

PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. PATRICK BENDAÑA Y PO, ACCUSED-APPELLEE,

Ponente: BATO, JR., J.

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BATO, JR., J.:

This is an appeal filed by the private complainant from the Decision[1] dated January 23, 2013 of the Regional Trial Court of Baguio City, Branch 3, in Criminal Case No. 31131-R, acquitting accused Patrick Bendaña y Po of Violation of Section 2, in relation to Section 14, of Republic Act No. 6539, as amended (The Anti-Carnapping Act of 1972) on the ground of reasonable doubt.

The facts, as gathered from the evidence of the prosecution and the defense, are summarized by the court a quo as follows:

PROSECUTION'S EVIDENCE

x x x x x x x x

It appears that in July 2008, the accused, Patrick, and his mother begged Edgar Allan Liggayu (Edgar for brevity) to have Patrick under his care. Out of pity, he took Patrick to live with them at their place in Quezon City. A few days thereafter, accused asked that he be taken to Baguio, for which reason he stayed at the residence of complainant, Feliciano Liggayu (Feliciano for brevity) who is the husband of his mother's sister at No. 34 Morning Glory Street, Saint Joseph Village, Navy Base, Pacdal, Baguio City. Complainant who was then in Canada in March 2008 to November of 2008, left instructions that his unregistered car, a Toyota Corona sedan with plate number TEV 907, bearing motor number 3S-6544871 and chassis number STI-9037552 be kept in his garage only.

During accused's stay at the residence of Feliciano, he took hold and used the subject car on numerous occasions. Sometime in December 2008, Patrick again took the said car and used it for fetching his friends from Bacolod and they went around Baguio using the said car. Marissa Fernando, a lessee of one of the rooms in the house until 2010 of June, saw Patrick drive the subject unregistered car in December 2008 without the permission from the owner to fetch his friends at the bus terminal and brought them around Baguio City for sight seeing.

Ernesto Buen, for his part, a taxi driver/operator saw accused driving the subject car along Leonard Wood Road on the second week of December 2008. He tried to overtake the speeding subject car thinking it was being driven by Engr. Feliciano Liggayu, but he was unable to catch up with it until the car stopped at Session Rd. along the area of Solibao restaurant. It was then he saw Patrick the one driving the car.

x x x x x x x x

VERSION OF THE ACCUSED

Accused stayed with his uncle Feliciano's residence at Navy Base sometime July 2008 to January 2009 to accompany complainant's son Edgar Allan Liggayu. During his stay in the said house, he was asked by Edgar in November or December, 2008 to proceed to LTO and talk to a certain Tess for registration of the said

vehicle. However, he was instructed by the LTO employee to bring the car for smoke emission as pre-requisite of registration and was further instructed by Edgar to drive the car for emission testing and bring home the car eventually. On occasions, the unregistered car was used for fetching mineral water as instructed to by Edgar. Sometime in December 2008, he took the Toyota Sedan owned by Engr. Feliciano Liggayu from the garage and used it to fetch his friends who tagged along some friends to Baguio City from the Victory Bus Station. He drove his visitors along Session Road where they had breakfast before he brought them to Tacay Lodge which is also owned by the Liggayu family. After bringing his friends at Tacay Lodge, Dennis Liggayu called and instructed him to bring the car at Kay Balajadia's house, his fiancée, which he did and gave the car key to Dennis Liggayu himself. On the evening of same day, he was with Feliciano who just arrived from Canada at Navy Base and the latter even asked accused where he went using the car. Accused gave an explanation and thereafter, they gave him his presents from her (sic) mother who was also in Canada at that time. In the same month, he helped and joined the Liggayu family and some of their relatives with the celebration of Edgar's wedding to Kay Balajadia. In January 2009, he was also with them in the celebration of Genevieve Liggayu's wedding to Christopher Rebosa and also to the family trip to Boracay, thereafter. He also left the Liggayu residence in the month of January, 2009.

In 2010, accused was suddenly charged of carnapping which allegedly happened in December of 2008. To the mind of accused, the case was lodged against him because of unsettled family matters between her (sic) sister and Edgar Liggayu.[2]

As stated in the beginning, the court a quo acquitted the accused-appellee Patrick Bendaña y Po of the crime charged. The trial court held that there was no sufficient evidence of felonious or unlawful taking. And even if there was, the act was condoned by the owner after accused-appellee returned the car. The court noted that the case was filed two long years from the time the car was allegedly first taken without permission in October 2008, and that the true owner, Engr. Feliciano Liggayu, never testified, thus making the testimony of his son Edgar Liggayu mere hearsay.

In this appeal, private complainant Engr. Feliciano Liggayu alleges that:

ASSIGNMENT OF ERRORS

- The trial court committed reversible error in finding that there was no felonious taking;
- The trial court committed reversible error in finding that there was no violation of a Special law;
- The trial court committed reversible error in determining the intent of the Accused-Appellee in the violation of a Special law;
- The trial court committed reversible error in finding that Accused-Appellee was not civilly liable.[3]

Accused-appellee failed to file his Appellee's Brief despite notice. Thus, in a Resolution[4] dated October 8, 2013, the Court deemed the appeal submitted for decision sans the Appellee's Brief.

The issues presented in this appeal are whether or not the private complainant may appeal from the judgment of acquittal and, if yes, to what extent.

The appeal is without merit.

First and foremost, let us state the doctrines on appeals from a judgment of acquittal.

