

[G. R. No. L-10567. November 26, 1957]

ANA DIONISIO AND CAROLINA ALMODOVAR, PETITIONERS, VS. HON. CARMELINO G. ALVENDIA, JUDGE PRESIDING OVER THE COURT OF FIRST INSTANCE OF MANILA (BRANCH XVI), LA MALLORCA, LAMBERTO RAYMUNDO, GERONIMO ASUNCION AND FRANCISCO LIZASO, RESPONDENTS.

D E C I S I O N

PADILLA, J.:

On 29 March 1954 the petitioners brought in the Court of First Instance of Manila an action to recover damages from the respondents La Mallorca, a registered partnership, Lamberto Raymundo, Francisco Lizaso and Geronimo Asuncion, arising from a violent collision between a taxi cab, owned and operated by the respondent La Mallorca and driven by the respondent Raymundo, and a passenger jeep, owned and operated by the respondent Lizaso and driven by the respondent Asuncion, where the petitioners rode, at the intersection of General Luna and Bellen streets, City of Manila, on 24 December 1953, as a result of which the petitioners were thrown out of the jeep and suffered injuries and "have been suffering from malignant fever, recurrent pains and extreme nervousness," (Case No. 22439, Annex A.) A motion filed by the respondents Lizaso and Asuncion to suspend the proceedings in the civil action for damages until after the criminal case for serious physical injuries through reckless imprudence (case No. 50007), filed against the respondents Raymundo and Asuncion in the Municipal Court of Manila, shall have been disposed of was denied by the respondent Court. After the respondents, defendants in the court below, had filed their answers, the petitioners rested their case and the respondents begun to present their evidence, motions for the suspension of the proceedings were filed on the same ground as that relied upon in the first motion already denied. Despite the petitioners' objection to the motions, the respondent Court entered an order granting the suspension prayed for until after the criminal case shall have been decided (Annex I). A motion for reconsideration (Annex J) was denied (Annex K). Because the petitioners claim that the suspension ordered by the respondent Court is against the law and there is no plain, speedy and adequate

remedy in the ordinary course of law, they come, to this Court to pray for the annulment and setting aside of the order of suspension complained of and for a writ to compel the respondent Court to resume the hearing of the civil action and to render judgment therein.

The respondent Court and the respondents Lizaso and Asuncion answered the petition; but the respondents La Mallorca and Raymundo failed to answer it despite two extension of time granted by this Court on motion.

The answering respondents contend that the action for damages in civil case No. 22439 should be suspended pending- determination of criminal case No. 50007 on the following grounds:

1. That this civil action is so directly and closely interwoven with the criminal action that the outcome of the latter would vitally and greatly affect the former.
2. To avoid the happening of an anomalous situation where a party declared by one court completely innocent and free from any civil liability may be held by another court liable under the same set of facts.
3. That the procedure for the prosecution of offenses is more adequate than civil procedure, and for this reason the criminal action is generally given preference.
4. To avoid multiplicity and complexity of suits.
5. That this Honorable Court could suspend the proceedings in this civil action through the exercise of its inherent power to grant or refuse continuance.

The rule in the case of Parker vs. Panlilio,^{*} G. R. No. L-4961, 5 March 1952, cannot be involved by the responds, because there the suspension of the hearing in the civil action granted by the trial court was upheld on the ground that it lay within judicial discretion—a power inherent in the courts. Nevertheless, the opinion of this Court in that case upholds the rule that the civil action is separate and distinct from the criminal proceedings, albeit both arose from the same act of the defendant. If the opinion in that case is to be construed as laying” down the rule that the institution of a criminal action for physical injuries suspends the proceedings in the civil action for damages until after the criminal case shall have been disposed of, then it should be stated that such rule has been abandoned, because it is settled that “in cases of defamation, fraud, and physical injuries,

a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party” and that “such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence.”¹ The civil responsibility arising from crime may be determined in the criminal proceedings if the injured or offended party does not waive to have it adjudged or does not reserve his right to bring a civil action for damages against the defendant.² But where the injured or offended party reserves such right or actually brings an action for damages, the last action has nothing to do with the criminal proceedings for the same cause upon which the civil action is brought. The owner and operator of the jeep where the petitioners rode as passengers may be held liable for breach of contract for his failure to bring them to their destination safe and sound. The owner and operator and the driver of the taxicab may be held liable for tort, even if the driver be relieved from criminal liability. Hence the respondents’ apprehension that the resumption of the hearing and determination of the action in the civil case may bring about “an anomalous situation where a party declared by one court completely innocent and free from any civil liability may be held by another court liable under the same set of facts,” is groundless. The fact that one of the two drivers might be acquitted and the other convicted is of no moment. Both may have been negligent and be convicted. In the civil case the Court will determine who between them caused the accident. Unless and until a competent court held by virtue of a final judgment that the event that is charged to constitute a law transgression from which the civil obligation might arise did not take place, extinction of penal liability does not carry with it the release from civil responsibility.¹ The responsibility arising from fault or negligence in quasi-delicts is entirely separate and distinct from the civil liability arising from negligence under the Penal Code.²

The order suspending the hearing of the civil action is annulled and set aside and the respondent Court is directed to resume and proceed with the trial of the civil action and render judgment therein, without pronouncement as to costs.

Paras, C. J., Bengzon, Reyes, A., Bautista Angelo, Labrador, and Endencia, JJ., concur.
Felix, J., concurs in the result.

* 91 Phil., 1.

¹ Article 33, new Civil Code; Carandang vs. Santiago, 97 Phil., 94, 51 Off. Gaz., 2878; Beyes vs. De la Rosa, 99 Phil., 1013, 52 Off. Gaz., 6548; Dyogi vs. Yatco, G. R. No. L-9623, 22

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² Section 1 (a), Rule 107.

¹ Section 1 (d)t Rule 107.

² Article 2177, new Civil Code.

CONCURRING

REYES, J. B. L., J., :

I concur with the decision. I believe, however, that in the case of independent civil actions under the new Civil Code, the result of the criminal case, whether acquittal or conviction, would be entirely irrelevant to the civil action. This seems to me to be the spirit of the law when it decided to make these actions “entirely separate and distinct” from the criminal action (Articles 32, 33, 34 and 2177). Hence, in these cases, I think Rule 107, section l(d) does not apply.

Montemayor and Concepcion, JJ., concur.
