Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES, Petitioner,	**G.R. No. 220916**
	Present:
-versus-	GESMUNDO, *C.J., Chairperson,* CAGUIOA, CARANDANG, ZALAMEDA, and GAERLAN, *JJ.*
CAMILO CAMENFORTE and ROBERT LASTRILLA, Respondents.	Promulgated: JUN 14 2021

x - x

DECISION

CAGUIOA, *J.*:

Central in the resolution of the instant dispute is the appreciation of the principle of *prejudicial question* in the context of a final and executory decision in a civil case that implicates on the core issue in dispute in several pending criminal cases.

This is a Petition for Review on *Certiorari*[1] (Petition) under Rule 45 of the Rules of Court filed by the People, as represented by the Office of the Solicitor General (petitioner), seeking a reversal of the Decision[2] dated April 27, 2015 and Resolution[3] dated September 23, 2015 of the Court of Appeals, Former Eighteenth Division (CA) in CA-G.R. CEB-CR No. 01796. The assailed Decision denied the appeal brought by petitioner before the CA, which had sought a reversal of the dismissal[4] of the criminal cases against Camilo Camenforte (respondent Camenforte) and Robert Lastrilla

---

[1] *Rollo*, pp. 11-50.

[2] Id. at 60-74. Penned by Associate Justice Jhosep Y. Lopez (now a Member of the Court), with Executive Justice Gabriel T. Ingles and Associate Justice Marilyn B. Lagura-Yap concurring.

[3] Id. at 76-77.

[4] Id. at 81-97. Resolution in Criminal Cases Nos. 2001-07-482 to 484 and 2008-03-109 to 111 dated August 20, 2009 and February 5, 2010, respectively; both penned by Judge Salvador Y. Apurillo.

(respondent Lastrilla) (collectively, respondents) before Branch 8, Regional Trial Court of Tacloban City (RTC-Branch 8).

Factual Antecedents

The facts in brief show that the present controversy involves a sale of several parcels of land owned by Aurora Granda (Aurora) in her lifetime. The spouses Aurora and Rafael Granda (Rafael) (together, Sps. Granda) had 10 children, among them Silvina Granda (Silvina), their youngest. On December 7, 1985, Sps. Granda entered into three sale transactions with Necita Uy, Elsa Uy, Andres Uy, Tinong Uy, Rosa Uy and Mary Uy-Cua (Uy siblings) and respondent Lastrilla, covering several parcels of land:[5]

Deed of Sale	Vendors	Vendees	Properties	Consideration
First Deed of Sale[6] dated December 7, 1985	Spouses Aurora and Rafael Granda	Necita Uy, Elsa Uy, Andres Uy, Tinong Uy, and Rosa Uy	Two parcels of land covered by TCT[7] No. T-249 and TCT No. T-1312.	₱3,800,000.00
Second Deed of Sale[8] dated December 7, 1985	Spouses Aurora and Rafael Granda	Necita Uy, Elsa Uy, Andres Uy, Tinong Uy, Mary Uy-Cua and Rosa Uy	Two parcels of land covered by TCT No. T-816	₱5,000,000.00
Third Deed of Sale[9] dated December 7, 1985	Spouses Aurora and Rafael Granda	Robert and Norma Lastrilla	Three parcels of land covered by TCT No. T-6736	₱200,000.00

Nearly 15 years after the execution of the Deeds of Sale, the first and second Deeds of Sale (involving the properties covered by TCT Nos. T-1312, T-816 and T-249) were annotated on the dorsal portion of their respective TCTs.[10] As a result, TCT Nos. T-1312, T-816 and T-249 were cancelled, and TCT Nos. T-6696, T-54400 and T-54401 were issued in the names of the respective vendees.[11] Rafael and Aurora died in June 1989 and on September 16, 2000, respectively.[12]

Five months after Aurora's death, Rafael A. Granda (private complainant Rafael), the grandson and a legal heir of Sps. Granda, filed a

---

5 Id. at 14.
6 Id. at 200-201.
7 Transfer Certificate of Title.
8 Id. at 198-199.
9 Id. at 202.
10 Id. at 14.
11 Id. The third Deed of Sale covering TCT No. 6736 was not annotated as the said TCT was found to be non-existent.
12 Id. at 13.

complaint for violation of Articles 171 and 172 of the Revised Penal Code against Silvina, respondent Camenforte, Norma Lastrilla, Mary Uy-Cua, Necita Uy, Elsa Uy, Andres Uy, Tinong Uy and Rosa Uy. Private complainant Rafael claimed that a month after his grandmother Aurora's death, he discovered that all of his grandparents' properties in Tacloban were fraudulently sold to different vendees sometime in 1999-2000.[13] Private complainant Rafael alleged that after obtaining copies of the three Deeds of Sale, he observed that the signatures of his grandparents were falsified, and that the same observation was confirmed by the Philippine National Police-Crime Laboratory (PNP-Crime Lab), which concluded that the signatures of his deceased grandfather and namesake Rafael in the Deeds and the signature specimens "were not written by one hand and the same person."[14] The PNP-Crime Lab likewise suggested that the signature of his deceased grandfather on the questioned Deeds of Sale, when compared to the signatures of Silvina, "reveal similarities in stroke structure, indicative of one writer."[15] Private complainant Rafael added that the Deeds of Sale in question were antedated, in that they were actually executed sometime in 1999 or 2000, but were made to reflect an earlier date, when Sps. Granda were still alive.[16]

To further bolster his claim, private complainant Rafael alleged that the subject Deeds could not have been known and consented to by Sps. Granda since, among others: (1) Aurora was still exercising her ownership rights over the property even after December 7, 1975; (2) Aurora even authorized Silvina, as her attorney-in-fact, to execute lease contracts over the subject properties in February 2000; (3) the subject Deeds were not among the available notarized documents submitted to the Office of the Clerk of Court of the Regional Trial Court of the 8th Judicial Region for year 1985, per the latter's certification; and (4) the subject Deeds were registered with the Register of Deeds only in February 28, 2000, or almost 15 years after they were executed.[17]

In their counter-affidavit, the Uy siblings submitted that they validly bought the subject properties for a total consideration of ₱18,800,000.00,[18] and that it was private complainant Rafael who unjustly enriched himself when he received a portion of the purchase price as heirs of Sps. Granda.[19] The Uy siblings insisted that they bought the subject properties in good faith,[20] and the complaint was merely a malicious suit with the aim of making them give in to an even higher consideration for their purchase of the subject properties.[21]

The Office of the City Prosecution of Tacloban subsequently filed criminal informations against respondent Camenforte and Silvina for

---

13 Id. at 14.
14 Report No. 191-00, id at 196; *See also* id. at 15.
15 Id. at 15.
16 Id.
17 Id.
18 Id. at 16.
19 Id. at 17.
20 Id.
21 Id.

conspiring to falsify the subject Deeds, but it dismissed the complaint in so far as respondent Lastrilla and the Uy siblings were concerned.[22] On a petition for partial review, the Office of the City Prosecution of Tacloban with the Department of Justice (DOJ), affirmed the dismissal of the complaint against respondent Lastrilla and the Uy siblings.[23]

Private complainant Rafael then filed a petition for review under Rule 43 with the CA, and the latter modified the DOJ Resolution and found probable cause to file a criminal information against respondent Lastrilla. Respondent Lastrilla sought to have the CA's finding of probable cause against him reversed,[24] but the same was denied by this Court in the case of *Lastrilla v. Granda*.[25]

