

**THE PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. JUDGE CATALINO CASTAÑEDA, JR. OF THE COURT OF FIRST INSTANCE OF ILOILO; MANUEL DOCDOCIL; CIRIACO ESTRELLA; ERLINDA FACUNDO; S...**

*G.R. Nos. L-49781-91. June 24, 1983*

Ponente: RELOVA, J.

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**RELOVA, J.:**

Private respondents were individually charged before the City Court of Iloilo City for Violations of Presidential Decree No. 772 in eleven (11) separate informations, docketed as Criminal Cases Nos. 57569 to 57579, albeit identically worded as follows:

"That on or about the period before May 1968 up to the present, in the City of Iloilo, Philippines, and within the jurisdiction of this Court, said accused, with deliberate intent and taking advantage of the absence or tolerance of Trinidad Jason, who is the owner of Lot No. 1241, did then and there wilfully, unlawfully and criminally succeeds in occupying said lot and construct therein a house against the will and consent of said Trinidad Jason." (p. 1, Decision dated May 17, 1978 of CFI, Iloilo)

After trial on the merits, the City Court rendered a decision, dated June 27, 1977, acquitting the said private respondents on the ground that the prosecution failed to prove their guilt beyond reasonable doubt.

Trinidad Jason, the complainant in said criminal cases, moved for a reconsideration of the decision for the court to order the defendants "to vacate Lot No. 1241 of the Cadastral Survey of Iloilo located along Timawa Avenue, Molo, Iloilo City and to remove their constructions thereon, and to surrender possession thereof to the offended party, Trinidad Jason, and to pay damages to the latter in whatever sum is adjudged equitable by the Honorable Court, plus attorneys' fees of not less than P5,000.00." (p. 2, Decision of the CFI dated May 17, 1978)

Upon denial of the motion for reconsideration, Trinidad Jason appealed to the then Court of First Instance of Iloilo contending that "the unlawful detainer of her land by the accused was proved and conceded," and that "the accused although acquitted should have been ordered to return the land to her." Further, she argued that where no civil action was instituted, waived or reserved it should be determined impliedly and jointly with the criminal action.

On May 17, 1978, respondent Court of First Instance rendered a decision dismissing the appeal. Thereafter, complainant filed a petition for review with the Court of Appeals which referred the case to Us because "it involves a pure question of law."

In this petition, the legal question raised is, whether, on the basis of the findings of the trial court and despite the acquittal of the accused, the latter should be ordered to surrender to the offended party the portion of the land occupied by them.

Every person criminally liable is also civilly liable (Article 100, Revised Penal Code). However, it does not

follow that a person who is not criminally liable is also free from civil liability. Exemption from criminal liability does not always include exemption from civil liability (Article 101, Revised Penal Code). When the accused in a criminal prosecution is acquitted on the ground that his guilt has not been proved beyond reasonable doubt, a civil action for damages for the same act or omission may be instituted.

We agree with the trial court that the appeal of complainant Trinidad Jason is without merit. While it is true, as a general rule, that if the accused is acquitted his civil liability is extinguished, there are exceptions, one of which is, if the acquittal is on the ground of reasonable doubt (Article 29, Civil Code). The remedy of the complainant in the case at bar is to file separate civil actions against the herein private respondents for ejectment or recovery of possession.

ACCORDINGLY, this appeal taken by complainant Trinidad Jason is hereby DISMISSED, for lack of merit.

**SO ORDERED.**

Melencio-Herrera, Plana, Vasquez and Gutierrez, Jr., JJ., concur.

Teehankee (Chairman), J., took no part.

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