

SPECIAL FIFTH DIVISION

[CA-G.R. SP No. 130621, March 03, 2014]

CEZAR T. QUIAMBAO, ANTHONY K. QUIAMBAO, AND ATTY. ERIC GENE C. PILAPIL, PETITIONERS-APPELLANTS, VS. HON. JOSEFINO A. SUBIA, IN HIS CAPACITY AS THE PRESIDING JUDGE OF METROPOLITAN TRIAL COURT – MAKATI CITY, BRANCH 66, ET AL., RESPONDENTS-APPELLEES.

D E C I S I O N

CARANDANG, J.:

The instant case is an appeal which seeks to reverse and set aside the Decision^[1] dated 17 January 2013 and Order^[2] dated 16 April 2013 rendered by the Regional Trial Court, Branch 138 of Makati City which dismissed petitioners-appellants' Petition for Certiorari and denied their Motion for Reconsideration, respectively, in the case entitled "*Cezar T. Quiambao, et al. vs. Hon. Josefino A. Subia, et al.*" docketed as SCA No. 12-520.

The facts of this case, as summarized in the assailed decision, are as follows:

On 18 May 2011, the petitioners-appellants filed with the Office of the Makati City Prosecutor a Joint Complaint Affidavit (docketed as I.S. No. XV-05-INV-11E-01251) for the crime of use of falsified documents against respondent-appellee Bonifacio C. Sumbilla (respondent-appellee). The said Joint Complaint Affidavit alleged in substance that the respondent-appellee used a falsified 2010 General Information Sheet (GIS) of Stradcom Corporation (STRADCOM) and an Assistant Secretary's Certificate dated 1 December 2010 to represent his group, the Sumbilla group, to the Metropolitan Bank and Trust Company (Metrobank) as the new directors and officers of STRADCOM.

The 2010 GIS, according to the petitioners-appellants, was falsified, having falsely stated that the Sumbilla group are the true stockholders, officers and directors of STRADCOM. The 1 December 2010 Assistant Secretary's Certificate, the petitioners-appellants alleged, was similarly falsified, as it contained untruthful statements concerning, among other things, a meeting supposedly held by the corporation's Board of Directors on 1 December 2010, in which a resolution was passed designating the respondent-appellee and Aderito Yujuico as STRADCOM's duly authorized bank account signatories.

Previously, on 10 February 2011, the Land Transportation Office (LTO) filed with the Quezon City Regional Trial Court a case for interpleader (docketed as Special Civil Action No. Q-11-68723) against the Sumbilla group and the petitioners-appellants' Quiambao group, who both lay claim to being the rightful shareholders, directors and officers of the STRADCOM.

In its Complaint for interpleader, the LTO cited the existence of two conflicting versions of STRADCOM's GIS for 2010 (each group having its own version) and alleged that both groups made similar, separate demands for payment of the computer fees due STRADCOM. It further prayed that the interpleader court direct the two opposing groups to litigate with each other to determine who between them has the rightful control and management of STRADCOM, including receipt of computer fees due said entity. The LTO would later file an Amended Complaint, containing the same allegations and prayer as above.

The Quiambao group then filed a Motion to Dismiss the interpleader case, which the RTC of Quezon City denied in an Order dated 21 June 2011. The said court further directed the two contending groups to interplead with each other and file their respective answers to the LTO's Amended Complaint. Aggrieved, Quiambao group then filed with the Supreme Court a Petition for Certiorari and Prohibition (docketed as G.R. No. 197311), seeking the nullification of the Quezon City RTC's 21 June 2011 Order and the dismissal of the interpleader case.

In a 23 August 2011 Resolution in G.R. No. 197311, the Supreme Court denied Quiambao group's Petition for Certiorari and Prohibition. The High Court held that as both the Quiambao group and the Sumbilla group lay claim as valid representatives of STRADCOM, there is a need to resolve the underlying intra-corporate dispute between the two claimants. It thus ordered that the interpleader case be raffled off to any designated commercial courts in Quezon City RTC for resolution of the said underlying intra-corporate dispute.

Thereafter, the Quiambao group filed a Motion for Reconsideration of the 23 August 2011 Resolution of the Supreme Court. However, on 24 January 2012, the Supreme Court issued a Resolution denying the Motion for Reconsideration.

Meanwhile, a preliminary investigation was conducted in I.S. No. XV-05-INV-11E-01251 and, on 26 August 2011, the Office of the Makati City Prosecutor issued a Resolution finding probable cause against the respondent-appellee for two counts of use of falsified documents. The corresponding informations were filed with the Makati MeTC Branch 66, docketed as Criminal Case Nos. 367349-50, entitled *People of the Philippines v. Bonifacio C. Sumbilla*.

The respondent-appellee then filed in Criminal Case Nos. 367349-50 an Entry of Appearance and Omnibus Motion to (1) Defer Issuance of or Implementation of Warrant of Arrest; (2) Defer Arraignment; and (3) Suspend Proceedings.

RULING OF THE MeTC

On 29 November 2011, the MeTC issued an Order directing the issuance of an arrest warrant against the respondent-appellee, but suspending the subsequent proceedings of the case on the ground that the interpleader case posed a prejudicial question, in the resolution of which the respondent-appellee's guilt or innocence would be determined.³ In suspending the criminal proceedings on the ground of the existence of a prejudicial question, the MeTC ratiocinated that the resolution by the Quezon City RTC of the interpleader case as to which of the two groups has the rightful control and management of STRADCOM will determine whether or not the 2010 GIS and the 1 December 2010 Assistant Secretary's Certificate attached by the respondent-appellee to his letter to Metrobank are false. Their Motion for Reconsideration having been denied, petitioners-appellants filed a Petition for

Certiorari with the public respondent alleging grave abuse of discretion of the MeTC Judge.

RULING OF THE RTC

On 17 January 2013, the RTC issued the assailed Decision affirming the Order of the MeTC. It ruled that the pendency of the interpleader case poses a prejudicial question because the resolution therein of the issue of which of the two contending groups has the rightful control and management over STRADCOM will necessarily determine the issue of who are the legitimate stockholders, directors, and officers of STRADCOM. Hence, such determination in the interpleader case will determine the guilt or innocence of respondent-appellee to the criminal cases charged against him.

The petitioners-appellants then filed their Motion for Reconsideration which the RTC denied through its assailed 16 April 2013 Order.

Hence, the instant appeal.

Petitioners-appellants raised the following errors:

THE RTC-MAKATI GRAVELY ERRED IN DISMISSING APPELLANTS' PETITION FOR CERTIORARI AND AFFIRMING THE METC-MAKATI'S ORDERS SUSPENDING CRIMINAL PROCEEDINGS AGAINST APPELLEE SUMBILLA FOR TWO SEPARATE CRIMES OF USE OF A FALSIFIED DOCUMENT CONSIDERING THAT –

I

THE PENDENCY OF THE INTERPLEADER CASE DOES NOT POSE A PREJUDICIAL QUESTION TO THE RESOLUTION OF THE PRESENT CRIMINAL CASES.

II

THE PLAINTIFF IN THE INTERPLEADER CASE HAS RECOGNIZED THE QUIAMBAO GROUP AS THE RIGHTFUL REPRESENTATIVE OF STRADCOM, HENCE, THE OSTENSIBLE BASIS FOR THE INTERPLEADER CASE HAS BECOME MOOT.

III

THE ALLEGED INTRACORPORATE CONTROVERSY UNDERLYING THE INTERPLEADER CASE HAS BEEN RESOLVED BY THE RTC-URDANETA, PANGASINAN, BRANCH 48, WHICH IS THE DESIGNATED SPECIAL COMMERCIAL COURT, AND ITS IMMEDIATELY EXECUTORY RESOLUTION HAS BEEN AFFIRMED BY THIS HONORABLE COURT AND THE SUPREME COURT.

IV

THE CRIMINAL CASES CAN PROCEED INDEPENDENTLY OF THE INTERPLEADER CASE.

V

PUBLIC INTEREST REQUIRES THAT ALL CRIMINAL ACTS BE IMMEDIATELY INVESTIGATED AND PROSECUTED FOR THE PROTECTION OF THE SOCIETY. HENCE, SUSPENSION OF CRIMINAL PROCEEDINGS SHOULD NOT BE TOLERATED.^[4]

The foremost issue in this case is whether a prejudicial question exists that would warrant the suspension of the criminal actions against the respondent-appellee.

We rule in the affirmative.

There is a prejudicial question when a civil action and a criminal action are both pending, and there exists in the civil action an issue which must be preemptively resolved before the criminal action may proceed because howsoever the issue raised in the civil action is resolved would be determinative of the guilt or innocence of the accused in the criminal case.^[5] A prejudicial question is defined as:

“one that 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. 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, and for it to suspend the criminal action, it must appear not only that said case involves facts intimately related to those upon which the criminal prosecution would be based but also that in the resolution of the issue or issues raised in the civil case, the guilt or innocence of the accused would necessarily be determined.”

^[6]

In the instant case, it is readily obvious that a prejudicial question exists because the resolution in the interpleader case of who between the two conflicting groups--the Quiambao group and the Sumbilla group--has the legal control over STRADCOM and who are its legitimate stockholders, directors, and officers are logical antecedents to the issue in the criminal cases of whether the documents--the 2010 GIS of STRADCOM and the Assistant Secretary's Certificate dated 1 December 2010 --attached by the respondent-appellee in his letter to Metrobank were falsified. Put differently, the determination in the interpleader case as to who rightfully represents STRADCOM will determine whether the respondent-appellee is guilty or not of the “use of falsified documents” which is a crime under Art. 172 of the Revised Penal Code.

The elements of the crime of “use of falsified documents” are: (a) that the offender knew that a document was falsified by another person; (b) that the false document is embraced in Art. 171^[7] or in any of subdivisions 1 or 2 of Art. 172^[8]; (c) that he used such document (not in judicial proceedings); and, (d) that the use of the false