Thus, the criminal informations were accordingly filed against respondents and Silvina. Silvina and respondent Camenforte were charged before RTC-Branch 8 with Falsification under Article 171 sub-paragraphs 1, 2 and 5 of the Revised Penal Code in three Informations docketed as Criminal Case Nos. 2001-07-482 to 484, corresponding to the three Deeds of Sale. The Information docketed as Criminal Case No. 2001-07-482 reads:

> That sometime in 1999 in Tacloban City, Philippines and within the jurisdiction of this Honorable court, the above-named accused CAMILO CAMENFORTE, a notary public for the Province of Leyte and the Cities of Tacloban and Ormoc, and SILVINA GRANDA, conspiring and conniving with each other, did then and there, willfully, unlawfully and feloniously forged the signatures of AURORA and RAFAEL GRANDA in a Deed of Sale dated December 7, 1985, made it appear that Aurora and Rafael Granda sold the real property described therein to the vendees Necita Uy, Elsa Uy, Andres Uy, Tinong Uy and Rosa Uy, when [in] fact they did not, made it appear that Aurora and Rafael Granda acknowledged the said document before notary public Camilo Camenforte on December 7, 1985, when in truth and in fact said Aurora and Rafael Granda did not do so, and finally, antedated the aforesaid Deed of Sale to December 7, 1985 when it was actually executed sometime in 1999.[26]

The other two Informations accused Silvina and respondent Camenforte of the same offenses for the other two Deeds of Sale.[27]

For his part, respondent Lastrilla was charged in the three Informations for Falsification under Article 172 of the Revised Penal Code for the same set of documents, with said Informations docketed as Criminal Case Nos. 2008-03-109 to 111, with the Information in Criminal Case No. 2008-03-110 reading:

> That sometime in 1999 in Tacloban City, Philippines and within the jurisdiction of this Honorable court, the above-named accused ROBERT

---

22 Id. at 19-20.
23 Id. at 20.
24 Id. at 23.
25 516 Phil. 667 (2006).
26 *Rollo*, p. 61.
27 Id. at 62.

> LASTRILLA, willfully, unlawfully and feloniously caused the counterfeiting or forging of the signatures of AURORA and RAFAEL GRANDA in a Deed of Sale dated December 7, 1985, made it appear that Aurora and Rafael Granda sold the real property described therein to the vendees Necita Uy, Mary Uy Cua, Elsa Uy, Andres Uy, Tinong Uy and Rosa Uy, when in truth and in fact said Aurora and Rafael Granda did not do so, and subsequently acknowledged the said document before notary public Camilo Camenforte on December 7, 1985, when in truth and the [sic] fact no such document was signed or notarized on December 7, 1985, and finally, antedated the aforesaid Deed of Sale to December 7, 1985, when it was actually executed sometime in 1999.[28]

The two other Informations charged respondent Lastrilla with the same crime with respect to the other Deeds of Sale.

While the criminal cases against Silvina and respondents were pending, Benjamin R. Granda (Benjamin) and Blanquita R. Serafica (Blanquita), children of Sps. Granda, filed a Complaint for Nullification of Title and Deeds with Damages[29] dated August 21, 2001 against the Uy siblings, Silvina and respondent Lastrilla before Branch 9, Regional Trial Court of Tacloban City (RTC-Branch 9), docketed as Civil Case No. 2001-09-135.[30] Benjamin and Blanquita alleged that they are the legal and compulsory heirs of Sps. Granda, who in their lifetime owned the subject properties which were sold through the three subject deeds. Similar with private complainant Rafael's submission in the earlier criminal cases, Benjamin and Blanquita alleged that the subject Deeds were falsified and were null and void. They submit that as a consequence of the nullity of the subject Deeds, the subject properties should be reconveyed to Sps. Granda, as represented by them as the heirs.[31]

On June 6, 2005, RTC-Branch 9 rendered its Decision[32] dismissing the complaint in Civil Case No. 2001-09-135. Benjamin and Blanquita interposed an appeal before the CA which dismissed the same. An Entry of Judgment was thereafter issued.[33]

Meanwhile, on January 30, 2008, respondent Camenforte filed a Consolidated Motion to Quash the Informations in Criminal Case Nos. 2001-07-482 to 484. The said Motion was denied by RTC-Branch 8 on July 15, 2008.

Respondent Camenforte was arraigned on August 28, 2008 in Criminal Case Nos. 2001-07-482 to 484, where he pleaded "not guilty." Respondent Lastrilla, for his part, was arraigned on December 15, 2008 in Criminal Case Nos. 2008-03-109 to 111 where he similarly entered a plea of "not guilty." Silvina, on the other hand, failed to appear during her arraignment, so the cash

---

28 Id. at 62.
29 Id. at 189-197.
30 Id. at 28.
31 Id.
32 Id. at 204-209. Penned by Presiding Judge Rogelio C. Sescon.
33 Id. at 29.

bond which she previously posted was forfeited in favor of the government, and a warrant of arrest was issued against her.[34]

Through their respective Motions to Dismiss,[35] both respondents prayed that the criminal cases against them be dismissed on the grounds of *res judicata* and the existence of a prejudicial question.[36] These Motions were granted by RTC-Branch 8 in its Resolution dated August 20, 2009, portions of which held:

> The question now before this Court, as raised in the Motions to Dismiss by accused Robert Lastrilla and Camilo Camenforte, the Consolidated Opposition/Comment of the prosecution and the Comment (Re: Consolidated Opposition/Comment) of accused Robert Lastrilla is propriety of this court proceeding with these cases which were allegedly forged, were found by another court in a civil action, to be genuine.
>
> x x x x
>
> x x x In the said civil action, plaintiffs raised the issue of validity of the three Deeds of Absolute Sale covered by the above-mentioned three transactions. They questioned the signatures of the vendors in these three transactions and they alleged that it was falsified and because they were falsified, the same were null and void and it follows that the Titles which were issued on the basis thereof were null and void. The Decision of the Court which has already become final is the contrary and there is no need to discuss again the ruling of the court.
>
> In these cases, Crim. Case Nos. 2008-03-109 to 111 and Crim. Case Nos. 2001-07-482 to 484, the accused are being charged for having forged the signatures of Rafael and Aurora Granda. **In other words, the issues in both civil action and the criminal cases are intimately intertwined and interrelated to the extent that the Decision in the civil action will naturally determine the innocence or guilt of the accused in the criminal actions.** There is therefore a prejudicial question. x x x
>
> x x x x
>
> In the civil case, the accused are the defendants in Civil Case No. 2001-09-135. The findings of the Court that tried the civil action is to the effect that the signatures of Aurora and Rafael Granda in the three documents covered by the three transactions were not forged. The question is – how can this criminal prosecution proceed when in fact the signatures of the vendors in the aforementioned three transactions were found and declared by a competent court as not forged?
>
> x x x x
>
> x x x Should there be another litigation on the very same subject matter? The answer is a resounding NO. The matter must be laid to rest.[37]

---

34 Id.

35 Respondent Lastrilla filed a Motion to Dismiss dated June 29, 2009, seeking the dismissal of Criminal Case Nos. 2008-03-109 to 111. Respondent Camenforte later followed suit with his own Motion to Dismiss dated July 1, 2009, seeking a dismissal of Criminal Case Nos. 2001-07-482 to 484.

36 *Rollo*, p. 29.

