

The Prejudice of the Prejudicial Question: Examining and Re-Examining the Doctrine of the Prejudicial Question

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The doctrine of the prejudicial question has the effect of suspending an ongoing case to await the resolution of another case which is necessary to resolve the former. That this doctrine is not limited to strictly criminal and civil case tandems is what is explored in this Article.

After reviewing the general idea and history of the doctrine of the prejudicial question, the Author examines the relationship of the doctrine through the years with the Rules of Court. A case survey is undertaken from the years 1920-2006 involving combinations of civil-criminal cases, civil-civil cases, criminal-criminal cases, civil-administrative cases, criminal-administrative cases, criminal-administrative cases, labor cases, and election cases.

The Author then analyzes the applicability of the doctrine to other types of cases, but with strict sequence in the rules and a framework and purpose. Finally, the Author recommends an administrative circular to clarify the applicability of the doctrine.