



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 28, 2020 which reads as follows:*

**“G.R. No. 246525 (Maybank Philippines, Inc. v. Hon. Mona Lisa V. Tiongson-Tabora in her capacity as Presiding Judge of the RTC-Br. 7, Baguio City, and Virginia Jean Hamada del Rosario)**

The Court resolves to **DENY** the petition for petitioner’s lack of authority to represent the State and, in any event, failure to show that the Court of Appeals committed reversible error in rendering its assailed dispositions.

A private complainant, by its own, cannot appeal a trial court’s dismissal of a criminal case as its interest is limited only to the civil liability arising therefrom. Hence, if a criminal case is dismissed by the trial court or if there is an acquittal, a reconsideration of the order of dismissal or acquittal may be undertaken, whenever legally feasible, only by the public prosecutor, or in the case of an appeal, by the State only through the Office of the Solicitor General (OSG).<sup>1</sup>

Section 1(a) of PD 478<sup>2</sup> ordains:

**Section 1. Functions and Organizations. (1) The Office of the Solicitor General shall represent the Government of the Philippines,** its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government

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<sup>1</sup> *Mobilia Products, Inc. v. Umezawa*, 493 Phil. 85, 108 (2005).

<sup>2</sup> DEFINING THE POWERS AND FUNCTIONS OF THE OFFICE OF THE SOLICITOR GENERAL.

and, as such discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:

a. **Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings;** represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party. (emphases added)

Here, petitioner sought the Deputy City Prosecutor's conformity when it filed its motion for reconsideration of the trial court's Order dated September 29, 2017. Too, records show that the People of the Philippines, as represented by the OSG, was party petitioner before the Court of Appeals. Yet Maybank alone appears as petitioner in the present appeal. Absent proof that the OSG signified its conformity to its filing, this petition must be dismissed.

Similarly, in *Cu v. Small Business Guarantee and Finance Corporation*,<sup>3</sup> the Court pronounced that private complainants lacked authority to represent the State in the appeal of criminal cases; such authority is **solely** vested in the OSG. The functions of the OSG included that of representing the Republic and/or the People before any court in any action which affects the welfare of the People as the ends of justice may require. Accordingly, should there be a dismissal of a criminal case by the trial court or the Court of Appeals, it is only the OSG that may bring an appeal of the criminal aspect representing the People.

The entry of appearance of Atty. Rachanne C. Cadwising of Camtugan and Partners, as counsel for respondent, is **NOTED**, and her prayer that all notices, orders, resolutions and other court processes be furnished to their office, at 306 Jose Miguel Building I, Labsan Street corner Yandoc Street, Baguio City, is **GRANTED**; and the respondent's motion to admit belatedly filed comment, with comment on the petition for review on certiorari, is **NOTED**.

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<sup>3</sup> 815 Phil. 617, 629 (2017).

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *malis*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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(CA-G.R. SP No. 155741)

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The Hon. Presiding Judge  
Regional Trial Court, Branch 7  
2600 Baguio City  
(Crim. Case No. 40710-R)

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