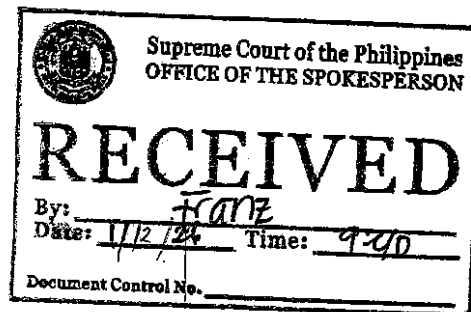




Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

AUREL ANN CHUA-CHIBA,
Petitioner,

G.R. No. 277020

- versus -

JIN CHIBA and MICHAEL
LLONA,
Respondents.

Present:
LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.
LOPEZ, J.,* and
KHO, JR., JJ.

Promulgated:

MAY 19 2025

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DECISION

KHO, JR., J.:

Assailed in this Petition for Review on *Certiorari* under Rule 45 of the Rules of Court are the Decision¹ dated October 21, 2024 and the Order² dated November 13, 2024 of Branch 112, Regional Trial Court (RTC) of Pasay City in Criminal Case No. R-PSY-24-01245-SC, which reversed and set aside the Orders dated March 12, 2024³ and April 25, 2024⁴ of Branch 167, Metropolitan Trial Court (MeTC) of Pasay City (MeTC Pasay City-Branch

* On official business.

¹ *Rollo*, pp. 89–99. Penned by Acting Presiding Judge Ronald August L. Tan.

² *Id.* at 100–103.

³ *Id.* at 220–226. Penned by Presiding Judge Sheila Marie V. Sison-Javier.

⁴ *Id.* at 251–256.

167), and ordered *inter alia* the reinstatement of Criminal Case No. M-PSY-23-00670-CR (for adultery) for a resolution on the merits.

The Facts

On December 21, 2022, respondent Jin Chiba (Jin), through his authorized representative, Marvin O. Ayende (Marvin), filed a complaint affidavit charging petitioner Aurel Ann Chua-Chiba (Aurel) and respondent Michael Llona (Michael) of the crimes of adultery and grave threats before the Office of the City Prosecutor, Pasay City (OCP-Pasay City). Following a preliminary investigation, the OCP-Pasay City found probable cause to indict Aurel and Michael of adultery and grave threats in a Resolution dated February 21, 2023. As a result, on March 6, 2023, two separate Informations for grave threats and adultery were filed before the MeTC Pasay City-Branch 167.⁵ Afterwards, the MeTC Pasay City-Branch 167 found probable cause to hold Aurel and Michael for trial and issued the corresponding warrant of arrest with recommended PHP 36,000.00 bail against them. Subsequently, Aurel and Michael posted cash bonds for their provisional liberty.⁶

On February 12, 2024, Aurel filed a Motion to dismiss *ex abundanti ad cautelam* before the MeTC Pasay City-Branch 167, seeking the dismissal of the adultery case on the ground of lack of jurisdiction as the case cannot be prosecuted by a complete stranger even if armed by a special power of attorney, and the grave threats case in view of the alleged deprivation of the due process.⁷ The prosecution then opposed the motion, averring that the grounds averred by Aurel were fabricated and that the motion to dismiss was a mere ploy to delay the proceedings.⁸

The MeTC Pasay City-Branch 167 Ruling

In an Order dated March 12, 2024, the MeTC Pasay City-Branch 167 partially granted the motion, and accordingly ordered the dismissal of Criminal Case No. M-PSY-23-00670-CR for adultery against Aurel and Michael. In so ruling, the MeTC Pasay City-Branch 167 held that the complaint-affidavit filed by Marvin, who was merely authorized by Jin to file the complaint on his behalf, cannot be considered sufficient compliance with the legal requirements for filing an adultery case, particularly, that it should be filed by the offended spouse.⁹

Aggrieved, Jin through his counsel, moved for reconsideration, which was denied by the MeTC Pasay City-Branch 167 in a Resolution dated April

⁵ *Id.* at 342.

⁶ *Id.* at 39. *See also id.* at 27.

⁷ *Id.* at 221–222.

