

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MAMERTO S. MIRANDA, DEFENDANT AND APPELLANT.

G.R. No. L-17389. August 31, 1962

Ponente: PAREDES, J.

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PAREDES, J.:

Mamerto S. Miranda was charged before the Court of First Instance of Quezon City with the crime of Estafa thru Falsification of Commercial Documents, under the provisions of article 315, in relation to article 172 of the Revised Penal Code. After trial, the court rendered judgment, the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING, the Court finds that the evidence presented by the prosecution fails to establish the guilt of the accused beyond reasonable doubt; it failed to show that the accused had taken advantage of his position and abused the confidence reposed on him by the complaining witnesses; and it also failed to show that the complaining spouses were made to sign all the papers and documents pertaining to the loan by inducement and representation exercised on their persons by the accused. However, the Court also finds that while the complaining witness Mariano Mojica, at least, was fully aware of the second loan of P2,000.00, the said amount was not received by the spouses but was retained by the accused under an arrangement made by him and Mojica. Therefore the Court acquits the accused from the charge contained in the information upon a reasonable doubt but finds him civilly liable for the proceeds of the loan of P2,000.00 contracted by the complaining spouses from the Rural Bank of Novaliches, together with all expenses incident thereto, and he is hereby ordered to pay the said amount for the purpose of discharging the said obligation with the Rural Bank of Novaliches. The bond for the provisional liberty of the accused is hereby cancelled; with costs-de-officio."

Accused Miranda appealed from the above decision, assailing that portion ordering him to pay the sum of P2,000.00. There are no questions of fact involved.

In his brief, appellant contends that the civil liability which is included in the criminal action as provided for in Section 1, Rule 107 of the Rules, is that arising from and as a consequence of the criminal act. Since the court had acquitted the appellant, on the principal ground that the money had been received or retained by accused-appellant pursuant to an arrangement between the latter and the offended party Mojica, in order to conceal the transaction from the other offended party, Mrs. Mojica, it was improper and unwarranted to impose civil liability in the same criminal action. The position of the appellant is sustained by the Solicitor General who, in his brief, recommended that the portion of the decision ordering the appellant to pay or making him liable for the sum of P2,000.00, be set aside.

The issue involved in this case has been passed upon by Us in several cases. Thus, in the identical case of *People vs. Pantig*, 97 Phil, 749; We said—

"The appellant argues that the civil liability which is included in the criminal action is that arising from and as a consequence of the criminal act, and that since the defendant-appellant was acquitted in the criminal case, no civil liability arising from the criminal charge could be imposed upon him.

* * * * *

The trial court found as a fact that the sum of P1,200.00, ordered to be paid in the judgment of acquittal, was received by the defendant-appellant as loan. This finding is inconsistent with the existence of the criminal act charged in the information. The liability of the defendant for the return of the amount so received arises from a civil contract, not from a criminal act, and may not be enforced in the criminal cases." (People vs. Pantig, 97 Phil., 748.) (See also MRRCO vs. Baltazar, 93 Phil., 7151; 490 Offi. Gaz. 3874; Pueblo vs. Abellera, 69 Phil. 623; People vs. Mañago, 69 Phil 496).

In the present case, instead of a loan, the appellant retained the money because of an arrangement with Mrs. Mojica, heretofore mentioned.

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 (People vs. Pantig, supra).

In view of the foregoing, that portion of the decision appealed from, which orders the defendant-appellant Mamerto S. Miranda to pay the sum of P2,000.00 to the com-appealed from, which orders the defendant-appellant Ma-fended parties the right to institute the corresponding civil action for the recovery of the said amount. No costs.

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

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