

**REYNALDO DE GUZMAN BAYLON, PLAINTIFF-APPELLANT, VS.
ROLANDO RELUCIO AND RJ EXPRESS, INC.,
DEFENDANTS-APPELLEES.**

Ponente: YBAÑEZ, J.

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YBAÑEZ, J.:

In this Appeal[1], plaintiff-appellant Reynaldo De Guzman Baylon assails the 13 April 2012 Order[2] of the Regional Trial Court of San Fernando, Pampanga, Branch 46, granting defendant-appellant RJ Express, Inc.'s Motion for Reconsideration and dismissing Civil Case No. 13892 for Damages.

Antecedents

On 12 February 2011, a Giga Ten Wheeler Truck owned by the plaintiff-appellant and driven by Arsenio De Guzman Pangilinan, and a bus owned by defendant-appellee RJ Express, Inc. figured in an accident. The plaintiff-appellant went to the place of the incident and saw Arsenio De Guzman Pangilinan shackled in front of the truck's steering wheel. The other passengers of plaintiff-appellant's truck sustained physical injuries. After Arsenio De Guzman Pangilinan's body was removed, he was rushed to the hospital, but was declared dead on arrival.[3]

A case for Reckless Imprudence resulting in Homicide, Slight Physical Injuries, and Damage to Property was filed against accused-appellee Rolando Relucio with the Office of the Public Prosecutor. The necessary Information was filed before the Municipal Circuit Trial Court of Sta. Ana-Candaba, Pampanga.[4]

Thereafter, a Complaint for Damages was filed by the plaintiff-appellant against the defendants-appellees before the Regional Trial Court of San Fernando, Pampanga.[5] The defendants-appellees filed their Answer with Motion to Dismiss.[6] The court a quo denied the Motion to Dismiss in its Order dated 09 January 2012.[7]

Defendant-appellee RJ Express, Inc. moved for reconsideration, arguing that a criminal complaint precludes the filing of a separate action for damages.[8] The court a quo granted the said motion and dismissed the case for damages.[9]

Undaunted, the plaintiff-appellant filed the instant appeal and raised this issue:

WHETHER OR NOT THE PLAINTIFF-APPELLANT IS BARRED FROM FILING A CIVIL ACTION FOR DAMAGES DUE TO THE PENDING CRIMINAL ACTION FOR RECKLESS IMPRUDENCE RESULTING IN HOMICIDE, PHYSICAL INJURIES, AND DAMAGE TO PROPERTY BEFORE THE MUNICIPAL CIRCUIT TRIAL COURT OF STA. ANA-CANDABA-PAMPANGA.[10]

The plaintiff-appellant argued that the case pending before the Municipal Circuit Trial Court is based on Article 365 of the Revised Penal Code and it was filed against defendant-appellee Rolando Relucio only.[11] He further averred that he wants a separate action for damages not only against defendant-appellee Rolando Relucio, but also

against defendant-appellee RJ Express, Inc. for its failure to exercise the required diligence in the selection and supervision of its employee.[12]

In addition, the plaintiff-appellant posited that when he filed the separate civil action for damages, he knows that he is precluded from asking for damages in the criminal action.[13]

The plaintiff-appellant asseverated that if the separate civil action is prohibited from proceeding, there is no way of proving the liability of defendant-appellee RJ Express, Inc.[14]

No Brief was filed by the defendants-appellees.

Our Ruling

The civil action based on quasi-delict filed separately by the plaintiff is proper and the order of dismissal by the court a quo of Civil Case No. 13892 for Damages is erroneous.

Section 1 of Rule 111 of the Rules of Criminal Procedure provides:

“When a criminal action is instituted, the civil action for the recovery of civil liability arising from the offense charged shall be deemed instituted with the criminal action unless the offended party waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.”

Section 3 of Rule 111 reads:

“In the cases provided in Articles 32, 33, 34 and 2176 of the Civil Code of the Philippines, the independent civil action may be brought by the offended party. It shall proceed independently of the criminal action and shall require only a preponderance of evidence. In no case, however, may the offended party recover damages twice for the same act or omission charged in the criminal action.”