In *People vs. Velasco*,[5] it was ruled that an acquittal is final and unappealable on the ground of double jeopardy. Citing the discussions of the Constitutional Convention and American law and jurisprudence, the Supreme Court en banc, through Justice Josue N. Bellosillo, held that:

The fundamental philosophy highlighting the finality of an acquittal by the trial court cuts deep into "the humanity of the laws and in a jealous watchfulness over the rights of the citizen, when brought in unequal contest with the State. . . ." Thus Green expressed the concern that "(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty."

It is axiomatic that on the basis of humanity, fairness and justice, an acquitted defendant is entitled to the right of repose as a direct consequence of the finality of his acquittal. The philosophy underlying this rule establishing the absolute nature of acquittals is "part of the paramount importance criminal justice system attaches to the protection of the innocent against wrongful conviction." The interest in the finality-of-acquittal rule, confined exclusively to verdicts of not guilty, is easy to understand: it is a need for "repose," a desire to know the exact extent of one's liability. With this right of repose, the criminal justice system has built in a protection to insure that the innocent, even those whose innocence rests upon a jury's leniency, will not be found guilty in a subsequent proceeding.

However, as an exception, a judgment of acquittal may be appealed by the State when the trial court commits grave abuse of discretion due to a violation of due process, i.e., that the prosecution was denied the opportunity to present its case or that the trial was a sham.[6] Also, the private complainant may appeal the judgment of acquittal, but only with respect to the civil aspect. Thus, in *People vs. Santiago*,[7] the Supreme Court held that:

It is well-settled that in criminal cases where the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability . . . If a criminal case is dismissed by the trial court or if there is an acquittal, an appeal therefrom on the criminal aspect may be undertaken only by the State through the Solicitor General. Only the Solicitor General may represent the People of the Philippines on appeal. The private offended party or complainant may not take such appeal. However, the said offended party or complainant may appeal the civil aspect despite the acquittal of the accused.[8]

In view of the above judicial pronouncements, we must rule that the only error or issue permitted to be considered in this appeal is the fourth error or assigned by the private complainant, that is, whether or not the trial court committed reversible error in finding that accused-appellee was not civilly liable. The first, second and third errors or issues go into the criminal aspect of the assailed judgment which, because of the rule on double jeopardy and because the appeal was not at the instance of the State, this Court cannot disturb or review.

Going now to the civil aspect, under Article 100 of the Revised Penal Code, "every person criminally liable for a felony is also civilly liable". A similar rule is found under Article 20 of the Civil Code which states that "every person who, contrary to law, willfully or negligently causes damage to another, shall indemnify the latter for the same."

In the case at bar, the accused-appellee was acquitted by the court a quo due to reasonable doubt. This, according to settled jurisprudence, does not preclude recovery of damages by the private complainant. Thus, in *Rico vs. People*,[9] the Supreme Court held that:

It is well settled that an acquittal based on reasonable doubt does not preclude the award of civil damages. The judgment of acquittal extinguishes the liability of the accused for damages only when it includes a declaration that the facts from which the civil liability might arise did not exist. Thus, the civil liability is not extinguished by acquittal where the acquittal is based on lack of proof beyond reasonable doubt, since only preponderance of evidence is required in civil cases. There appears to be no sound reason to require that a separate civil action be still filed considering that the facts to be proved in the civil case have already been established in the criminal proceedings where the accused was acquitted. To require a separate civil action would mean needless

clogging of court dockets and unnecessary duplication of litigation with all its attendant loss of time, effort, and money on the part of all concerned.

Be that as it may, the private complainant should convincingly establish that he is entitled to damages. BPI Express Credit vs. Court of Appeals[10] states the basic rule in recovery of civil damages, to wit:

In order that a plaintiff may maintain an action for the injuries of which he complains, he must establish that such injuries resulted from a breach of duty which the defendant owed to the plaintiff—a concurrence of injury to the plaintiff and legal responsibility by the person causing it. The underlying basis for the award of tort damages is the premise that an individual was injured in contemplation of law. Thus, there must first be a breach of some duty and the imposition of liability for that breach before damages may be awarded; and the breach of such duty should be the proximate cause of the injury.

The private complainant, while claiming that the trial court erred in not finding the accused-appellee civilly liable, failed to show that he is entitled to damages in the first place. First, it was not shown that he suffered any pecuniary loss, considering that he never lost the car and, in fact, he even sold it to a third person. Second, it was not proven during the trial that private complainant suffered physical suffering, mental anguish, fright, serious anxiety or the like, for him to be entitled to moral damages. Lastly, it was not established that the accused-appellee was guilty of bad faith and prejudice when he allegedly took the car for a spin. Thus, in view of the total absence of evidence to prove civil liability arising from delict or crime, the court a quo, therefore, was correct in not holding accused-appellee civilly liable.

WHEREFORE, premises considered, the present appeal is DISMISSED for lack of merit.

SO ORDERED.

Zalameda, and Diy, JJ., concur.

[1] Rollo, pp. 26-35.

[2] Decision, pp. 2-3; Rollo, pp. 27-28.

[3] Appellant's Brief, pp. 2-3; Rollo, pp. 9-10.

[4] Rollo, p. 49.

[5] G.R. No. 127444, September 13, 2000.

[6] Metropolitan Bank vs. Veridiano II, G.R. No. 118251, June 29, 2001.

[7] 174 SCRA 143 (1989), cited in Metropolitan Bank vs. Veridiano II, *supra*.

[8] Emphasis ours.

[9] G.R. No. 137191, November 18, 2002.

[10] G.R. No. 120639, September 25, 1998.

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