

PHILIPPINE NATIONAL RAILWAYS, PETITIONER, VS. HON. FELIX R. DOMINGO AND JUAN MAFE, RESPONDENTS.

G.R. No. L-30772. October 29, 1971

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

Original action for certiorari and prohibition certified to this Court by the Court of Appeals, since it raises a purely legal question, "as to the jurisdiction of respondent judge to issue the amendatory decision in dispute."

Private respondent Juan Mafe, a mechanic in the employ of the Philippine National Railways was charged in an information for qualified theft filed with respondent court,[1] for having stolen one brass bearing valued at P45.00 from his employer's shop. The evidence for the prosecution consisted of the testimonies of the Railways' policeman who apprehended respondent in street clothes on his way out at about 4 p. m. of July 4, 1967 with a traveling bag which contained the brass bearing, which bag, respondent upon being stopped, had alleged to contain just dirty clothes and rags; of the Manila Police Department patrolman who took down die respondent's extrajudicial confession; and of the corroborative testimony of the Railways' security guard who participated in respondent's apprehension; as well as of the said objects taken from respondent, viz, the bag and brass bearing, and of his extrajudicial confession.

Respondent, on his part, disowned any criminal intent, claim-ing he was on his way to return the brass bearing and repudiated his extrajudicial confession, asserting that he was coerced into signing the same without being allowed to read its contents, which were dif-ferent from what he stated at the police investigation.

Respondent court, in its decision of January 18, 1969, ruled that "the prosecution has failed to establish the guilt of the accused beyond reasonable doubt" and rendered judgment "acquitting the ac-cused on reasonable doubt."

After promulgation on February 7, 1969 of the verdict of ac-quittal, however, respondent-accused filed on February 19, 1969 a motion for amendment of respondent court's decision, alleging for the first time that respondent had already been dismissed from the service of the Railways as of July 4, 1967 "with prejudice to reinstatement" per the Railways' board of directors' resolution of January 19, 1968,[2] because of the very incident subject matter of the criminal charge of which respondent court had acquitted him, and praying that respondent court amend its decision so as to include therein his reinstatement, with payment of back salaries and restoration of all accrued rights and privileges.

Respondent court in its order dated March 3, 1969 set hearing of the motion on March 15, 1969 and ordered that the parties and the general manager of the Philippine National Railways be notified thereof,[3] and thereafter issued its "amendatory decision" dated March 27, 1969, noting that there was no appearance nor opposition from the Railways at the hearing and granting respondent's motion, by adding the following paragraph to the dispositive part of its original decision, as follows:

The General Manager of the Philippine National Railways, Manila, is hereby ordered to reinstate the accused

immediately to his position from which he was dismissed on July 4, 1967 and to pay his (accused) salary in full during the period beginning July 4, 1967 to the date of reinstatement, and to restore the said accused to such benefits and rights and privileges arising from the position that he held which should have accrued to him during the period aforesaid."

Hence, the present action filed by petitioner Philippine National Railways, after respondent court had denied its motion to set aside the amendatory decision on grounds of lack of jurisdiction over it and over the subject matter of reinstatement and back salaries and of lack of due process. Upon petitioner's motion and bond, the Court, issued on August 27, 1969 a writ of preliminary injunction enjoining enforcement and execution of the amendatory decision.

The issue at bar is whether the trial court in a criminal case, in rendering a judgment of acquittal, may properly decree the payment of salaries during the period of the accused employee's suspension from the service, and where the employee was dismissed, order his reinstatement in the service.

1. The general rule that the court has no such authority has long been uniformly pronounced by the Court. In *People vs. Mañago*,^[4] involving an accused employee acquitted of the charge of malversation of public funds, the Court held that "In a criminal proceeding against an accused, the judgment that the law authorizes to be rendered, is either one of acquittal or of conviction with indemnity and the accessory penal-ties provided for by law. The payment of salary of an employee during the period of his suspension cannot, as a general rule, be properly decreed by the trial court in a judgment of acquittal."

In the analogous case of *Manila Railroad Co. vs. Baltazar*,^[5] where the two accused employees were acquitted of qualified theft, the Court further elaborated that "(I)n criminal cases courts of first in-stance may dismiss an information, try and acquit or convict and impose upon the defendant the penalty provided by law. The only civil respon-sibility that may be imposed by the court is that which arises from the criminal act. [Articles 100-111 of the Revised Penal Code.] The acquittal of the defendant does not mean necessarily that he is not civilly liable unless the verdict and judgment of acquittal is that he did not commit the crime charge. The owner of a stolen property in a case of qualified theft is a party in the case if he does not reserve his right to bring a separate civil action. In that event the court will order the de-fendant criminally liable to return the property stolen, to repair the damage caused or done, if any, and to indemnify the offended party for consequential damages. But whether a defendant acquitted of a criminal charge is entitled to his salary during suspension is not within the power of the court to grant in the criminal case where the defendant is acquitted. Neither the Revised Penal Code nor the Rules of Court on criminal procedure vests in the court authority to grant such a relief. [Sections 1 and 2, Rule 116, Rules of Court.] No issue was joined on whether the defendants were entitled to the payment of their salary during suspension and the issue joined by the plea of not guilty was whether the defendants committed the crime charged in the information."

Thus, in *People vs. Daleon*,^[6] Mr. Justice Reyes so reiterated for the Court its previous jurisprudence and the rationale therefor: "(T)he question is not new. In at least three cases previous-ly decided by this Court (*People v. Mañago*, 69 Phil. 496; *Pueblo v. Lagutan*, 70 Phil. 481; *Manila Railroad Co. v. Baltazar, et al.*, G.R. No. L-5451, September 14, 1953), 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 pro-vided 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."

