



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE G.R. No. 201644
PHILIPPINES,

Petitioner, Present:

- versus -

SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, JJ.

JOSE C. GO and AIDA C.
DELA ROSA,

Respondents.

Promulgated:

SEP 24 2014

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DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Decision² dated September 28, 2011 and the Resolution³ dated April 17, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 108319 which reversed and set aside the Orders dated December 10, 2008⁴ and February 12, 2009⁵ of the Regional Trial Court of Manila, Branch 42 (RTC) in Crim. Case Nos. 00-186069-75, and dismissed the charges against respondents Jose C. Go (Go) and Aida C. Dela Rosa (Dela Rosa) on the ground that their constitutional right to speedy trial has been violated.

¹ *Rollo*, pp. 9-59.

² Id. at 65-99. Penned by Associate Justice Elihu A. Ybañez with Associate Justices Remedios A. Salazar-Fernando and Michael P. Elbinias, concurring.

³ Id. at 101-102.

⁴ Id. at 103-104. Penned by Presiding Judge Dinnah C. Aguila-Topacio.

⁵ Id. at 105.

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The Facts

On September 28, 2000, seven (7) Informations – stemming from a criminal complaint instituted by **private complainant Philippine Deposit Insurance Corporation (PDIC)** – were filed before the RTC against various accused, including Go and Dela Rosa (respondents),⁶ charging them of *Estafa* through Falsification of Commercial Documents for allegedly defrauding Orient Commercial Banking Corporation of the amount of ₱159,000,000.00.⁷ After numerous postponements, respondents were finally arraigned on November 13, 2001 and trial on the merits then ensued.⁸

However, the trial of the case was marred by a series of postponements/cancellation of hearings caused mainly by the prosecution,⁹ resulting in its inability to finish its presentation of evidence despite the lapse of almost five (5) years.¹⁰ This prompted respondents to file, on December 11, 2007, a **Motion to Dismiss**¹¹ **for failure to prosecute and for violation of their right to speedy trial**,¹² claiming that the prosecution was afforded all the opportunity to complete and terminate its case, but still to no avail.

The RTC Ruling

In an Omnibus Order¹³ dated January 9, 2008, the RTC dismissed the criminal cases, ruling that the respondents' right to speedy trial was violated as they were compelled to wait for five (5) years without the prosecution completing its presentation of evidence due to its neglect.¹⁴

Dissatisfied, the prosecution moved for reconsideration¹⁵ which, in an Order¹⁶ dated December 10, 2008, was granted by the RTC in the interest of justice, thus resulting in the reinstatement of the criminal cases against respondents.

This time, it was the respondents who moved for reconsideration¹⁷ which was, however, denied by the RTC in an Order¹⁸ dated February 12, 2009. This prompted them to file a petition for *certiorari*¹⁹ before the CA,

⁶ Also indicted in Crim. Case Nos. 00-186069-75 were Richard L. Hsu and Arnulfo Aurellano; *id.* at 12.

⁷ See *id.* at 78.

⁸ See *id.* at 67-68.

⁹ *Id.* at 122.

¹⁰ *Id.* at 283.

¹¹ *Id.* at 282-285.

¹² *Id.* at 284.

¹³ *Id.* at 286-290. Penned by Presiding Judge Vedasto B. Marco.

¹⁴ See *id.* at 289-290.

¹⁵ *Id.* at 291-315.

¹⁶ *Id.* at 103-104.

¹⁷ *Id.* at 327-340.

¹⁸ *Id.* at 105.

¹⁹ *Id.* at 120-151.

docketed as CA-G.R. SP No. 108319. **A copy of said petition was served, however, only on the private complainant, i.e., the PDIC,²⁰ and not the People of the Philippines (the People), through the Office of the Solicitor General (OSG), as it was not even impleaded as party to the case.**²¹

The Proceedings Before the CA

In a Decision²² dated September 28, 2011, the CA, without first ordering the respondents to implead the People, annulled and set aside the assailed orders of the RTC, and consequently dismissed the criminal cases against respondents.²³

It ruled that the prosecution's prolonged delay in presenting its witnesses and exhibits, and in filing its formal offer of evidence was vexatious, capricious, and oppressive to respondents,²⁴ thereby violating their right to speedy trial. It further held that double jeopardy had already attached in favor of respondents, considering that the criminal cases against them were dismissed due to violation of the right to speedy trial.²⁵

Aggrieved, the PDIC moved for reconsideration which was, however, denied by the CA in a Resolution²⁶ dated April 17, 2012.

