

FIRST DIVISION

[G.R. No. 148193, January 16, 2003]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. RAFAEL JOSE
CONSING, JR., RESPONDENT.**

DECISION

YNARES-SANTIAGO, J.:

Before us is a petition for review under Rule 45 of the Rules of Court, seeking to set aside the May 31, 2001 decision^[1] of the Court of Appeals^[2] in CA-G.R. SP No. 63712, which reversed and set aside the January 23, 2001 order^[3] of the Regional Trial Court of Imus, Cavite, Branch 21, in Criminal Case No. 7668-00 denying respondent's motion for deferment of arraignment.

Sometime in February 1997, respondent Rafael Jose Consing, Jr. and his mother, Cecilia de la Cruz,^[4] represented to Plus Builders, Inc. (PBI) that they are the true and lawful owners of a 42,443 square meter lot situated in Imus, Cavite and covered by Transfer Certificate of Title No. 687599 in the name of Cecilia de la Cruz. They further represented that they acquired said lot, which was previously covered by TCT No. 191408 from Juanito Tan Teng and Po Willie Yu. Relying on the representations of respondent and his mother, PBI purchased the questioned lot.

In April 1999, PBI discovered that respondent and his mother did not have a valid title over the subject lot. PBI came to know that Juanito Tan Teng and Po Willie Yu never sold said lot to respondent and his mother and that TCT No. 191408 upon which TCT No. 687599 was based is not on file with the Register of Deeds.

In August 1999, PBI was ousted from the possession of the disputed lot by Juanito Tan Teng and Po Willie Yu. Despite written and verbal demands, respondent and his mother refused to return the amount of P13,369,641.79 alleged to have been initially paid by PBI.

On July 22, 1999, respondent filed with the Regional Trial Court of Pasig City, Branch 68, an action for "Injunctive Relief" docketed as Civil Case No. SCA 1759, against PBI, Unicapital Inc, Unicapital Realty Inc., Jaime Martires, Mariano D. Martinez, Cecilia de la Cruz and 20 other John Does.^[5] Respondent sought a declaration that he was merely an agent of his mother, Cecilia de la Cruz, and therefore was not under any obligation to PBI and to the other defendants on the various transactions involving TCT No. 687599.

On October 13, 1999, PBI filed against respondent and his mother a complaint for "Damages and Attachment," docketed as Civil Case No. 99-95381, with Branch 12 of the Regional Trial Court of Manila.^[6] Respondent filed a motion to dismiss on the ground of forum shopping and pendency of Civil Case No. SCA 1759.^[7]

On January 21, 2000, a criminal case for estafa through falsification of public document was filed against respondent Rafael Jose Consing, Jr. and his mother with the RTC of Imus, Cavite.^[8]

On April 7, 2000, respondent filed a motion to defer arraignment on the ground of prejudicial question, *i.e.*, the pendency of Civil Case Nos. SCA 1759 and 99-95381.

^[9] On January 27, 2000, the trial court denied respondent's motion.

A motion for reconsideration thereof was likewise denied on February 27, 2001.^[10]

Respondent filed a petition for certiorari with prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction with the Court of Appeals seeking to enjoin the arraignment and trial of the estafa through falsification case.

^[11] The Court of Appeals granted respondent's prayer for the issuance of a temporary restraining order in a resolution dated March 19, 2001.^[12]

On May 31, 2001, a decision was rendered setting aside the January 27, 2000 order of the trial court and permanently enjoining it from proceeding with the arraignment and trial of the criminal case until the civil cases for Injunctive Relief and for Damages and Attachment shall have been finally decided.

Hence, the People of the Philippines, represented by the Solicitor General, filed the instant petition seeking the reversal of the May 31, 2001 decision of the Court of Appeals.

The issue to be resolved in this petition is whether or not the pendency of Civil Case Nos. SCA 1759 and 99-95381, for Injunctive Relief and for Damages and Attachment, is a prejudicial question justifying the suspension of the proceedings in the criminal case for estafa through falsification of public document, filed against the respondent.

A prejudicial question is defined as that which arises in a case, the resolution of which is a logical antecedent of the issue involved therein, and the cognizance of which pertains to another tribunal. The prejudicial question must be determinative of the case before the court but the jurisdiction to try and resolve the question must be lodged in another court or tribunal. It is a question based on a fact distinct and separate from the crime but so intimately connected with it that it determines the guilt or innocence of the accused. For a civil action to be considered prejudicial to a criminal case as to cause the suspension of the criminal proceedings until the final resolution of the civil action, the following requisites must be present: (1) the civil case involves facts intimately related to those upon which the criminal prosecution would be based; (2) in the resolution of the issue or issues raised in the civil action, the guilt or innocence of the accused would necessarily be determined; and (3) jurisdiction to try said question must be lodged in another tribunal.^[13]

If both civil and criminal cases have similar issues or the issue in one is intimately related to the issues raised in the other, then a prejudicial question would likely exist, provided the other element or characteristic is satisfied. It must appear not only that the civil case involves the same facts upon which the criminal prosecution would be based, but also that the resolution of the issues raised in the civil action