

## FIRST DIVISION

[ G.R. No. 201644, September 24, 2014 ]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. JOSE C. GO AND  
AIDA C. DELA ROSA, RESPONDENTS.**

### D E C I S I O N

**PERLAS-BERNABE, J.:**

Assailed in this petition for review on *certiorari*<sup>[1]</sup> are the Decision<sup>[2]</sup> dated September 28, 2011 and the Resolution<sup>[3]</sup> 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, 2008<sup>[4]</sup> and February 12, 2009<sup>[5]</sup> 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.

#### 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),<sup>[6]</sup> charging them of *Estafa* through Falsification of Commercial Documents for allegedly defrauding Orient Commercial Banking Corporation of the amount of P159,000,000.00.<sup>[7]</sup> After numerous postponements, respondents were finally arraigned on November 13, 2001 and trial on the merits then ensued.<sup>[8]</sup>

However, the trial of the case was marred by a series of postponements/cancellation of hearings caused mainly by the prosecution,<sup>[9]</sup> resulting in its inability to finish its presentation of evidence despite the lapse of almost five (5) years.<sup>[10]</sup> This prompted respondents to file, on December 11, 2007, a **Motion to Dismiss**<sup>[11]</sup> **for failure to prosecute and for violation of their right to speedy trial**,<sup>[12]</sup> 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 Order<sup>[13]</sup> 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.<sup>[14]</sup>

Dissatisfied, the prosecution moved for reconsideration<sup>[15]</sup> which, in an Order<sup>[16]</sup>

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 reconsideration<sup>[17]</sup> which was, however, denied by the RTC in an Order<sup>[18]</sup> dated February 12, 2009. This prompted them to file a petition for *certiorari*<sup>[19]</sup> before the CA, 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,<sup>[20]</sup> 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.**<sup>[21]</sup>

### **The Proceedings Before the CA**

In a Decision<sup>[22]</sup> 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.<sup>[23]</sup>

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,<sup>[24]</sup> 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.<sup>[25]</sup>

Aggrieved, the PDIC moved for reconsideration which was, however, denied by the CA in a Resolution<sup>[26]</sup> dated April 17, 2012.

On May 2, 2012, the PDIC transmitted copies of the aforesaid CA Decision and Resolution to the OSG.<sup>[27]</sup> Thereafter, or on June 18, 2012, the OSG filed the instant petition,<sup>[28]</sup> 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.<sup>[29]</sup>

### **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.

### **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