

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. ANTONIO E. DALEON, DEFENDANT AND APPELLEE.

G.R. No. L-15630. March 24, 1961

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

In Criminal Case No. 11723 of the Court of First Instance of Quezon charging Antonio E. Daleon with the crime of malversation of public funds, the court, after trial, found the accused innocent of the charge and acquitted him accordingly, ordering as well the payment of his salary during his suspension from office and his reinstatement. The dispositive portion of the judgment reads:

"Premised on the foregoing considerations, the Court finds the accused Antonio E. Daleon innocent of the charge of malversation of public funds and hereby dismisses the information against him, with costs de oficio, declaring the bail bond executed by him for his provisional release from the custody of the law cancelled and of no further force and effect, and ordering the payment of his salary during his suspension from office as well as his reinstatement to his former position or to such other position in the provincial government of the province of Quezon as may be suitable to his civil service eligibility."

From the above judgment, the prosecution appealed, assigning the following legal question:

"THE TRIAL COURT ERRED IN ORDERING THE PAYMENT OF THE SALARY OF THE ACCUSED DURING THIS SUSPENSION FROM OFFICE."

The question is not new. In at least three cases previously decided by this Court (*People vs. Mañago*, 69 Phil., 496; *Pueblo vs. Lagutan*, 70 Phil., 481; *Manila Railroad Co. vs. Baltazar, et al.*, 93 Phil., 715; 49 Off. Gaz., 3874), we have ruled that the trial court, in a criminal action for malversation of public funds wherein the accused is acquitted, is without power to order the payment of his salary during the period of his suspension. The reason is that the only issue joined by the plea of not guilty is whether or not the accused committed the crime charged in the information, and in such case, the only judgment that the court is legally authorized to render is either one of acquittal or of conviction with the indemnity to the injured party and the accessory penalties provided for by law.

Appellee Daleon cites several cases wherein we upheld the right of an accused of the crime of malversation, in case of acquittal, to back salaries and reinstatement, but these cases are not in point because they involved appeals either from civil actions or from administrative proceedings seeking such remedies. In other words, while an accused acquitted of malversation may claim payment of back salaries during the period of his suspension and reinstatement, his relief lies not in the same criminal case wherein he is acquitted but in the proper administrative or civil action prescribed by law.

Wherefore, the judgment appealed from is modified by eliminating therefrom that portion which orders the payment of appellee Antonio E. Daleon's salary during the period of his suspension from office. Costs against appellee Antonio E. Daleon.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, JJ., concur.

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