

THE PEOPLE OF THE PHILIPPINES, NG KOK, CORPORATION ALSO KNOWN AS WORLD-WIDE CORPORATION (WAPSO CO), PLAINTIFF AND APPELLANT, VS. HILARIO DE CHAVEZ, ET AL., DEFENDANTS AND APPELL...

G.R. No. L-19104. December 26, 1963

Ponente: PAREDES, J.

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PAREDES, J.:

On September 18, 1961, the accused appellees herein were charged in an Amended Complaint with Theft of five (5) different sizes of canvass, valued at P2,800.00, belonging to the offended party and appellant Ng Kok Corporation. On October 6, 1961, upon arraignment, all the accused pleaded guilty to the said Amended Complaint. Thereafter, the Municipal Court of Lucena City, rendered the following judgment—

"DAHIL DITO at dahil din sa dagling pagtanggap ng kasalanan at sa kanilang ginawang pagsuko sa may kapangyarihan ay ang mga nasasakdal na ito ay hinahatulan na mabilanggo ng tig-IISANG BUWAN (1 mo.) at ISANG ARAW (1 day) at magbayad ng gugol sa usapin ang bawa't isa sa kanila. Sapagka't ang "kasalananang ito ay naganap sa Sariaya, Quezon, kung kaya't ang niga nahstulan ay daon sa kulimgan panglalawigan ng Quezon magdudusa."

As the above judgment did not mention the civil liability of the accused, or order a restitution of the stolen goods, the offended party, by counsel, and within the reglementary period, presented a motion, asking the court to provide accordingly. In an Order of October 16, 1961, the municipal court denied the motion, stating—

"The plea of guilty in ore tenus by all the accused in this case has legal effects only within the confine of their admission of all the elements of the crime charged and does not traverse that legal demarcation for the Court to determine the nature and extent of civil liability of the accused to be founded solely on mere recitals in the complaint. Civil liability in this case being evidentiary, the Court cannot exercise discretion alone in determining the nature and extent of civil liability upon mere allegations in the Complaint."

The decision and the Order denying the motion for reconsideration is now before Us on appeal on three (3) errors, supposedly committed by the Municipal Court of Lucena City, which converge on the proposition of whether or not under the facts obtaining in this case, the trial court was correct in denying the motion for reconsideration. The accused-appellees did not care to intervene. The Solicitor General asked to be relieved from filing brief as appellee, as he said, the government has no right or interest to protect.

There seem to be no conflict regarding the fact that the plea of guilty admits the material allegations of the information or complaint and that "with the institution of the criminal action, the civil liability is deemed included therewith, except when there is a waiver or reservation on the part of the complainant, which was not done in the present case (People vs. Pantig, 97 Phil., 748, cited in People vs. Miranda, L-17389, Aug. 31, 1962). The trial judge in not having included civil liability in the decision stated that it cannot exercise discretion alone in, determining the liability upon the mere allegations, the same being evidentiary. Considering, however, the fact

that the trial court's attention was drawn to the existence of a lapsus in the decision, in the motion for reconsideration filed by the complainant, within the reglementary period, and taking into account the petition to supply what had been omitted, the trial judge could have set the motion for reconsideration for hearing, in order to receive evidence, as to the value of the properties admittedly stolen by the accused, or to the return of the goods, if it was still feasible. In an identical case, where the lower court had failed to provide for the corresponding civil liability, this court ordered the said case remanded to the court of origin, for the purpose of determining the civil liability of the accused (*People vs. Ursua*, 60 Phil. 252, citing *U.S. vs. Heery*, 25 Phil. 600).

Conformably with all the foregoing, the Order appealed from, denying motion for reconsideration, is hereby set aside and the case is remanded to the Municipal Court of Lucena City, for further and appropriate proceedings. No. costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Dizon, Regala and Makalintal, JJ., concur.

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