37 Id. at 30-31. Emphasis supplied.

Petitioner filed a Motion for Reconsideration of the said dismissal, but the same was dismissed by RTC-Branch 8 in its Resolution dated September 10, 2009.[38] Petitioner thereafter appealed to the CA which, in its Decision dated April 27, 2015, affirmed RTC-Branch 8 and denied the appeal, thus:

> **WHEREFORE**, the Appeal is **DENIED**. The Resolution dated August 20, 2009 of Branch 8, Regional Trial Court of Tacloban City, in Criminal Case Nos. 2008-03-109 to 111, against Robert Lastrilla and Criminal Case Nos. 2001-07-482 to 484, against Camilo Camenforte is **AFFIRMED**.
>
> **SO ORDERED.**[39]

Petitioner and private complainant's Motions for Reconsideration dated May 29, 2015[40] and June 8, 2015,[41] respectively were likewise denied in the CA's assailed Resolution dated September 23, 2015.[42]

Hence this petition.

Petitioner here submits that (1) the CA erred in denying the appeal on the ground of *res judicata*, and (2) the criminal cases against the respondents should have proceeded despite the dismissal of the related civil case.[43]

With respect to the first error, petitioner argues that the lower courts misapplied the principle of *res judicata* and conclusiveness of judgment, since the requisite identities of issues and parties between the two cases were not met.[44] For non-identity of parties, petitioner submits that there was no identity of parties in the dismissed civil case and the criminal cases since the parties prosecuting both cases are different, and there is no community of interests between said parties.[45] Particularly, it submits that it was not party to the dismissed civil case, and that as the real party-in-interest in the criminal cases, it had a compelling interest in the prosecution of the criminal charges, which interest is absent in the civil case. It concludes that the CA's dismissal of the criminal cases amounted to a violation of its right to due process and fair trial, since it was not petitioner which prosecuted the civil case, let alone presented its evidence therein. It claims that since it was not a party in the civil case, it could not be bound by the factual findings therein.[46] It also argues that *res judicata* is unavailing between a criminal action for falsification and a civil action to nullify title.[47]

---

38 Id. at 33.
39 Id. at 74.
40 Id. at 329-342.
41 Id. at 344-371.
42 Id. at 34.
43 Id. at 35.
44 Id. at 37.
45 Id.
46 Id. at 41.
47 Id. at 38.

Petitioner further contends that the dismissal of the civil case based on insufficiency of evidence does not foreclose the prosecution in the criminal cases, based on additional or other evidence which were not presented in the civil case.[48] It added that based on the earlier decision of this Court in the related case of *Lastrilla v. Granda*, the Court already observed that based on the evidence, falsification of the subject deeds was probably committed,[49] and petitioner, in representation of the People, must be given its day in court to prove so.[50] It adds that respondents were charged with the commission of three acts: (1) counterfeiting or forging Sps. Granda's signatures on the subject Deeds, (2) making it appear that Sps. Granda acknowledged the subject Deeds before respondent Camenforte, as the notary public, and (3) antedating the subject Deeds.[51] Of these three acts, petitioner contends that only the first one was ruled upon in the civil case, so that the prosecution of the remaining two acts may not be enjoined.[52]

Anent the second error, petitioner submits that the dismissal of the criminal cases were contrary to the Rules of Criminal Procedure, since respondents could no longer invoke *res judicata* after they have entered their pleas to the informations which charged them.[53] Petitioner cites Section 9 in relation to Section 3, Rule 117[54] of the Rules of Criminal Procedure, and argues that the enumerated excepted grounds therein did not mention *res judicata* as a ground for a motion to quash an information after pleading thereto.[55] It also cites Section 5, Rule 111[56] of the same Rules in submitting that absolution of a defendant from civil liability in a civil action does not operate as a bar to a criminal action against the defendant for the same act or omission which was the subject of the civil action.[57] Finally, petitioner

---

48 Id. at 41.

49 Id. at 42.

50 Id. at 46.

51 Id. at 46-47.

52 Id. at 47.

53 Id.

54 Section 3. *Grounds.* — The accused may move to quash the complaint or information on any of the following grounds:

(a) That the facts charged do not constitute an offense;
(b) That the court trying the case has no jurisdiction over the offense charged;
(c) That the court trying the case has no jurisdiction over the person of the accused;
(d) That the officer who filed the information had no authority to do so;
(e) That it does not conform substantially to the prescribed form;
(f) That more than one offense is charged except when a single punishment for various offenses is prescribed by law;
(g) That the criminal action or liability has been extinguished;
(h) That it contains averments which, if true, would constitute a legal excuse or justification; and
(i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.

x x x x

Section 9. *Failure to Move to Quash or to Allege Any Ground Therefor.* — The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections based on the grounds provided for in paragraphs (a), (b), (g), and (i) of section 3 of this Rule.

55 *Rollo*, p. 47.

56 Section 5. *Judgment in Civil Action Not a Bar.* — A final judgment rendered in a civil action absolving the defendant from civil liability is not a bar to a criminal action against the defendant for the same act or omission subject of the civil action.

57 *Rollo*, p. 48.

contends that under Article 33[58] of the Civil Code, criminal actions and civil actions proceed independently of each other, and therefore the criminal cases against respondents should similarly proceed despite the dismissal of the related civil case.[59]

In his Comment[60] dated November 23, 2017, respondent Lastrilla counters that the lower courts did not misapply the principle of *res judicata*, and that since a competent court in Civil Case No. 2001-09-135 already upheld the due execution of the subject Deeds, including the genuineness of the signatures of the vendors therein, it necessarily followed that a criminal case for forgery or falsification of the subject Deeds is already barred.[61] He adds that otherwise, the issue of the genuineness of the signatures and due execution of the subject Deeds would have to be resurrected in the instant criminal cases, which in turn, would violate the doctrine of immutability of judgment.[62]

He also challenges the petitioner's claim that there is no identity of parties between Civil Case No. 2001-09-135 and the instant criminal cases, submitting instead that an application of *res judicata* only requires substantial, and not absolute identity of parties, with only a community of interest being necessary.[63] Respondent Lastrilla also claims that there is an identity of issues in Civil Case No. 2001-09-135 and the instant criminal cases, since the test is merely to ask whether the same evidence would sustain both actions, or otherwise an identity in the facts essential to the maintenance of the two actions. He asserts that if the same facts or evidence would sustain both, the two actions are considered the same, and a judgment in the first case would serve as a bar to the other.[64]

He also claims that private complainant Rafael should also be found guilty of forum shopping, since he was a party in the Civil Case No. 2001-09-135, and he is once more a party to the criminal cases against respondents over the same issues, which showed that he sought the same relief through various cases.[65]

For his part, respondent Camenforte, in his Comment[66] dated April 3, 2016, echoes respondent Lastrilla's submission that the principle of *res judicata* is available in criminal actions, and that the same was correctly applied by the lower courts in this case.[67] He also similarly argues that there was an identity of parties in Civil Case No. 2001-09-135 and in the instant

---

58 Article 33. In cases of defamation, fraud, and physical injuries, a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence.

59 *Rollo*, pp. at 48-49.

60 Id. at 481-509.

61 Id. at 487.

62 Id.

63 Id. at 499.

64 Id. at 500.

65 Id. at 489.

66 Id. at 400-412.

67 Id. at 406.

criminal cases, since all the cases were instituted to protect the common interests of the heirs of Sps. Granda.[68] He also adds that the determining issue in all cases is one and the same — the genuineness of the subject deeds.

Finally, petitioner, in its Consolidated Reply[69] dated May 31, 2018, maintains that: (1) bar by *res judicata* is inapplicable to the criminal cases for falsification against respondents, since the requisition of the identity of parties and of issues was not met;[70] and (2) the claim of immutability of judgment is meritless, given that petitioner was not a party in the civil case, and therefore may not be bound by the findings therein.[71]

Issues

The threshold issue before the Court is whether Criminal Case Nos. 2008-03-109 to 111 and 2001-07-482 to 484 are already barred by *res judicata.*

The Court's Ruling

The Court finds the Petition lacking in merit, and finds that although Criminal Case Nos. 2008-03-109 to 111 and 2001-07-482 to 484 are not barred by *res judicata*, the innocence of respondents has nevertheless already been conclusively found in the prejudicial factual finding made by a court of competent jurisdiction of the genuineness of the signatures in question in Civil Case No. 2001-09-135. The continued prosecution of the pending criminal cases is therefore barred by operation of the doctrine of a prejudicial question.

