Supreme Court E-Library

Costs against private respondent, Conrado Payumo.

SO ORDERED.

Yap (Chairman), Narvasa, Paras, and *Feliciano, JJ.,* concur.

EN BANC

[G.R. Nos. L-47994-97. September 24, 1986]

LIDELIA MAXIMO, *petitioner, vs.* **HONORABLE JUDGE NICOLAS GEROCHI, JR., Judge of the Circuit Criminal Court, 12th Judicial District, Bacolod City and CONCHITA PANGHILASON,** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; CRIMINAL PROCEDURE; ACQUITTAL OF ACCUSED IN THE CRIMINAL ACTION DOES NOT CARRY WITH IT EXTINCTION OF CIVIL LIABILITY ARISING FROM ACTS COMPLAINED OF.** — If an accused is acquitted, it does not necessarily follow that no civil liability arising from the acts complained of may be awarded in the same judgment. The prevailing rule as enunciated by this Court *en banc* in the case of *Padilla v. Court of Appeals*,(129 SCRA 558) is that the Court may acquit an accused on reasonable doubt and still order payment of civil damages already proved in the same case without need for a separate civil action. This ruling was reiterated in the case of *People v. Jalandoni* (131 SCRA 454) where the accused formally admitted the amount of civil damages.

2. **ID.; ID.; ID.; RATIONALE.** — The rationale behind the rule is stated in the *Padilla* case as follows: There appear to be no sound reasons to require a separate civil action to still be filed considering that the facts to be proved in the civil case have already been established in the criminal proceedings where the accused was acquitted. Due process has been accorded the accused. He was, in fact, exonerated

Supreme Court E-Library

of the criminal charge. The constitutional presumption of innocence called for more vigilant efforts on the part of prosecuting attorneys and defense counsel, a keener awareness by all witnesses of the serious implications of perjury, and a more studied consideration by the judge of the entire records and of applicable statutes and precedents. To require a separate civil action simply because the accused was acquitted would mean needless clogging of court dockets and unnecessary duplication of litigation with all its attendant loss of time, effort, and money on the part of all concerned.

DECISION

GUTIERREZ, JR., *J.*:

This is a petition for *certiorari* and *mandamus* filed by the petitioner Lidelia Maximo to compel the public respondent Judge Nicolas Gerochi, Jr. to include in his judgment of acquittal in Criminal Case Nos. CCC-XII-1067, 1073, 1074 and 1129, the civil liability which the private respondent Conchita Panghilason admitted in court.

On June 28, 1976, the City Fiscal of Bacolod filed with the Circuit Criminal Court, 12th Judicial District, Bacolod City, four (4) informations for estafa against respondent Conchita Panghilason. The informations alleged that Panghilason willfully issued four (4) checks amounting to P35,586.00 drawn against the Philippine Commercial and Industrial Bank in favor of the petitioner; that the checks were dishonored for lack of funds or that her account with said bank had been closed; and that she refused to make the necessary deposit within three (3) days from receipt of notice to redeem the said checks.

The petitioner intervened in the case through her private prosecutor on July 10, 1976.

On December 5, 1977, the respondent judge rendered the following judgment:

"Verily, for all said, the Court strongly believes that in the case at bar, the prosecution, to say the least, failed to establish the guilt of accused beyond a reasonable doubt. That, herein, it appears that if accused had

Supreme Court E-Library

any obligation, it is simply civil in nature that could be properly ventilated within the context of civil law.

WHEREFORE, in view of all the foregoing, and considering that the prosecution failed to establish the guilt of accused Conchita Panghilason beyond a reasonable doubt, the Court finds accused Conchita Panghilason NOT GUILTY of all the above-entitled four (4) criminal information and ACQUITS her therefrom, with costs *de oficio*."

The petitioner filed a motion for reconsideration praying "that the portion of the decision regarding the civil liability of the accused be reconsidered and thereafter the accused who had admitted her civil liability be ordered to pay the sum of P33,586.00 plus 12% interest from the filing of the information."

This motion was denied by the court in an order dated February 20, 1978. The order stated that the award of civil liability "would not have been a problem if the accused was convicted, for then, this recovery of civil liability is deemed included in the offense proved, but the question is not indubitable because the accused was acquitted in all the four (4) informations she was charged of."

The petitioner, therefore, came to this Court with the present petition.

The lower court is wrong.

If an accused is acquitted, it does not necessarily follow that no civil liability arising from the acts complained of may be awarded in the same judgment.