⁸ *Id.* at 222–223.

⁹ *Id.* at 220–225.

25, 2024. Thus, Jin filed a Petition for *Certiorari* under Rule 65 of the Rules of Court (Rule 65 Petition) with application for temporary restraining order, which was docketed before the Regional Trial Court of Pasay City, Branch 112 (RTC).

Meanwhile, Criminal Case No. M-PSY-23-00669-CR for grave threats case was eventually transferred to the MeTC of Pasay City, Branch 165 (MeTC Pasay City-Branch 165).¹⁰

The RTC Ruling

In a Decision¹¹ dated October 21, 2024, the RTC ruled in Jin's favor, and accordingly, directed the MeTC Pasay City-Branch 167 to reinstate Criminal Case No. M-PSY-23-00670-CR for adultery filed by Jin against Aurel and Michael.

In so ruling, it found that the MeTC Pasay City-Branch 167 gravely abused its discretion in dismissing the case due to Jin's failure to comply with the filing requirements for an adultery case. It held that the complaint-affidavit filed by Jin, *which was attached to the complaint-affidavit by Marvin*, sufficiently complied with the legal requirements for the filing of an adultery case. It observed that the complaint-affidavit executed by Jin: (a) narrated the facts and circumstances constituting the crime and explicitly and categorically charged Aurel and Michael of adultery; (b) contained all the elements of a valid complaint under Article 344 of the RPC and Rule 110, Section 5 of the Rules of Court; and (c) was attached to the Information as an integral part thereof, and duly filed to the court. Further, it found that Marvin's complaint-affidavit merely echoed Jin's averments in his complaint-affidavit, and clearly stated that he was only Jin's authorized representative.¹²

Dissatisfied, Aurel moved for reconsideration, which was denied in an Order¹³ dated November 13, 2024. Aurel then directly filed a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court with prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction before this Court.¹⁴

The Issue Before the Court

The issue before this Court is whether the RTC erred in finding that Jin's complaint affidavit, which was attached to the complaint-affidavit filed by Marvin and the Information filed by the OCP-Pasay City before the MeTC

¹⁰ *Id.* at 91.

¹¹ *Id.* at 89–99.

¹² *Id.* at 94–99.

¹³ *Id.* at 100–103.

¹⁴ *Id.* at 15–88.

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Pasay City-Branch 167, can be considered as sufficient compliance with the requirements for filing an adultery case under Rule 110, Section 5 of the Rules of Court and Article 344 of the RPC.

The Court's Ruling

The appeal is meritorious.

Aurel properly filed the Rule 45 Petition before this Court

At the outset, the Court notes that Aurel availed of the proper mode of appeal in directly filing the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court before this Court.

Under the Rules of Court, there are three modes of appeal from RTC decisions, particularly: (a) through an ordinary appeal before the CA under Rule 41 where the decision assailed was rendered in the exercise of the RTC's original jurisdiction. In ordinary appeals, questions of fact or mixed questions of fact and law may be raised; (b) through a petition for review before the CA under Rule 42 where the decision assailed was rendered by the RTC in the exercise of its appellate jurisdiction. In petitions for review, questions of fact, law, or mixed questions of fact and law may be raised; and (c) through an appeal by *certiorari* before this Court under Rule 45 where only questions of law shall be raised.¹⁵

Consequently, a question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, its resolution must not involve an examination of the probative value of the evidence presented by the litigants, but must rely solely on what the law provides on the given set of facts. If the facts are disputed or if the issues require an examination of the evidence, the question posed is one of fact. ***The test, therefore, is not the appellation given to the question by the party raising it, but whether the appellate court can resolve the issue without examining or evaluating the evidence, in which case, it is a question of law; otherwise, it is a question of fact.***¹⁶

In this case, the issue raised by Aurel, i.e., whether the RTC erred in interpreting that Jin's complaint-affidavit attached to the complaint-affidavit executed by Marvin can be considered as a sufficient compliance with the

¹⁵ *Sugar Regulatory Administration v. Central Azucarera De Bais, Inc.*, 937 Phil. 541, 546 (2023) [Per J. M. Lopez, Second Division].