The deciding legal rules around which the present controversy turns are the principle of *res judicata*, and the doctrine of the prejudicial question. The Court here resolves that although *res judicata* does not lie, a prejudicial question does exist and the pending criminal cases must therefore be dismissed on this account.

Res judicata does not lie to bar the prosecution of Criminal Case Nos. 2008-03-109 to 111 and 2001-07-482 to 484

Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment."[72] It rises from the underlying idea that parties should not to be permitted to litigate the same issue more than once, and that a right or fact that has already been judicially

---

68 Id. at 409.
69 Id. at 527-533.
70 Id. at 527-530.
71 Id. at 530.
72 *Gutierrez v. Court of Appeals*, G.R. No. 82475, January 28, 1991, 193 SCRA 437, 439-440, citing BLACK'S LAW DICTIONARY (Rev. 4th ed., 1968), p. 1470.

determined by a competent court should be conclusive as to the parties.[73] More than being a technicality, the Court has long pronounced this as a fundamental precept designed to promote just, fair and speedy justice.[74] This doctrine is set forth in Section 47 of Rule 39 of the Rules of Court, which in its relevant part reads:

> Section. 47. *Effect of Judgments or Final Orders.* — The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:
>
> x x x x
>
> (b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and
>
> (c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

In *Degayo v. Magbanua-Dinglasan*,[75] the Court elucidated on the concept and appreciation of conclusiveness of judgment:

> Conclusiveness of judgment finds application when a fact or question has been squarely put in issue, judicially passed upon, and adjudged in a former suit by a court of competent jurisdiction. The fact or question settled by final judgment or order binds the parties to that action (and persons in privity with them or their successors-in-interest), and continues to bind them while the judgment or order remains standing and unreversed by proper authority on a timely motion or petition; the conclusively settled fact or question furthermore cannot again be litigated in any future or other action between the same parties or their privies and successors-in-interest, in the same or in any other court of concurrent jurisdiction, either for the same or for a different cause of action. Thus, only the identities of parties and issues are required for the operation of the principle of conclusiveness of judgment.
>
> While conclusiveness of judgment does not have the same barring effect as that of a bar by former judgment that proscribes subsequent actions, the former nonetheless estops the parties from raising in a later case the issues or points that were raised and controverted, and were determinative

---

73 *Degayo v. Magbanua-Dinglasan*, 757 Phil. 376, 382 (2015), citing *Philippine National Bank v. Barreto, et al.*, 52 Phil. 818 (1929); *Escudero, et al. v. Flores, et al.*, 97 Phil. 240 (1955); *Navarro v. Director of Lands*, 115 Phil. 824 (1962).

74 *Villanueva v. Court of Appeals*, G.R. No. 110921, January 28, 1998, 285 SCRA 180, 193-194.

75 Supra note 72.

> of the ruling in the earlier case. In other words, the dictum laid down in the earlier final judgment or order becomes conclusive and continues to be binding between the same parties, their privies and successors-in-interest, as long as the facts on which that judgment was predicated continue to be the facts of the case or incident before the court in a later case; the binding effect and enforceability of that earlier dictum can no longer be re-litigated in a later case since the issue has already been resolved and finally laid to rest in the earlier case.[76]

Before *res judicata* can apply, the following requisites must be present: (a) the former judgment must be final; (b) it must be rendered by a court having jurisdiction over the subject matter and the parties; (c) it must be a judgment on the merits; and (d) there must be, between the first and second actions, identity of parties, of subject matter and of cause of action.[77]

The Court notes with import that petitioner erroneously argued that respondents' Motion to Quash should not have been given due course for having been filed after respondents entered their plea, for, on the contrary, the records show that respondent Camenforte filed a Consolidated Motion to Quash the Informations on January 30, 2008, and their arraignments were not held until several months after, or on August 28, 2008 and December 15, 2008.

Nevertheless, after a thoughtful consideration of both parties' submissions on this count, the Court finds that the doctrine of *res judicata* may not apply to bar the instant criminal cases against respondents. The doctrine of *res judicata* remains inapplicable in the instant cases since there is no identity of parties and cause of action.

The juxtaposition of the above four requisites to the cases at bar shows that the only contentious requisite is the last, *i.e.*, identity of parties, subject matter and cause of action. The Court finds that as correctly argued by petitioner, the last requisite was not complied with, there being no identity of parties in the civil case and the instant criminal cases.

Respondents are correct in arguing that in appreciating the presence of these requisites, the Court cautioned against any measure to circumvent the application of the bar by *res judicata*, and held that varying the form or action or bringing forward in a second case additional parties or arguments may not avoid the effects of the principle of *res judicata*, for as long as the facts remain the same at least where such new parties or matter could have been impleaded or pleaded in the prior action.[78] However, this proscription does not apply in the instant facts since the qualifier of the ability of impleading all the parties in the prior action could not be met. As rightly countered by petitioner, the People is not normally a party to civil suits, and protects an entirely different prosecutorial interest than that which is involved in civil actions.

---

[76] Id. at 385-386.

[77] *Magdangal v. City of Olongapo*, G.R. No. 83828, November 16, 1989, 179 SCRA 506, 509.

[78] *Ilasco v. Court of Appeals*, G.R. No. 88983, December 14, 1993, 228 SCRA 413, 418. See *Villa Esperanza Development Corp. v. Court of Appeals*, G.R. No. 97179, February 3, 1993, 218 SCRA 401.

The Court therefore notes that, in this respect, if the parties in the two separate actions are not completely identical, *res judicata* may not lie.

However, as aptly raised by respondents, the prejudicial fact pertaining to the genuineness of the signatures of Sps. Granda in the Deeds of Sale has already been found with finality by the court in Civil Case No. 2001-09-135, and such a finding constitutes a bar at any renewed attempt at proving their forgery in the pending criminal cases.

The analogous application of the doctrine of prejudicial question conclusively finds against the guilt of respondents in Criminal Case Nos. 2008-03-109 to 111 and 2001-07-482 to 484

The doctrine of prejudicial question finds its roots in the Spanish civil law tradition, where its application mainly required at least two issues in two different cases, where one issue is cognizable by another tribunal, and the resolution of such issue is prejudicial to the principal action.[79] The doctrine was first adapted into Philippine jurisprudence in the 1920 case of *Berbari v. Concepcion*[80] (*Berbari*), which involved a case of estafa, where the Court, although it refrained from applying it to the facts of said case, nevertheless first defined a prejudicial question in our jurisdiction, thus:

> *Prejudicial* question is understood in law to be that which must precede the criminal action, that which requires a decision before a final judgment is rendered in the principal action with which said question is closely connected. Not all previous questions are *prejudicial*, although all *prejudicial* questions are necessarily previous.[81]

After *Berbari* carried over to our jurisdiction the doctrine of prejudicial question through the Spanish Law of Procedure of 1882,[82] it has since been appreciated in or applied to a myriad of cases, involving not only the combination of a civil case and a criminal case, but also those which involved both civil cases, both criminal cases, a civil case and an administrative case,

---

79 Vera M. De Guzman, *The Prejudice of the Prejudicial Question: Examining and Re-Examining the Doctrine of the Prejudicial Question*, 52 Ateneo L.J. 600, 626 (2007).

80 40 Phil. 837 (1920).

