, nor did she reserve the right to institute it separately, nor institute the civil action for damages arising from the offense charged. Thus, we find that the private prosecutors can intervene in the trial of the criminal action.

Petitioner avers, however, that respondent’s testimony in the inferior court did not establish nor prove any damages personally sustained by her as a result of petitioner’s alleged acts of falsification. **Petitioner adds that since no personal damages were proven therein, then the participation of her counsel as private prosecutors, who were supposed to pursue the civil aspect of a criminal case, is not necessary and is without basis.**

When the civil action is instituted with the criminal action, evidence should be taken of the damages claimed and the court should determine who are the persons entitled to such indemnity. The civil liability arising from the crime may be determined in the criminal proceedings if the offended party does not waive to have it adjudged or does not reserve the right to institute a separate civil action against the defendant. Accordingly, **if there is no waiver or reservation of civil liability, evidence should be allowed to establish the extent of injuries suffered.**

In the case before us, there was neither a waiver nor a reservation made; nor did the offended party institute a separate civil action. It follows that **evidence should be allowed in the criminal proceedings to establish the civil liability arising from the offense committed, and the private offended party has the right to intervene through the private prosecutors.**⁵⁰ (Emphasis supplied; citations omitted.)

In the light of the foregoing, we hold that the CA did not err in holding that the MeTC committed no grave abuse of discretion when it denied petitioner’s motion to exclude Atty. Macam as private prosecutor in Crim. Case Nos. 352270-71 CR.

⁵⁰ Id. at 658-660.

WHEREFORE, the petition for review on certiorari is **DENIED**. The Decision dated May 31, 2007 and the Resolution dated January 31, 2008 of the Court of Appeals in CA-G.R. SP No. 81510 are hereby **AFFIRMED and UPHELD**.


With costs against the petitioner.

SO ORDERED.



MARTIN S. VILLARAMA, JR.
Associate Justice


WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



ARTURO D. BRION
Associate Justice




LUCAS P. BERSAMIN
Associate Justice



BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice