

Republic of the Philippines  
SUPREME COURT  
Manila

EN BANC

G.R. No. L-5967            January 31, 1955

PABLO OCAMPO and RUFINO DE LA CRUZ, petitioners,

vs.

HON. TIBURCIO TANCINCO, Judge of the Court of First Instance of Manila, and JOSE COCHINGYAN, respondents.

*Escareal, Monzon and Escareal for petitioners.  
Assistant City Fiscal Arsenio Alcantara for respondents.*

PADILLA, J.:

On 13 May 1952 the petitioners Pablo Ocampo and Rufino de la Cruz were separately charged with violation of the Copyright Law in the Court of First Instance of Manila upon complaint of the respondent Jose Cochingyan, owner and manager of the Catholic Church Mart (Cases Nos. 18888 and 18914).

On 17 June 1952 in the same court the petitioners brought an action against the respondent Cochingyan and the Director of Public Libraries for the cancellation of copyrights issued and granted to the Catholic Church Mart on the ground that the same were obtained through fraud, deceit and misrepresentation. (Case No. 16823.)

On 21 July at the hearing of the criminal cases before the respondent court, counsel for the petitioners moved for an indefinite postponement of the trial in the criminal cases on the ground that the action for cancellation of the copyrights brought by them is a prejudicial action which must be decided first before the respondent court may proceed with the trial of the defendants in the criminal cases. The motion was denied and the cases set for hearing on 15, 19 and 20 August 1952. A motion for reconsideration having been denied the defendants filed this petition to prohibit the respondent court from proceeding with the trial in the criminal cases until after the civil case shall have been decided. Meanwhile, a writ of preliminary injunction to enjoin the respondent court from proceeding with the trial of the defendants in the criminal cases was issued.

On 27 November 1953 the petition of Pablo Ocampo to withdraw from the case as petitioner was granted with costs against him; so Rufino de la Cruz is the only remaining petitioner.

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 Jose Cochingyan to secure the issuance of the copyrights is independent from the criminal prosecution for infringement of copyrights charged against the petitioner 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.

The petition is dismissed and the writ of preliminary injunction heretofore issued discharged, with costs against the petitioner Rufino de la Cruz.

*Paras, C.J., Pablo, Bengzon, Reyes, A., Jugo, Bautista Angelo, Labrador, and Reyes, J.B.L., JJ., concur.*