81 Id. at 839.

82 Supra note 78, at 604. In *Berbari* (supra note 79, at 841), the Court expounded thus:

> The compilation of the laws of criminal procedure of Spain as amended in 1880 did not have any provision concerning questions requiring judicial decision before the institution of criminal prosecution. Wherefore, in order to decide said questions in case they are raised before the courts of these Islands, it would be necessary to look for the Law of Criminal Procedure of 1882, which has repealed the former procedural laws and is the only law in force in Spain in 1884 when the Penal Code was made applicable to these Islands. Said law of 1882 is clothed, therefore, of the character of supplementary law containing respectable doctrine inasmuch as there is no law in this country on said *prejudicial* questions.

as well as a criminal case and an administrative case.[83] To be sure, the Rules of Court[84] have long defined a prejudicial question as one which may arise when a civil case and a criminal case are pending, but its pragmatic application in jurisprudence has evolved the doctrine into a more flexible and varying manner, even when the requisite criminal and civil cases are not obtained.[85] The jurisprudential appreciation of the doctrine of prejudicial question has so far departed from the technical requirements of the Rules, and has instead steadily veered towards a less technical application, but one which is evidently "more responsive"[86] to its substantive purpose.

In the 1949 case of *Aleria v. Mendoza*,[87] the Court held that the civil action holds primacy in the event of a prejudicial question, to wit:

> Furthermore, the rule of preference in favor of a criminal case does not apply when the civil action is a prejudicial question. x x x For instance, in a criminal case for bigamy, the civil action for annulment of the second marriage is a prejudicial question. In the instant case, the obligation to pay wages is a prejudicial question for there can be no extended delay in the payment of such obligation unless the obligation be first proved.[88]

However, six years later, in the case of *Ocampo v. Tancinco*,[89] which involved a criminal action for violation of the Copyright Law on the one hand, and a petition for cancellation of copyrights on the other, the Court pronounced that the criminal procedure must take primacy over a civil action, and that the latter must be suspended to first give way to the criminal prosecution in case of the existence of a prejudicial question, to wit:

> The action for cancellation of copyrights brought by the petitioners on the ground of fraud, deceit and misrepresentation allegedly resorted to by, or imputed to, the respondent José Cochingyan to secure the issuance of the copyrights is independent from the criminal prosecution for infringement of copyrights charged against the petitioners and does not constitute and is not a prejudicial action which must be decided first before the trial of the defendants in the criminal cases may be held, as the determination of the question raised in the civil action is not necessarily prejudicial. Until cancelled[,] the copyrights are presumed to have been duly granted and issued. **As a general rule, a criminal case should first be decided; and if the trial or hearing of any case is to be suspended on the ground that there is a prejudicial question which must first be decided, it is the hearing of the civil and not the criminal which should be suspended [—] the latter must take precedence over the former.**[90]

---

83 Id. at 608-609.

84 Id. The Rules of Court have provided that: "A petition for the suspension of the criminal action based upon the pendency of a prejudicial question in a civil case may only be presented by any party during the trial of the criminal action." (Rule 111, Sec. 5)

85 Id. at 627.

86 Id. at 629.

87 83 Phil. 427 (1949).

88 Id. at 429.

89 96 Phil. 459 (1955).

90 Id. at 460-461. Emphasis supplied.

It is worth noting, however, that with the current Rules, as amended, the procedure provides that the criminal case is the action that must be suspended to give way to the civil case in the event of a prejudicial question.[91]

Later, in the case of *People v. Aragon*,[92] which involved a petition for annulment as a defense to a charge of bigamy, the Court made salient the requirement of an issue in one case that is deemed a logical antecedent of the issues in the other case, to wit:

> A decision in such civil action is not essential before the criminal charge can be determined. It is, therefore, not a prejudicial question. **Prejudicial question has been defined to be that which arises in a case the resolution of which (question) is a logical antecedent of the issue involved in said case, and the cognizance of which pertains to another tribunal. The prejudicial question must be determinative of the case before the court; this is its first element.** Jurisdiction to try said question must be lodged in another tribunal; this is the second element. In an action for bigamy, for example, if the accused claims that the first marriage is null and void, and the right to decide such validity is vested in another tribunal, the civil action for nullity must first be decided before the action for bigamy can proceed; hence, the validity of the first marriage is a prejudicial question.[93]

This resolution was echoed in the 1960 case of *Merced v. Diez*,[94] which similarly involved an action for annulment and a bigamy charge.

Similarly, in the case of *Quiambao v. Osorio*,[95] which involved a civil case and an administrative case, the Court found that although a prejudicial question could technically not be applied, it was a matter of prudence that the Court apply the concept of a prejudicial question analogously, and hold the second action in abeyance to await the resolution of the first, to wit:

> Faced with these distinct possibilities, **the more prudent course for the trial court to have taken is to hold the ejectment proceedings in abeyance until after a determination of the administrative case. Indeed, logic and pragmatism, if not jurisprudence, dictate such move. To allow the parties to undergo trial notwithstanding the possibility of petitioner's right of possession being upheld in the pending administrative case is to needlessly require not only the parties but the court as well to expend time, effort and money in what may turn out to be a sheer exercise in futility.** Thus, *1 Am Jur 2d* tells us:
>
> > The court in which an action is pending may, in the exercise of a sound discretion, upon proper application for a stay of that action, hold the action in abeyance to abide the outcome of another pending in another court, especially where the parties and the issues are the same, for there is power inherent in every court to control the disposition of

---

91 RULES OF COURT, Rule 111, Sec. 6.
92 94 Phil. 357 (1954).
93 *See* Syllabus, id. at 358. Emphasis supplied.
94 109 Phil. 155 (1960).
95 G.R. No. 48157, March 16, 1988, 158 SCRA 674.

> causes on its dockets with economy of time and effort for itself, for counsel, and for litigants. Where the rights of parties to the second action cannot be properly determined until the questions raised in the first action are settled the second action should be stayed.
>
> While this rule is properly applicable to instances involving two (2) court actions, **the existence in the instant case of the same considerations of identity of parties and issues, economy of time and effort for the court, the counsels and the parties as well as the need to resolve the parties' right of possession before the ejectment case may be properly determined, justifies the rule's analogous application to the case at bar.**[96]

Still, in the case of *Tamin v. Court of Appeals*,[97] which involved two civil cases, namely an ejectment suit on the one hand, and a cadastral proceeding, on the other, the Court had the occasion to delineate between the technical and the substantive existence of a prejudicial question. There, the Court held that although, technically, a prejudicial question cannot arise between two civil cases, since the substantive issue in the cadastral proceedings is shown to be prejudicial to the issue of the propriety of the ejectment as sought, the Court ruled that a prejudicial question nonetheless existed, *viz.*:

> Considering therefore, the nature and purpose of the cadastral proceedings, the outcome of said proceedings becomes a prejudicial question which must be addressed in the resolution of the instant case. x x x
>
> x x x x
>
> **Technically, a prejudicial question shall not rise in the instant case since the two actions involved are both civil in nature. However, we have to consider the fact that the cadastral proceedings will ultimately settle the real owner/s of the disputed parcel of land.** In case respondent Vicente Medina is adjudged the real owner of the parcel of land, then the writ of possession and writ of demolition would necessarily be null and void. Not only that. The demolition of the constructions in the parcel of land would prove truly unjust to the private respondents.
>
> Parenthetically, the issuance of the writ of possession and writ of demolition by the petitioner Judge in the ejectment proceedings was premature. What the petitioner should have done was to stop the proceedings in the instant case and wait for the final outcome of the cadastral proceedings.[98]

Then, under the 2000 Revised Rules of Criminal Procedure, the doctrine of prejudicial question is conceptualized under Sections 6 and 7, Rule 111 thereof, to wit:

---

96 Id. at 678-679. Emphasis supplied.
97 G.R. No. 97477, May 8, 1992, 208 SCRA 863.
98 Id. at 874-875. Emphasis supplied.

