

****Title:** Virata v. Ochoa, G.R. No. L-43896, March 16, 1978******

****Facts:****

On September 24, 1975, Arsenio Virata was fatally struck by a passenger jeepney on Taft Avenue, Pasay City. The jeepney was driven by Maximo Borilla and registered to Victorio Ochoa. A criminal case for homicide through reckless imprudence (Criminal Case No. 3162-P) was subsequently filed against Borilla in the Court of First Instance of Rizal at Pasay City.

During the criminal proceedings, on December 12, 1975, Atty. Julio Francisco, representing the Virata family, reserved the right to file a separate civil action. On February 19, 1976, he withdrew the reservation and then participated actively in presenting damages evidence. On June 29, 1976, the family again reserved the right to institute a separate civil action. On July 19, 1977, they filed Civil Case No. B-134 in the Court of First Instance of Cavite for damages based on quasi-delict against Borilla and Ochoa.

The defendants moved to dismiss the civil case, citing that the criminal case, involving the same facts and parties, was still pending. On September 8, 1976, Borilla was acquitted in the criminal case as the court ruled the incident a mere accident. Subsequently, on January 31, 1977, the CFI of Cavite dismissed the civil case for damages on the ground of *litis pendentia*, citing the unresolved criminal case.

****Issues:****

1. Whether the acquittal of Maximo Borilla in the criminal case precludes the prosecution of a separate civil action for damages based on quasi-delict.
2. Whether there was a valid reservation and subsequent withdrawal affecting the right to file a separate civil action.
3. Can the heirs of Arsenio Virata pursue a quasi-delict claim after participating in the criminal case?

****Court's Decision:****

The Supreme Court ruled that the acquittal of Borilla on the ground of causing injury by mere accident does not preclude the separate civil action for damages based on quasi-delict. The court declared that quasi-delicts and criminal negligence are distinct legal concepts with separate grounds for liability. The court emphasized that Article 2177 of the Civil Code bars double recovery for the same act but allows for separate civil and criminal liabilities.

1. ****Acquittal and Its Effect on Civil Action****: The court ruled that the dismissal of the criminal case on the grounds of accidental injury does not eliminate the possibility of a

quasi-delict action. The civil liability arising from quasi-delict, founded under Article 2176 of the Civil Code, operates independently from the civil liability that is rooted in the criminal act.

2. **Reservation and Participation in Criminal Case**: The court found that the reservation to file a separate civil action and its withdrawal did not impact the legal capacity to pursue a civil action based on quasi-delict as stated in Article 2177. The Virata family properly manifested their intent before the criminal ruling, permitting their subsequent civil action.

3. **Quasi-Delict Claim Viability**: The court affirmed that the heirs could pursue the civil case for quasi-delict because the civil obligation sought under Civil Case No. B-134 derived its source from a quasi-delict, independent of the criminal proceedings, as provided in Article 1157 of the Civil Code.

Doctrine:

The Supreme Court reiterated that under Article 2177 of the Civil Code, civil liability from quasi-delicts is distinct from liability arising from criminal negligence. Acquittal in a criminal case does not bar subsequent civil actions based on quasi-delict provided that there is no double recovery for the same act.

Class Notes:

1. **Distinction Between Criminal Negligence and Quasi-Delict**: Understand the independent grounds and separately actionable nature under Philippine law.
2. **Article 2177, Civil Code**: No double recovery for the same act—civil action by quasi-delict still viable despite criminal acquittal.
3. **Article 1157, Civil Code**: Distinguishes sources of obligations—quasi-delicts vs. criminal acts and omissions.
4. **Litis Pendencia Doctrine**: The principle that an ongoing proceeding can affect related or identical concurrent litigation.

Historical Background:

This case reinforces the interpretation of the Civil Code provisions distinguishing between criminal negligence and quasi-delict, reflecting evolving jurisprudence on civil liability independent of criminal proceedings. This delineation roots back to adapting traditional Spanish legal principles to modern Filipino statutory law, emphasizing separate but overlapped juridical responsibilities echoing the 1947 Code Commission Report.