The prevailing rule as enunciated by this Court *en banc* in the case of *Padilla v. Court of Appeals* (129 SCRA 558) is that the Court may acquit an accused on reasonable doubt and still order payment of civil damages already proved in the same case without need for a separate civil action. This ruling was reiterated in the case of *People v. Jalandoni* (131 SCRA 454) where the accused formally admitted the amount of civil damages.

The rationale behind the rule is stated in the *Padilla* case as follows:

There appears to be no sound reasons to require a separate civil action to still be filed considering that the facts to be proved in the civil case

Supreme Court E-Library

have already been established in the criminal proceedings where the accused was acquitted. Due process has been accorded the accused. He was, in fact, exonerated of the criminal charge. The constitutional presumption of innocence called for more vigilant efforts on the part of prosecuting attorneys and defense counsel, a keener awareness by all witnesses of the serious implications of perjury, and a more studied consideration by the judge of the entire records and of applicable statutes and precedents. To require a separate civil action simply because the accused was acquitted would mean needless clogging of court dockets and unnecessary duplication of litigation with all its attendant loss of time, effort, and money on the part of all concerned.

The aforementioned case further declared that:

A separate civil action may be warranted where additional facts have to be established or more evidence must be adduced or where the criminal case has been fully terminated and a separate complaint would be just as efficacious or even more expedient than a timely remand to the trial court where the criminal action was decided for further hearings on the civil aspects of the case. The offended party may, of course, choose to file a separate action. These do not exist in this case. Considering moreover the delays suffered by the case in the trial, appellate, and review stages, it would be unjust to the complainants in this case to require at this time a separate civil action to be filed.

The evidence taken in this case is summarized by the lower court as follows:

Prosecution evidence tends to show that on January 31, 1976, accused purchased rice from Mrs. Maximo and paid her the amount of P11,775.00 in a form of a check which she accepted after the accused assured her that the check was covered by sufficient funds which check when presented encashment to the bank was dishonored for reason of "account closed." Exhibit "A", PCIB Check No. 161478; Exhibit "A-1", signature of accused; Exhibit "B", the return slip; Exhibit "B-1", remark "account closed"; all for Crim. Case No. CCC-XII-1129;

That on February 1, 1976, accused again purchased rice from her in the amount of P7,000.00, and in payment for which accused issued a check dated the same day, February 1, 1976, which she accepted after the accused assured her that it was supported by sufficient funds hence accused again was able to secure the rice in the amount of P7,000.00; that she (accused) issued PCIB Check No. 165511, Exhibit "A" in CCC-XII-1073;

Supreme Court E-Library

that when the check was deposited by a certain Enrique Oh to whom she indorsed the check, the same was also dishonored for reason of "account closed." Exhibit "A" the check; Exhibit "A-1", the signature of the accused; Exhibit "B", the return slip; and Exhibit "B-1", remark "account closed"; all for Crim. Case No. CCC-XII-1073;

That on February 6, 1976, accused again bought rice from her in the amount of P11,500.00, and in payment of which was made in check dated the same day February 6, 1976, PCIB Check No. 161479, which she accepted after the accused assured her that the same was likewise supported by sufficient funds, hence, again on February 6, 1976, accused was able to secure rice from her in the amount of P11,500.00; that the said check when deposit (sic) by Mr. Oh to whom she indorsed it, it was similarly dishonored for reason of "account closed", Exhibit "A," the check: Exhibit "A-1", the signature of the accused; Exhibit "B", the return slip; and Exhibit "B-1", reason for return, "account closed"; all for Crim. Case No. CCC-XII-1074;

Again on February 7, 1976, accused purchased rice from her in the amount of P5,300.00 and with the same assurance given her as the previous checks, she accepted a check which when deposited by Mr. Oh to whom she indorsed the same, the same was dishonored for reason of "account closed." Exhibit "A" PCIB Check No. 161490; Exhibit "A-1", signature of accused; Exhibit "B", return slip; and Exhibit "B-1", reason of return, "closed account." All for Crim. Case No. CCC-XII-1067;

That all these sale transactions of rice occurred at the Capitol Shopping Center, Bacolod City, and that all these checks were signed in the presence of complainant Mrs. Maximo; that accused, despite repeated demands failed to settle the matter with her hence she was compelled to bring the matter to the Court, and, in the process, retain the services of counsel to which she covenanted to pay as attorney's fee for P3,000.00; that the actual total damage incurred by Mrs. Maximo as a result of the dishonor of the checks in question summed up to P35,500.00; that out of these four transactions, accused merely made partial payment of P500.00 on December 17, 1975, as shown by Exhibit "1".