> Section 6. *Suspension by Reason of Prejudicial Question.* — A petition for suspension of the criminal action based upon the pendency of a prejudicial question in a civil action may be filed in the office of the prosecutor or the court conducting the preliminary investigation. When the criminal action has been filed in court for trial, the petition to suspend shall be filed in court for trial, and shall be filed in the same criminal action at any time before the prosecution rests.
>
> Section 7. *Elements of Prejudicial Question.* — The elements of a prejudicial question are: (a) the previously instituted civil action involves an issue similar or intimately related to the issue raised in the subsequent criminal action, and (b) the resolution of such issue determines whether or not the criminal action may proceed.

In the 2002 case of *Torres v. Garchitorena*,[99] which is the first to appreciate the prejudicial question doctrine after the 2000 Revised Rules of Criminal Procedure, the Court held that a prejudicial question does not exist not only because the criminal action was instituted before the civil action, but also because the issues and factual findings in the civil case are not determinative of the guilt or innocence of the accused in the criminal case:

> Under the amendment, a prejudicial question is understood in law as that which must precede the criminal action and which requires a decision before a final judgment can be rendered in the criminal action with which said question is closely connected. The civil action must be instituted prior to the institution of the criminal action. In this case, the Information was filed with the Sandiganbayan ahead of the complaint in Civil Case No. 7160 filed by the State with the RTC in Civil Case No. 7160. Thus, no prejudicial question exists.
>
> **Besides, a final judgment of the RTC in Civil Case No. 7160 declaring the property as foreshore land and hence, inalienable, is not determinative of the guilt or innocence of the petitioners in the criminal case.** It bears stressing that unless and until declared null and void by a court of competent jurisdiction in an appropriate action therefor, the titles of SRI over the subject property are valid. SRI is entitled to the possession of the properties covered by said titles. It cannot be illegally deprived of its possession of the property by petitioners in the guise of a reclamation until final judgment is rendered declaring the property covered by said titles as foreshore land.[100]

Finally, in the case of *Security Bank Corp. v. Victorio*,[101] the Court held that while technically there can be no prejudicial question between two civil cases, the court may nevertheless stay one of the proceedings when the rights of the parties to the second action cannot be determined without a full determination of the issues raised in the first action. The Court here refused to apply the doctrine of a prejudicial question as it is foreclosed by the Rules, but nonetheless arrived at the same net effect that the appreciation of a prejudicial question would have resulted in, thus:

---

99 G.R. No. 153666, December 27, 2002, 394 SCRA 494.
100 Id. at 509. Emphasis supplied.
101 G.R. No. 155099, August 31, 2005, 468 SCRA 609.

> The petitioner harps on the need for the suspension of the proceedings in the SECOND CASE based on a prejudicial question still to be resolved in the FIRST CASE. But the doctrine of prejudicial question comes into play generally only in a situation under Section 5, Rule 111 of the Revised Rules of Criminal Procedure where civil and criminal actions are pending and the issues involved in both cases are similar or so closely related that an issue must be preemptively resolved in the civil cases before the criminal action can proceed. There is no prejudicial question to speak of when the two cases are civil in nature. However, a trial court may stay the proceedings before it in the exercise of its sound discretion:
>
> > The court in which an action is pending may, in the exercise of a sound discretion, upon proper application for a stay of that action, hold the action in abeyance to abide the outcome of another pending in another court, **especially where the parties and the issues are the same, for there is power inherent in every court to control the disposition of causes (*sic*) on its dockets with economy of time and effort for itself, for counsel, and for litigants. Where the rights of parties to the second action cannot be properly determined until the questions raised in the first action are settled the second action should be stayed.**
>
> The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the cases on its dockets, considering its time and effort, that of counsel and the litigants. **But if proceedings must be stayed, it must be done in order to avoid multiplicity of suits and prevent vexatious litigations, conflicting judgments, confusion between litigants and courts.** It bears stressing that whether or not the RTC would suspend the proceedings in the SECOND CASE is submitted to its sound discretion.[102]

Given the foregoing, and as applied to the instant controversy, the Court finds that although the facts of this case involve a criminal action which preceded the institution of the civil action, a prejudicial question nevertheless exists because a survey of the jurisprudential appreciation and application of the doctrine of a prejudicial question demonstrably shows that the strict sequence of institution of the two actions as provided for by Section 7, Rule 111 of the 2000 Revised Rules of Criminal Procedure is more directory than mandatory, and must give way to the chief litmus test of whether the two actions involve prejudicial issues and facts that are similar or otherwise intimately related so that a resolution in one concludes the resolution in the other.

The directory application of the sequence of institution of actions, *i.e.*, the civil case must precede the criminal action, is supported by the fact that the 2000 Revised Rules of Criminal Procedure are prefaced by the instruction that it must be liberally construed, and that this procedural requirement must be seen in light of the more general principle that substantive rights must prevail over procedural rules. As astutely observed by literature on the

---

[102] Id. at 627-628. Emphasis supplied.

framework of the application of the doctrine of prejudicial question in the Philippines:

> The very fact that the Court each and every time considered whether or not the criminal case is dependent on the civil case or whether or not the civil case is determinative of the guilt of the accused, before declaring whether or not a prejudicial question exists, indicates that while the Rules may have been phrased in such strict manner, **the substance of the issues involved are more important than the mere sequence provided for in the Rules.**
>
> According to the Rules, the elements of a prejudicial question are that (a) the *previously instituted civil action* involves an issue similar or intimately related to the issue raised in a *subsequent criminal action*, and (b) the resolution of such issue determines whether or not the criminal action may proceed. It must be noted that the words "previous" and "subsequent" may be more apparent than the other words, such as "issues" "similarly[,]" "resolution[,]" and "determines," provided for in the rule. **A reading of the decisions, however, militate against the conclusion that the Court gives less importance to the *determinative* factor of the issue in the civil case, than on whether or not the strict sequence is followed.**
>
> **Hence, the rule is *directory* insofar as the *strict sequence* of the cases is involved, but is *mandatory* as to the requirement that the issue in the civil case must be so *similar or intimately related to the issue in the criminal case, so as to determine whether or not the criminal action may proceed.*** Consequently, there are instances when the strict sequence may be dispensed with for as long as the mandatory requirement as to the determinative, similar or intimately related issue is present.[103]

With the existence of a prejudicial question appreciated in these cases,[104] the next inevitable query is whether the court's finding of genuineness of Sps. Granda's signatures on the Deeds of Sale in Civil Case No. 2001-09-135 is determinative of the alleged guilt of respondents in the instant criminal actions.

The Court must answer this in the affirmative.

To recall, the court in Civil Case No. 2001-09-135 could not be more categorical in its finding of genuineness of the signatures of Sps. Granda as they appeared on the Deeds of Sale. The RTC-Branch 9 of Tacloban City found, *viz.*:

> The only evidence presented by plaintiffs on their claim of forgery of the three (3) questioned Deeds of Absolute Sale is the testimony of plaintiff Benjamin Granda that the signatures are not those of his parents because he knows their signatures (pp. 19, 22 & 23, November 14, 2002

---

103 Supra note 78, at 639. Italics in the original, emphasis supplied.

104 The Court notes that the doctrine of prejudicial question is being applied not in the sense that the resolution of the civil case should take precedence over the criminal case, with the proceedings in latter being suspended in the meantime, since in the instant controversy, the civil case had already been decided with finality, but as to the effect of the final and conclusive finding in the civil case on the pending criminal case.

