

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIA MANIEGO, ACCUSED-APPELLANT.

G.R. No. L-30910. February 27, 1987

Ponente: NARVASA, J.

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NARVASA, J.:

Application of the established rule in this jurisdiction, that the acquittal of an accused on reasonable doubt is not generally an impediment to the imposition, in the same criminal action, of civil liability for damages on said accused, is what is essentially called into question by the appellant in this case.

The information which initiated the instant criminal proceedings in the Court of First Instance of Rizal indicted three (3) persons — Lt. Rizalino M. Ubay, Mrs. Milagros Pamintuan, and Mrs. Julia T. Maniego — for the crime of MALVERSATION committed as follows:

"That on or about the period covering the month of May, 1957 up to and including the month of August, 1957, in Quezon City, Philippines, the above-named accused, conspiring together, confederating with and helping one another, with intent of gain and without authority of law, did, then and there, wilfully, unlawfully and feloniously malverse, misappropriate and misapply public funds in the amount of P66,434.50 belonging to the Republic of the Philippines, in the following manner, to wit: the accused, Lt. RIZALINO M. Ubay, a duly appointed officer in the Armed Forces of the Philippines in active duty, who, during the period specified above, was designated as Disbursing Officer in the Office of the Chief of Finance, GHQ, Camp Murphy, Quezon City, and as such was entrusted with and had under his custody and control public funds, conspiring and confederating with his co-accused, MILAGROS T. PAMINTUAN and JULIA T. MANIEGO, did then and there, unlawfully, wilfully and feloniously, with intent of gain and without authority of law, and in pursuance of their conspiracy, take, receive, and accept from his said co-accused several personal checks drawn against the Philippine National Bank and the Bank of the Philippine Islands, of which the accused, MILAGROS T. PAMINTUAN is the drawer and the accused, JULIA T. MANIEGO, is the indorser, in the total amount of P66, 434.50, cashing said checks and using for this purpose the public funds entrusted to and placed under the custody and control of the said Lt. Rizalino M. Ubay, all the said accused knowing fully well that the said checks are worthless and are not covered by funds in the aforementioned banks, for which reason the same were dishonored and rejected by the said banks when presented for encashment, to the damage and prejudice of the Republic of the Philippines, in the amount of P66,434.50, Philippine currency." [1]

Only Lt. Ubay and Mrs. Maniego were arraigned, Mrs. Pamintuan having apparently fled to the United States in August, 1962. [2] Both Ubay and Maniego entered a plea of not guilty. [3]

After trial judgment was rendered by the Court of First Instance [4], the dispositive part whereof reads:

"There being sufficient evidence beyond reasonable doubt against the accused, Rizalino M. Ubay, the Court hereby convicts him of the crime of malversation and sentences him to suffer the penalty of reclusion temporal of TWELVE (12) YEARS, ONE (1) DAY to FOURTEEN (14) YEARS, EIGHT (8) MONTHS, and a fine of P57, 434.50 which is the amount malversed, and to suffer perpetual special disqualification.

"In the absence of evidence against accused Julia T. Maniego, the Court hereby acquits her, but both she and Rizal T. Ubay are hereby ordered to pay jointly and severally the amount of P57,434.50 to the government." [5]

Maniego sought reconsideration of the judgment, praying that she be absolved from civil liability or, at the very least, that her liability be reduced to P46,934.50 [6] The Court declined to negate her civil liability, but did reduce the amount thereof to P46,934.50. [7] She appealed to the Court of Appeals [8] as Ubay had earlier done. [9]

Ubay's appeal was subsequently dismissed by the Appellate Court because of his failure to file brief. [10] On the other hand, Maniego submitted her brief in due course, and ascribed three (3) errors to the Court a quo, to wit:

- 1) The Lower Court erred in holding her civilly liable to indemnify the Government for the value of the checks after she had been found not guilty of the crime out of which the civil liability arises.
- 2) Even assuming arguendo that she could properly be held civilly liable after her acquittal, it was error for the lower Court to adjudge her liable as an indorser to indemnify the government for the amount of the checks.
- 3) The Lower Court erred in declaring her civilly liable jointly and severally with her co-defendant Ubay, instead of absolving her altogether. [11]

Because, in the Appellate Court's view, Maniego's brief raised only questions of law, her appeal was later certified to this Court pursuant to Section 17, in relation to Section 31, of the Judiciary Act, as amended, and Section 3, Rule 50 of the Rules of Court. [12]

The verdict must go against the appellant.