An act or omission causing damage to another may give rise to two separate civil liabilities on the part of the offender, i.e., (1) civil liability *ex delicto*, under Article 100 of the Revised Penal Code; and (2) independent civil liabilities, such as those (a) not arising from an act or omission complained of as a felony, e.g., *culpa contractual* or obligations arising from law under Article 31 of the Civil Code, intentional torts under Articles 32 and 34, and *culpa aquiliana* under Article 2176 of the Civil Code; or (b) where the injured party is granted a right to file an action independent and distinct from the criminal action under Article 33 of the Civil Code. Either of these liabilities may be enforced against the offender subject to the caveat under Article 2177 of the Civil Code that the plaintiff cannot recover damages twice for the same act or omission of the defendant.[15]

What is deemed instituted with the criminal action is only the action to recover civil liability arising from the crime or *ex delicto*. The civil action under 2176 of the Civil Code, as in the case before Us, is no longer deemed instituted and may be filed separately and prosecuted independently even without any reservation in the criminal action.[16] Article 2176 of the Civil Code provides:

“Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.”

An action predicated on quasi-delict is allowed to be instituted by the injured party against the employer for an act

or omission of the employee and would necessitate only a preponderance of evidence to prevail. Here, the liability of the employer for the negligent conduct of the subordinate is direct and primary, subject to the defense of due diligence in the selection and supervision of the employee. The enforcement of the judgment against the employer in an action based on Article 2176 does not require the employee to be insolvent since the nature of the liability of the employer is solidary with that of the employee, the two being statutorily considered joint tortfeasors.[17] Clearly, the offended party is not proscribed from filing the simultaneous action.

In dismissing the complaint, the court a quo reasoned that the determination of the employer's liability may be done in the criminal action.[18] The said liability, however, is one where an employer may be held subsidiarily civilly liable for a felony committed by his employee in the discharge of his duty. This liability attaches when the employee is convicted of a crime done in the performance of his work and is found to be insolvent that renders him unable to properly respond to the civil liability adjudged.[19] This is different from the liability which attaches to the employer under Article 2176 of the Civil Code, where the obligation imposed is demandable not only for one's own acts or omissions, but also for those of persons for whom one is responsible.[20]

WHEREFORE, premises considered, the instant appeal is GRANTED. The Order dated 13 April 2012 of the Regional Trial Court of San Fernando, Pampanga, Branch 46, is REVERSED and SET ASIDE. The Regional Trial Court of San Fernando, Pampanga, Branch 46 is ORDERED to proceed with the trial of Civil Case No. 13892 for Damages.

SO ORDERED.

Dimaampao, (Chairperson), and Sadang, JJ., concur.

[1] Rollo, pp. 8-13.

[2] Ibid., pp. 14-16.

[3] Record, pp. 51-52.

[4] Ibid., p. 52.

[5] Ibid., pp. 2-5.

[6] Ibid., pp. 29-37.

[7] Ibid., pp. 45-47.

[8] Ibid., pp. 67-72.

[9] Rollo, pp. 14-16.

[10] Ibid., p. 10.

[11] Ibid.

[12] Ibid., p. 12.

[13] Ibid., p. 12.

[14] Ibid.

[15] Spouses Antonio Santos and Esperanza Santos, et. al. vs. Hon. Normandie Pizarro, et. al., G.R. No. 151452, July 29, 2005, 465 SCRA 232.

[16] Casupanan and Capitulo vs. Laroya, G.R. No. 145391, August 26, 2002, 388 SCRA 28.

[17] Rafael Reyes Trucking Corporation vs. People of the Philippines and Rosario P. Dy, G.R. No. 129029, April 3, 2000, 329 SCRA 600.

[18] Rollo, p. 15.

[19] Supra note 17.

[20] Spouses Hernandez and Juan Gonzales vs. Spouses Dolor, et. al., G.R. No. 160286, July 30, 2004, 435 SCRA 668.

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