

VICENTE ALDABA, ET AL., PLAINTIFFS AND APPELLANTS, VS. HON. ARTEMIO ELEPAÑO, JUSTICE OF THE PEACE OF LOS BAÑOS, LAGUNA, NORBERTO PALIS, CIRIACO LAWAS AND CASIMIRO SIMPAO, DEFEND...

G.R. No. L-16771. September 29, 1962

Ponente: PADILLA, J.

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PADILLA, J.:

On 18 March 1959 in the Justice of the Peace Court of Los Baños, Laguna, Vicente Aldaba charged Norberto Palis, Ciriaco Lawas and Casimiro Simpao with the crime of trespass (crim. case No. 351). Norberto Palis is an assistant to the president of the Los Baños Colleges. The other two were helping him deliver materials, like gravel and sand, for a building that was being constructed on a parcel of land adjoining that owned by the complainant. The three defendants admit that they entered the complainant's fenced estate and cut down eight banana stalks therein, but they did so with the permission given by Ninay Estrada who was the caretaker of the complainant's premises and with the understanding that the value of the stalks cut down would be paid by them. After trial, on 12 May 1959 Justice of the Peace Artemio Elepaño acquitted them for lack of sufficient evidence to prove their guilt beyond reasonable doubt but held that "the mistake of the accused Norberto Palis, although it has been said to be not criminal one, does not preclude the possibility of liability for damages caused by his erroneous judgment, the nature and extent of which can be resolved in a civil claim." The complainant thought that by not sentencing in the same criminal action the three accused to pay him civil damages in the sum of P500, the Justice of the Peace Artemio Elepaño had rendered an unjust decision that caused him (the complainant) mental anguish or moral damages equivalent to P1,000. So, the latter filed a complaint dated 22 June 1959 praying that the defendant Justice of the Peace Artemio Elepaño be ordered to pay him P1,000 as moral damages and together with his three co-defendants, jointly and severally, the sum of P500 for damage to his property, and the costs; and that he be granted other just and equitable remedy (civil case No. 25). Upon a motion ex-parte dated 29 June 1959 filed by the plaintiff, the defendant Justice of the Peace disqualified himself to hear and decide the case and forwarded the record thereof to the Court of First Instance of Laguna for designation of another Justice of the Peace in his stead. On 2 July 1959 the defendants Norberto Palis, Ciriaco Lawas and Casimiro Simpao filed an answer admitting that they cut down in the plaintiff's premises eight banana stalks valued at P2.00 each. On 22 July 1959 the defendant Justice of the Peace moved for the dismissal of the complaint, for lack of a cause of action against him, he having acquitted his three co-defendants of the crime of trespass without holding them civilly liable, in the exercise of his judicial functions, powers and jurisdiction as a Justice of the Peace of Los Baños, Laguna. On 31 July 1959 the plaintiff objected to the motion to dismiss. After hearing the motion to dismiss, on 7 August 1959 Justice of the Peace Domingo M. Angeles of Calamba, who was designated to hear and decide the civil case, entered an order dismissing the case as against the defendant Justice of the Peace and setting the case for hearing on 18 July 1959 at 2:00 p.m. as regards the other three defendants. His motion for reconsideration having been denied on 20 August 1959, the plaintiff on 24 August 1959 appealed to the Court of First Instance of Laguna. On 23 August 1959 the plaintiff died and his heirs substituted him as plaintiffs. In the

Court of First Instance of Laguna the defendant Justice of the Peace reiterated his motion for the dismissal of the complaint. After hearing, on 10 December 1959 the court ordered the case as against the defendant Justice of the Peace dismissed, without costs. From the order of dismissal, the plaintiffs have appealed to this Court on a pure question of law.

The appellants contend that, as their claim for civil liability arising from the crime of trespass is included in the criminal action, for they did not expressly waive or reserve the right to bring a separate or independent civil action, the defendant Artemio Elepaño as Justice of the Peace rendered an unjust judgment in not ordering in criminal action the three accused to pay them the sum of P500 as damages caused to their properties. As a legal ground for their right to recover damages in the sum of P1,000 from the appellee Justice of the Peace and actual damages in the sum of P500 from him and the three other defendants jointly and severally, the appellants invoke the provision of article 27 of the Civil Code which reads as follows:

Any person suffering material or moral loss because a public servant or employee refuses or neglects without just cause, to perform his official duty may file an action for damages and other relief against the latter, without prejudice to any disciplinary administrative action that may be taken.

On the other hand, the appellee maintains otherwise.

In the case of *People vs. Mamerto S. Miranda*, G. R. No. L-17389, 31 August 1962, this Court held that—

Verily, the findings of the trial court on the matter of civil liability is inconsistent with the non-existence of the criminal act charged in the information * * *.

Such being the case, a Justice of the Peace who does not order an accused to pay civil damages arising from a criminal offense of which he has been acquitted, despite proof of those civil liabilities, cannot be held civilly liable or answerable for damages.

The order appealed from is affirmed, with costs against the appellants.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Makalintal, JJ., concur.

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