> TSN). To bolster his claim, he identified a Deed of Sale purportedly executed by his parents in favor of Juanita Uykim-Yu (Exhibit "E"). In effect, he was saying that there was a variance in the signatures, though he did not point out any distinguishing mark, characteristic or discrepancies in and between the alleged genuine and false documents. This Court is not impressed with the said evidence presented by the plaintiffs in support of their claim that the three (3) Deeds of Absolute Sale were falsified, hence null and void.
>
> x x x x
>
> **Failure, therefore, on the part of the plaintiffs to show that the variation of the signature in Exhibit "E" (if ever there was) with that of the three (3) Deeds of Absolute Sale was due to the operation of a different personality negates their claim of forgery and cannot overcome the regularity of the herein questioned documents.**
>
> The other cited circumstances, like the fact that Silvina Granda was in a monastery on December 7, 1985, even if proven, does not establish that the herein questioned documents were forged. The same observation applie[s] to the circumstance that defendant Robert Lastrilla is a subscribing witness to the said deeds.
>
> The questioned Deeds of Absolute Sale having been acknowledged before the Notary Public enjoy the presumption of validity [of the] execution. **Whoever alleges forgery has the burden of proving the same. Plaintiffs' bare allegation that said documents were forged has no leg to stand on and must necessarily fail.** Moreover, it has been an unrebutted fact that Aurora was the person who unilaterally caused the preparation of the documents evidencing the sale of the "Villa Aurora Property" and the "Royal Property" and the transfer of titles thereof in the names of defendants Uys and that defendants Uys did not, in any way, have a hand in the preparation of the same documents.
>
> x x x x
>
> WHEREFORE, premises considered, the plaintiffs' complaint for Nullification of Title and Deeds with Damages against the defendant is hereby ordered dismissed for lack of merit.
>
> SO ORDERED.[105]

With the above categorical finding that the claim of forgery is baseless, the charge of falsification and related offenses levelled against respondents in the pending criminal cases must be similarly resolved.

As correctly expounded on by the CA, on the matter of identity of issues:

> The genuineness of the deeds of sale, which is the subject of the civil case, is apparently determinative of the outcome of the forgery case with respect to the same deeds of sale. Notably, when the subject deeds of sale

[105] *Rollo*, pp. 207-209. Emphasis supplied.

> were found to be genuine, then it necessarily follows that there was no forgery committed on these documents. The pronouncement of validity of the deeds of sale in the civil case is conclusive upon the criminal case [—] preventing the court *a quo* from re-litigating the same issue and then ending up with a contrary ruling. Since the finding of validity of these subject deeds of sale had already reached finality with this Court's Resolution dated October 26, 2007 in CA-G.R. CV No. 00990, it would have been a senseless and futile endeavor for [the] court *a quo* to continue with the forgery proceedings. As this Decision has already become final, and no part thereof may be disturbed by any court, even if to correct a purported error therein.[106]

The Court acknowledges petitioner's submission that respondents here were charged with the commission of three acts: (1) counterfeiting or forging Sps. Granda's signatures on the subject Deeds, (2) making it appear that Sps. Granda acknowledged the subject Deeds before respondent Camenforte, as the notary public, and (3) antedating the subject Deeds to make them appear as if they had been executed at an earlier time, when Sps. Granda were still alive. Petitioner further submits that if the finding in Civil Case No. 2001-09-135 of genuineness of the signatures of Sps. Granda in the subject deeds were binding on the parties in the instant criminal cases, said ruling would only be binding insofar as the first charge is concerned, *i.e.*, counterfeiting or forging of Sps. Granda's signatures.

To the contrary, however, the Court finds that the bifurcation of the offenses fails to refute the central substantive factual finding that the signatures on the questioned Deeds of Sale were, and had been finally judicially determined to be, genuine. Stated differently, the Court here discerns that the finding of genuineness of Sps. Granda's signatures necessarily bleeds into the other factual issues or offenses as charged, *i.e.*, whether the respondents made it appear that Sps. Granda acknowledged the Deeds of Sale before respondent Camenforte, and whether those Deeds of Sale were antedated to make them appear to have been executed when Sps. Granda were still alive.

To be sure, the other two remaining charges are anchored on the chief factual question of whether the signatures of Sps. Granda on the Deeds of Sale were forged, since such a forgery would necessitate the misrepresentation with respect to the proper notarization of the subject deeds, as well as the antedating of the same. Stated differently, if the signatures are not forged, then they were affixed at the time of the execution or notarization of the Deeds of Sale thereby negating the charge that the signatures were "antedated."

In other words, the two other acts complained of do not, as they cannot, survive the finding of genuineness of signatures made by a court of competent jurisdiction in Civil Case No. 2001-09-135 after having gone through the crucible of trial. Therefore, petitioner here must be enjoined from prosecuting respondents for these acts in the instant criminal cases, since the pivotal issue

---

[106] Id. at 72-73.

of forgery has already been settled with finality by the court in Civil Case No. 2001-09-135.

It is further crucial to remember that RTC-Branch 9, the RTC in Civil Case No. 2001-09-135, already found that with the claim of forgery unfounded, the Deeds of Sale are considered to have been validly executed, *viz.*:

> x x x This Court is not impressed with the said evidence presented by the plaintiffs in support of their claim that the three (3) Deeds of Absolute Sale were falsified, hence null and void.
>
> In the case of Veloso vs. CA, 260 SCRA 593, the Supreme Court had the occasion to rule that:
>
> > Mere variance of the signatures cannot be considered as conclusive proof that the same were forged; forgery cannot be presumed. Forgery should be proved by clear and convincing evidence and whoever alleges it has the burden of proving the same. Just like the petitioner, witness Atty. Tubig merely pointed out that his signature was different from that in the Power of Attorney and Deed of Sale. There had never been an accurate examination of the signature, even that of the petitioner.
> >
> > To determine forgery, it was held in Cesar vs. Sandiganbayan (G.R. Nos. 54719-50m, 17 Hab 185) quoting Osbora x x x that:
> >
> > > The process of identification, therefore, must include the determination of the extent, kind and significance of this resemblance as well as the variation. It then becomes necessary to determine whether the variation is due to the operation of a different personality or is only the expected and inevitable variation found in the genuine writing of the same writer. It is also necessary to decide whether the resemblance is the result of more skillful imitation, or is the habitual and characteristic resemblance which naturally appears in a genuine writing. When these two questions are correctly answered, the whole problem of identification is solved.
>
> Failure, therefore, on the part of the plaintiffs to show that the variation of the signature in Exhibit "E" (if ever there was) with that of the three (3) Deeds of Absolute Sale was due to the operation of a different personality negates their claim of forgery and **cannot overcome the regularity of the herein questioned documents.**[107]

---

[107] Id. at 207-208. Emphasis supplied.

To be sure, the CA has also laid to rest the question on the genuineness of the Deeds of Sale when it similarly found for its validity, to wit:

> **The genuineness of the deeds of sale, which is the subject of the civil case, is apparently determinative of the outcome of the forgery case with respect to the same deeds of sale. Notably, when the subject deeds of sale were found to be genuine, then it necessarily follows that there was no forgery committed on these documents.** The pronouncement of validity of the deeds of sale in the civil case is conclusive upon the criminal case [—] preventing the court *a quo* from re-litigating the same issue and then ending up with a contrary ruling. **Since the finding of validity of these subject deeds of sale had already reached finality with this Court's Resolution dated October 26, 2007 in CA-G.R. CV No. 00990, it would have been a senseless and futile endeavor for [the] court *a quo* to continue with the forgery proceedings. As this Decision has already become final, and no part thereof may be disturbed by any court, even if to correct a purported error therein.**[108]

These prejudicial pronouncements of RTC-Branch 9, which received the evidence presented before it, and the CA, after its own factual review of the evidence, necessarily foreclose the prosecution of the very same issues in the pending criminal cases. These findings on the legal integrity of the questioned Deeds of Sale already conclude against allegations of fraud with regard to their execution, and the Court finds no merit in disturbing said findings.