¹⁶ *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 767 (2013) [Per J. Brion, Second Division].

requirements for filing an adultery case, involved pure question of law. Thus, Aurel properly filed the instant case before this Court.

The Complaint-Affidavit filed by Marvin does not comply with the jurisdictional requirements for the filing of an adultery case

Rule 110, Section 5 of the Revised Rules of Criminal Procedure provides:

Section. 5. *Who must prosecute criminal actions.* —

The crimes of adultery and concubinage shall not be prosecuted *except upon a complaint filed by the offended spouse*. The offended party cannot institute criminal prosecution without including the guilty parties, if both alive, nor, in any case, if the offended party has consented to the offense or pardoned the offenders

Consequently, Article 344 of the RPC states:

Article. 344. Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape and acts of lasciviousness. — *The crimes of adultery and concubinage shall not be prosecuted except upon a complaint filed by the offended spouse.*

The offended party cannot institute criminal prosecution without including both the guilty parties, if they are both alive, nor, in any case, if he shall have consented or pardoned the offenders.

Adultery, being a private offense, cannot be prosecuted except upon a complaint filed by the offended spouse who cannot institute the criminal prosecution without including both the guilty parties, if they are both alive, nor in any case, if he shall have consented or pardoned the offenders.¹⁷

Consequently, it has been held that “[w]hen it is said that the requirement in Article 344 (that there shall be a complaint of the offended party) is jurisdictional, what is meant is that it is the complaint that starts the prosecutory proceeding. It is not the complaint which confers jurisdiction on the court to try the case. The court’s jurisdiction is vested in it by the Judiciary Law.”¹⁸

Further, the Court has invariably maintained strict adherence to the jurisdictional requirement that a complaint for adultery must be filed by the offended spouse. This legal requirement was imposed “out of consideration for the aggrieved party who might prefer to suffer the outrage in silence rather

¹⁷ *Donio-Teves v. Vamenta, Jr.*, 218 Phil. 578 (1984) [Per J. Cuevas, Second Division].

¹⁸ *People v. Dela Cruz*, 433 Phil. 739, 752 (2002) [Per J. Davide, Jr., First Division].

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than go through the scandal of a public trial.” The law leaves it to the option of the aggrieved spouse to seek judicial redress for the affront committed by the erring spouse.¹⁹

In this case, the complaint for adultery against Aurel and Michael was not initiated by Jin, the offended spouse. Records revealed that the prosecution for the crime of adultery commenced with a complaint-affidavit filed by Marvin, Jin’s authorized representative. Although Jin submitted his own complaint-affidavit accusing Aurel and Michael of adultery, it was only included as an anaex to the complaint-affidavit filed by Marvin. Clearly, the jurisdictional requirement for filing an adultery case under Rule 110, Section 5 of the Revised Rules of Criminal Procedure and Article 344 of the RPC was not met. Therefore, since no valid complaint for adultery was filed against Aurel and Michael, the MeTC Pasay City-Branch 167 was correct in granting the Motion to dismiss and subsequently ordering the dismissal of Criminal Case No. R-PSY-23-00670-CR.

FOR THESE REASONS, the instant Petition is **GRANTED**. The Decision dated October 21, 2024 and the Order dated November 13, 2024 of Branch 112, Regional Trial Court of Pasay City are **REVERSED and SET ASIDE**. The Orders dated March 12, 2024 and April 25, 2024 of Branch 167, Metropolitan Trial Court of Pasay City are **AFFIRMED**. Accordingly, Criminal Case No. M-PSY-23-00670-CR for the crime of adultery against petitioner Aurel Ann Chua-Chiba and respondent Michael Llona is **DISMISSED**.

SO ORDERED.

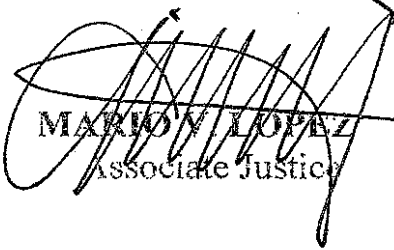

ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:

see separate opinion

MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice

¹⁹ *Id.*

On official business
JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest 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.



MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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

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