

Title: Reynaldo Bermudez, Sr. and Adonita Yabut Bermudez vs. Hon. Judge A. Melencio-Herrera, Domingo Pontino y Tacorda and Cordova Ng Sun Kwan

Facts:

Reynaldo Bermudez, Sr. and Adonita Yabut Bermudez's six-year-old son, Rogelio, died from injuries he sustained when a cargo truck, operated by Domingo Pontino and owned by Cordova Ng Sun Kwan, collided with the jeep on which Rogelio was a passenger. Following this incident, a criminal case (No. 92944) for Homicide Through Reckless Imprudence was filed against Pontino by the Manila City Fiscal's Office. In that criminal case, the Bermudezes made a reservation to file a separate civil action.

Subsequent to their reservation, on July 28, 1969, the Bermudezes instituted Civil Case No. 77188 at the Court of First Instance of Manila for damages arising from the same accident, naming Pontino and Ng Sun Kwan as defendants. However, the trial court, presuming that the negligence of Pontino in the accident constituted a quasi-delict, ruled that the plaintiffs had already considered the incident as a "crime"; hence they should not proceed with the civil action until the criminal case was finalized. The trial court ordered the dismissal of the complaint against Ng Sun Kwan and suspended the case against Pontino, which prompted the appeal to the Supreme Court on pure questions of law.

Issues:

1. Whether the civil action filed is predicated on crime or quasi-delict, despite the reservation made in the criminal case.
2. Whether the trial court could properly suspend the civil action against Pontino and dismiss the civil case against Ng Sun Kwan because of the pending criminal case for Homicide Through Reckless Imprudence against Pontino.
3. Whether the suspension and dismissal could be considered legally correct despite the civil action also seeking recovery of damages for the jeep.

Court's Decision:

The Supreme Court found the Bermudez's appeal meritorious, stating that the trial court erred in not recognizing the civil action for damages based on quasi-delict as separate and independent from the criminal action. The Court clarified that the Bermudezes' reservation in the criminal case to file a separate civil action did not preclude them from choosing to file a civil action for quasi-delict. It held that the appellants made a reservation to file an independent civil action in accordance with Rule 111, which allowed for civil actions to proceed independently of criminal ones and requires only a preponderance of evidence. The

Court annulled and set aside the orders of the trial court and remanded the case for further proceedings.

**Doctrine:**

The case reaffirms the doctrine that civil liability arising from quasi-delicts is distinct from civil liability deriving from a criminal offense. A plaintiff can choose between an action to enforce civil liability arising from a crime and an action for quasi-delict. If the latter is chosen, the employer may be held solidarily liable with the negligent employee, with the former having the defense of exercising due diligence as a good father of the family.

**Class Notes:**

- Key elements in this case revolve around the independence of civil liability arising from quasi-delicts as separate from criminal offenses.
- Relevant legal statutes include Article 2177 of the Civil Code of the Philippines, and Sections 1 and 2 of Rule 111 of the Rules of Court.
- The case illustrates the application of civil liability concepts in the context of choosing between pursuing a civil action based on a crime and one founded on a quasi-delict.

**Historical Background:**

The distinction between civil liabilities arising from crimes and those from quasi-delicts is rooted in the dual nature of Philippine legal systems, incorporating both civil law and Anglo-American common law influences. In the Philippine context, recognizing the separate and independent nature of these civil liabilities allows victims to seek redress not just through criminal proceedings but also via civil paths, ensuring broader remedies for harm. This case specifically demonstrates how the Philippine judiciary interprets and applies these distinctions within its complex legal framework, impacting subsequent jurisprudence on civil liability.