Further on this score, the Court reminds with significance that in order to establish an allegation of forgery in a civil case, a party forwarding the same must establish so through clear and convincing proof. The Court quotes its instructive rationale in the case of *Heirs of Gregorio v. Court of Appeals*,[109] thus:

> Basic is the rule of evidence that when the subject of inquiry is the contents of a document, no evidence is admissible other than the original document itself except in the instances mentioned in Section 3, Rule 130 of the Revised Rules of Court. Mere photocopies of documents are inadmissible pursuant to the best evidence rule. This is especially true when the issue is that of forgery.
>
> **As a rule, forgery cannot be presumed and must be proved by clear, positive and convincing evidence and the burden of proof lies on the party alleging forgery.** The best evidence of a forged signature in an instrument is the instrument itself reflecting the alleged forged signature. The fact of forgery can only be established by a comparison between the alleged forged signature and the authentic and genuine signature of the person whose signature is theorized upon to have been forged. Without the original document containing the alleged forged signature, one cannot make a definitive comparison which would establish forgery. A comparison based on a mere xerox copy or reproduction of the document under controversy cannot produce reliable results.[110]

---

108 Id. at 72-73. Emphasis supplied.
109 G.R. No. 117609, December 29, 1998, 300 SCRA 565.
110 Id. at 574. Emphasis supplied.

If such quantum of evidence is not mustered in the civil case, as what happened in RTC-Branch 9 and the CA, how can one surmise that the exact same allegation may nonetheless be established through the higher quantum of proof beyond reasonable doubt? Still more and perforce, a clear doubt in this respect is an insurmountable hurdle that will foreclose a successful prosecution of a criminal case for forgery. To allow, therefore, a prosecution of such a charge which, in a civil case and by a lower quantum of proof has conclusively failed, is wasteful, circuitous and far too costly to be condoned.

In the same vein, clear and convincing evidence is similarly required to overcome the due execution and genuineness that a public document is imbued with. Without such proof, a gaping doubt results in the criminal prosecution for falsification. Such doubt becomes irremediable when said presumption of due execution is elevated to the level of a final and conclusive finding of a competent court in a civil case.

The case of *Aznar Brothers Realty Co. v. Court of Appeals*,[111] illustrates how the Court dovetailed the importance of proving a claim of falsification in a public document through clear and convincing proof, otherwise the latter's presumption of genuineness is maintained, to wit:

> **It is worthy to note that the Extrajudicial Partition with Deed of Absolute Sale is a notarized document. As such, it has in its favor the presumption of regularity, and it carries the evidentiary weight conferred upon it with respect to its due execution. It is admissible in evidence without further proof of authenticity and is entitled to full faith and credit upon its face. He who denies its due execution has the burden of proving that contrary to the recital in the Acknowledgment he never appeared before the notary public and acknowledged the deed to be his voluntary act.** It must also be stressed that whoever alleges forgery has the burden of proving the same. **Forgery cannot be presumed but should be proved by clear and convincing evidence. Private respondents failed to discharge this burden of proof; hence, the presumption in favor of the questioned deed stands.**[112]

In addition, the requirement of clear and convincing proof in ousting the presumption of genuineness and due execution of a public document is further echoed in *Bernardo v. Court of Appeals*,[113] *viz.*:

> It is a fact that the transaction between private respondent and the spouses Bernardo was reduced into writing by way of a document denominated "Deed of Sale with Assumption of Mortgage." This document, admitted as signed by private respondent and his wife, was duly notarized by Notary Public Pedro B. Binuya and had two instrumental witnesses. **Being a notarized document, it had in its favor the presumption of regularity, and to overcome the same, there must be evidence that is clear, convincing and more than merely preponderant; otherwise the document should be upheld.**

---

[111] G.R. No. 128102, March 7, 2000, 327 SCRA 359.
[112] Id. at 374. Emphasis supplied.
[113] G.R. No. 107791, May 12, 2000, 332 SCRA 1.

> The question that must be addressed, therefore, is: Was the evidence presented by private respondent against the Deed of Sale with Assumption of Mortgage clear, convincing and more than merely preponderant? We do not think so.
>
> Far from being clear and convincing, all that private respondent offered by way of evidence was his and his wife's mere denial that they had intended to sell the subject land. Such bare and unsubstantiated denial will not suffice to overcome the positive presumption of the due execution of the subject Deed, being a notarized document. Indeed, when the evidence is conflicting, the public document must still be upheld.[114]

In sum, the *prejudicial factual finding* of genuineness of Sps. Granda's signatures on the questioned Deeds of Sale in Civil Case No. 2001-09-135 must operate to bar the prosecution of respondents for the falsification of the same signatures on the same questioned Deeds of Sale. This is the heart of the doctrine of a prejudicial question, without the appreciation of which the application of said doctrine may never come to be.

Finally, petitioner's submission that it must be allowed to present new evidence in order to establish the allegation of forgery which was already conclusively found as without basis in Civil Case No. 2001-09-135, is to completely render nugatory the very premise of a prejudicial question, for one, and the value of finality of judgments, for another.

Chiefly, the doctrine of a prejudicial question serves the following purposes: (i) to avoid multiplicity of suits; (ii) avoid unnecessary litigation; (iii) avoid conflicting decisions; (iv) safeguard the rights of the accused; and (v) unclog the courts' dockets.[115] Therefore, if petitioner is allowed to effectively relitigate a point of prejudicial fact already tried and found by another court in a civil case, and which has, in this case, already attained finality, then the above purposes of the doctrine of a prejudicial question will be wholly defeated.

To be sure, the Court is not unmindful of the fact that there may have been failures on the discharge of proof of the plaintiffs in Civil Case No. 2001-09-135. However, the Court cannot turn away from the pivotal fact that the said civil case already held as unfounded the very same allegation of forgery that the pending criminal cases seek to prove. What's more, said factual finding in the Civil Case No. 2001-09-135 had already obtained finality, when the decision of the RTC therein became final with the CA's Resolution dated October 26, 2007 in CA-G.R. CV No. 00990.

Unfortunately for petitioner's cause, therefore, the Court finds no outweighing benefit in overturning the finality of RTC-Branch 9's decision in Civil Case No. 2001-09-135, the core finding of which predisposes the Court now to dismiss the pending criminal cases.

---

[114] Id. at 7. Emphasis supplied.
[115] Supra note 78, at 643.

WHEREFORE, the Petition is hereby **DENIED**. Accordingly, the Decision dated April 27, 2015 and Resolution dated September 23, 2015 of the Court of Appeals Former Eighteenth Division in CA-G.R. CEB-CR No. 01796 are hereby **AFFIRMED with MODIFICATION**, in that the Resolution of the Regional Trial Court of Tacloban City in Criminal Case Nos. 2008-03-109 to 111 against respondent Robert Lastrilla, and Criminal Case Nos. 2001-07-482 to 484 against respondent Camilo Camenforte are **AFFIRMED** by virtue of the existence of a prejudicial question.

SO ORDERED.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

ROSMARI D. CARANDANG
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

SAMUEL H. GAERLAN
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.

ALEXANDER G. GESMUNDO
Chief Justice