Defense evidence, on the other hand, tends to show that accused came to know complaining witness sometime in 1973; that it was her late husband who used to have transactions with the latter who allowed her husband to purchase rice on credit; that she took over the business of buying and selling rice when her husband got sick; that likewise Mrs. Maximo allowed her to purchase rice on a 15-day credit basis; that she was allowed to issue postdated checks dated 15 days after the actual

Supreme Court E-Library

purchase; that consequently, she purchased rice from Mrs. Maximo weekly; that after she got the rice, she would issue a check for the previous purchases she made, as evidenced by the checks she had issued to Mrs. Maximo, Exhibit "2" up to Exhibit "21", although all these checks did not represent all the transactions she had with her amounted approximately to P480,000.00; that all the checks in question involved in the above-entitled criminal cases were all issued on January 15 and 21, 1975, and not on the dates they appeared therein; that the check dated January 31, 1976, covered in Crim. Case No. CCC-XII-1129 involved a transaction that transpired on January 15, 1975, and the check was issued on January 21, 1975, and actually postdated January 31, 1975; that the check dated February 1, 1976, in the amount of P7,000.00 was in payment of a rice transaction that took place on January 15, 1975, and actually postdated February 1, 1975; that the check dated February 6, 1976, was also in payment of a rice transaction that occurred on January 21, 1975, and postdated February 6, 1975; that the check dated February 7, 1976, in the amount of P5,000.00 involved a transaction that actually transpired on January 21, 1975, and a check was issued in payment for it on January 31, 1975, and also postdated February 7, 1975; that at the time she was not able to make the necessary deposits because her husband was then hospitalized and she pleaded to Mrs. Maximo not to encash the checks, and the latter consented thereto as Mrs. Maximo know that her husband was really sick, and in fact, he later died on December 3, 1976; that consequently Mrs. Maximo brought the matter to the PC at the PC Headquarters at Bacolod City, and they agreed before the PC that she would pay in installment, and on December 17, 1975, she deposited the amount of P500.00 with her, Exhibit "1", that later, Mrs. Maximo tried to collect thru the Silay Police, and again later thru the PC, and she offered to pay up to P1,000.00 but Mrs. Maximo refused unless she would pay P5,000.00 which she went to the PC again in the accompany (sic) of her eight-year old girl but Mrs. Maximo was not there, and then Sgt. Villanueva asked her to initial all the questioned checks to be dated 1976; that first she refused but later on she consented after the assurance of Sgt. Villanueva that no case will be filed against her.

The private respondent never denied her debts or obligations to the petitioner. Her defense was directed only towards proving the fact that the checks were issued in payment of a pre-existing obligation, not that the obligation is non-existent or paid in full. We further note that the private respondent failed to submit her answer to this petition despite several notices from this Court. She has waived her defenses to the petition. In his answer, the trial

Supreme Court E-Library

judge justified his refusal to award civil liability with a statement that the civil liability did not arise from any criminal act but only from a civil contract connected to the crime. He stated in his denial of the motion for reconsideration that the action for civil liability must be filed in a "civil court.

The foregoing argument is erroneous in view of the *Padilla v. Court of Appeals* and *People v. Jalandoni* rulings earlier cited which are applicable to the facts of this case.

WHEREFORE, the petition is hereby granted. The order of the lower court denying the motion for reconsideration is set aside. The private respondent Conchita Panghilason is ordered to pay the petitioner the sum of P33,586.00 with 12% interest from July 10, 1976 until fully paid.

SO ORDERED.

Teehankee, C.J., Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Cruz, Paras, and *Feliciano, JJ.,* concur.

FIRST DIVISION

[G.R. Nos. 50374-76. September 24, 1986]

ESTATE OF RODOLFO JALANDONI, represented by his Judicial Administrator, BERNARDO JALANDONI, *petitioner, vs.* **THE HONORABLE COURT OF APPEALS, FRANCISCO D. PALANCA and LOURDES MONTAÑER,** *respondents.*

SYLLABUS

REMEDIAL LAW; EVIDENCE; FINDINGS OF FACT BY THE COURT OF APPEALS, GENERALLY UPHELD; CASE AT BAR. — There can be no doubt that the issue of Rodolfo Jalandoni's mental condition is an issue of fact and not of law, determinable