Well known is the principle that "any person criminally liable for felony is also civilly liable" [13]. But a person adjudged not criminally responsible may still be held to be civilly liable. A person's acquittal of a crime on the ground that his guilt has not been proven beyond reasonable doubt [14] does not bar a civil action for damages founded on the same acts involved in the offense. [15] "Extinction of the penal action does not carry with it extinction of the civil, unless the extinction proceeds from a declaration in a final judgment that the fact from which the civil might arise did not exist." [16]

"Rule 111 SEC. 3(b) — Extinction of the penal action does not carry with it extinction of the civil, unless the extinction proceeds from a declaration in a final judgment that the fact from which the civil might arise did not exist. In other cases, the person entitled to the civil action may institute it in the jurisdiction and in the manner provided by law against the person who may be liable for restitution of the thing and reparation of indemnity for the damage suffered." (1985 Rules on Criminal Procedure).

Hence, contrary to her submission [17], Maniego's acquittal on reasonable doubt of the crime of Malversation imputed to her and her two (2) co-accused did not operate to absolve her from civil liability for reimbursement of the amount rightfully due to the Government as owner thereof. Her liability therefor could properly be adjudged, as it was so adjudged, by the Trial Court on the basis of the evidence before it, which adequately establishes that she was an indorser of several checks drawn by her sister, which were dishonored after they had been exchanged with cash belonging to the Government, then in the official custody of Lt. Ubay.

Appellant's contention that as mere indorser, she may not be made liable on account of the dishonor of the checks indorsed by her, is likewise untenable. Under the law, the holder or last indorsee of a negotiable instrument has the right to "enforce payment of the instrument for the full amount thereof against all parties liable thereon." [18] Among the "parties liable thereon" is an indorser of the instrument i.e., "a person placing his signature upon an instrument otherwise than as maker, drawer, or acceptor ** unless he clearly indicates by appropriate words his intention to be bound in some other capacity." [19] Such an indorser "who indorses without qualification," *inter alia* "engages that on due presentment,** (the instrument) shall be accepted or paid, or both, as the case may be,

according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it." [20] Maniego may also be deemed an "accommodation party" in the light of the facts, i.e., a person "who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person." [21] As such, she is under the law "liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew ** (her) to be only an accommodation party" [22], although she has the right, after paying the holder, to obtain reimbursement from the party accommodated, "since the relation between them is in effect that of principal and surety, the accommodation party being the surety." [23]

One last word. The Trial Court acted correctly in adjudging Maniego to be civilly liable in the same criminal action in which she had been acquitted of the felony of Malversation ascribed to her, dispensing with the necessity of having a separate civil action subsequently instituted against her for the purpose. [24]

WHEREFORE, the judgment of the Trial Court, being entirely in accord with the facts and the law, is hereby affirmed in toto, with costs against the appellant.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Cruz, Feliciano, Gancayco, and Sarmiento, JJ., concur.

[1] Rollo, pp. 2-4; CFI Record, Vol. I, pp. 1-3, 9-11.

[2] CFI Record, Vol. II, pp. 122-125; 156-157.

[3] CFI Record, Vol. I, p. 32.

[4] Bearing date of June 10, 1964, but promulgated on August 6, 1964.

[5] Rollo, pp. 24-44; CFI Record, Vol. II, pp. 163-183; underscoring supplied.

[6] CFI Record, Vol. II, pp. 188-192.

[7] Id., p. 211.

[8] Id., p. 212.

[9] Id., pp. 186-187.

[10] Rollo, pp. 72, 96.

[11] Id., p. 54; Appellant's Brief, pp. 42-43.

[12] Id., pp. 93-95.

[13] ART. 100, Revised Penal Code.

[14] Sec. 2, Rule 133, Rules of Court [of 1964].

[15] ART. 29, Civil Code; *Laperal de Guzman v. Alvia*, 96 Phil. 558, citing *Oro v. Pajarillo*, 23 Phil. 484; *Padilla v. CA*, May 31, 1984, 129 SCRA 558 (565-566) citing *PNB v. Catipon*, 98 Phil. 286, *De Guzman v. Alvia*, 96 Phil. 558, *People v. Pantig*, 97 Phil. 748 and *Castro v. Collector of Internal Revenue*, 4 SCRA 1093.

[16] Sec. 3 [c], Rule 111, Rules of Court [of 1964].

[17] Invoking Almeida, et al., v. Abaroa, 8 Phil. 178; Wise & Co. v. Larion, 45 Phil. 314; Francisco v. Onrubia, 46 Phil. 327.

[18] Sec. 57, Act No. 2031.

[19] Sec. 63, id.

[20] Sec. 66, id.

[21] Sec. 29, id.

[22] Id.

[23] Philippine National Bank v. Maza and Mecenaz, 48 Phil. 207.

[24] Padilla v. CA, supra, citing Sangco, Phil. Law on Torts and Damages, pp. 288-289.

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