On May 2, 2012, the PDIC transmitted copies of the aforesaid CA Decision and Resolution to the OSG.²⁷ Thereafter, or on June 18, 2012, the OSG filed the instant petition,²⁸ imputing grave abuse of discretion on the part of the CA in giving due course to respondents' *certiorari* petition and proceeding to decide the case. It contends, among others, that the People – the petitioner in this case – was neither impleaded nor served a copy of said petition, thereby violating its right to due process of law and rendering the CA without any authority or jurisdiction to promulgate its issuances reversing the RTC Orders and dismissing the criminal cases pending before it.²⁹

The Issue Before the Court

The central issue to resolve is whether or not the criminal cases against respondents were properly dismissed by the CA on *certiorari*, without the People, as represented by the OSG, having been impleaded.

²⁰ See *id.* at 151.

²¹ See *id.* at 120-121.

²² *Id.* at 65-99.

²³ *Id.* at 98.

²⁴ *Id.* at 92.

²⁵ See *id.* at 93-94.

²⁶ *Id.* at 101-102.

²⁷ *Id.* at 13.

²⁸ *Id.* at 9-59.

²⁹ See *id.* at 26-32.

The Court's Ruling

The petition is meritorious.

Respondents' *certiorari* petition in CA-G.R. SP No. 108319 that sought the dismissal of the criminal cases against them should not have been resolved by the CA, without the People, as represented by the OSG, having first been impleaded. This stems from the recognition that the People is an indispensable party to the proceedings.

In *Vda. de Manguerra v. Risos*, where the petition for *certiorari* filed with the [CA] failed to implead the People of the Philippines as an indispensable party, the Court held:

It is undisputed that in their petition for *certiorari* before the CA, respondents failed to implead the People of the Philippines as a party thereto. Because of this, the petition was obviously defective. As provided in Section 5, Rule 110 of the Revised Rules of Criminal Procedure, all criminal actions are prosecuted under the direction and control of the public prosecutor. Therefore, it behooved the petitioners (respondents herein) to implead the People of the Philippines as respondent in the CA case to enable the Solicitor General to comment on the petition.³⁰

While the failure to implead an indispensable party is not *per se* a ground for the dismissal of an action, considering that said party may still be added by order of the court, on motion of the party or on its own initiative at any stage of the action and/or such times as are just,³¹ it remains essential – as it is jurisdictional – that any indispensable party be impleaded in the proceedings before the court renders judgment. This is because the absence of such indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even as to those present. As explained in *Lotte Phil. Co., Inc. v. Dela Cruz*:³²

An indispensable party is a party-in-interest without whom no final determination can be had of an action, and who shall be joined either as plaintiffs or defendants. The joinder of indispensable parties is mandatory. The presence of indispensable parties is necessary to vest the court with jurisdiction, which is “the authority to hear and determine a cause, the right to act in a case.” Thus, without the presence of indispensable parties to a suit or proceeding, judgment of a court cannot attain real finality. The absence of an indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even as to those present.³³

³⁰ *Vda. de Manguerra v. Risos*, 585 Phil. 490, 497 (2008), cited in *Cobarrubias v. People*, 612 Phil. 984, 990 (2009).

³¹ See *id.*

³² G.R. No. 166302, July 28, 2005, 464 SCRA 591.

³³ *Id.* at 595-596; citations omitted.

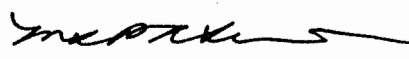
In this case, it is evident that the CA proceeded to render judgment, *i.e.*, the September 28, 2011 Decision and April 17, 2012 Resolution, without an indispensable party, *i.e.*, the People, having been impleaded. Thus, in light of the foregoing discussion, these issuances should be set aside and the case be remanded to the said court. Consequently, the CA is directed to (a) reinstate respondents' *certiorari* petition, and (b) order said respondents to implead the People as a party to the proceedings and thereby furnish its counsel, the OSG, a copy of the aforementioned pleading. That being said, there would be no need to touch on the other issues herein raised.


WHEREFORE, the petition is **GRANTED**. The Decision dated September 28, 2011 and the Resolution dated April 17, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 108319 are hereby **SET ASIDE**. The case is **REMANDED** to the CA under the parameters above-stated.

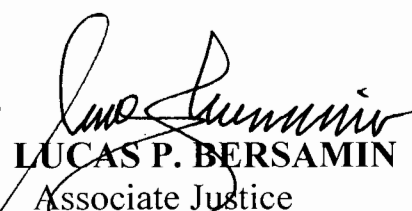
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

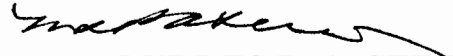

TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the 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