2. *People vs. Consigna*,^[7] relied upon by respondent court for its challenged amendatory decision, provided an exceptional case out of the general rule. There, Consigna was acquitted of the charge of malversation of public funds "for absolute lack of evidence" which amounted to a judicial declaration that he was innocent and did not commit the act charged.

The Court expressly distinguished Consigna from the doctrine reiterated in *Daleon*: in that the Court reiterated adherence to the ruling of *Daleon* that "the court has no authority to order payment of [the acquitted employee's] salaries because his right to the same was not involved in the case," but because it had been found that Consigna was innocent "for absolute lack of evidence" and yet had been unfairly dismissed administratively as property clerk with the office of the Surigao del Norte Superintendent of Schools for the same non-existent offense, ruled as an exceptional case that it was but just and equitable that reinstatement should follow his acquittal, as follows: "This ruling [of *Daleon*] does not apply to defendant's right - in case of acquittal - to reinstatement to the position he was occupying at the time of his suspension, because, as we have said heretofore, this matter would seem to be involved in the case of malversation - albeit as a mere incident - because conviction of the offense charged results necessarily in a denial of such right to reinstatement in view of the penalty of disqualification provided by law. If this is the inevitable result of conviction, reinstatement should also follow acquittal."

Consigna clearly had no applicability in the case at bar, for herein respondent had been acquitted merely "on reasonable doubt" unlike Consigna who was found innocent "for absolute lack of evidence."^[8]

3. *People vs. Villanueva*,^[9] likewise relied upon by respondent court, affords respondent no comfort. There, again, the Court, through Mr. Justice Zaldivar, expressly reaffirmed the doctrine of *Daleon*: "This Court has held, however, that it is not within the power of the court, in the event of an acquittal, to order the payment of the salaries and other emoluments which the accused has failed to receive during the period of his suspension from office" - since this matter falls within the province of the administrative authorities, who are not parties in the criminal case and who exercise control and supervision over the accused in connection with his employment. There, the Court merely upheld the trial court's order lifting the suspension of the acquitted post office employee - charged of infidelity in the custody of documents and acquitted for insufficiency of evidence - since the employee was merely under administrative suspension pending the outcome of the criminal case, and his acquittal consequently entitled him to lifting of the suspension and reinstatement for the time being, pending outcome this time of the administrative case against him, which would now proceed to final disposition and could result in his eventual dismissal, if administratively found guilty.

Here, respondent's acquittal "on reasonable doubt" could not overturn the verdict of guilty in the administrative case, by virtue whereof he had already been dismissed.

4. Respondent court, therefore, had no authority or power in the criminal case below to order the general manager of the Philippine National Railways to reinstate respondent to the position from which he had been duly dismissed, much less to order the payment of his wages in full from the date of his suspension and effective date of dismissal on July 4, 1967 to date of reinstatement with restoration of all accrued benefits, rights and privileges, and the petition must be granted as prayed for. Besides, respondent court had no authority nor jurisdiction to issue its "amendatory decision" dated March 27, 1969 granting such reinstatement with back wages, since its

original decision of acquittal became immediately final, upon promulgation on February 7, 1969 and could no longer be recalled for amendment or modification.[10]

5. The rule governing cases of this nature may be restated as follows:

- The Court's jurisprudence uniformly holds that the trial court in the criminal case, has no authority, in the event of an acquittal of the accused employee, to order payment of back salaries.

- Daleon's doctrine is hereby reaffirmed. While an acquitted accused may in appropriate cases claim payment of back salaries during the period of his suspension, or reinstatement in the case of his dismissal, his relief lies not in the same criminal case wherein he is acquitted but in the proper administrative or civil action prescribed by law.

- The reason for the rule is that generally acquittal in the criminal case does not carry with it relief from administrative liability. The administrative case may generally proceed against a respondent independently of a criminal action for the same act or omission and requires only a preponderance of evidence to establish administrative guilt as against proof beyond reasonable doubt of the criminal charge, as in the analogous cases provided by Art. 33 of the Civil Code.[11]

ACCORDINGLY, the writs of certiorari and prohibition are granted as prayed for. The amendatory decision dated March 27, 1969 and order dated May 30, 1969 of respondent court are annulled and set aside, and the writ of preliminary injunction heretofore issued against their enforcement is hereby made permanent. SO ORDERED.

Concepcion, C.J., Reyes, Makalintal, Zaldivar, Castro, Fernando, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Criminal Case No. 86597 of the Court of First instance of Manila, entitled "People of the Phil. vs. Juan Mafe y Dimaculangan."

[2] The board resolution transcript, as submitted with respondent's motion reads: "Dismissed from the service for the offense of dishonesty for stealing one (1) piece of brass bearing inside the Manila Yard compound on July 4, 1967, which prejudice to reinstatement; and to forego the idea of prosecuting the criminal case against him now pending in court, as approve by the Board or Directors on January 19, 1969."

[3] Notice of the hearing was actually served on the Philippine National Railways at 1:05 p.m. of March 14, 1969.

[4] 69 Phil. 496 (1940).

[5] 93 Phil. 715 (1953), emphasis supplied.

[6] 1 SCRA 759 (1961), emphasis supplied

[7] 14 SCRA 962 (1965).

[8] At any rate, to the extent that Consigna is in conflict with the present decision and the prevailing rule and doctrine of Daleon as expressly reaffirmed herein, (see *infra*, paragraph 5), Consigna should be deemed *pro tanto* abandoned.

[9] 17 SCRA 272 (May 27, 1966).

[10] *Cea vs. Cinco*, 96 Phil. 131 (Nov. 18, 1954); *People vs. Sison*, 105 Phil. 1249 (Jan. 30, 1959).

[11] Art. 33, Civil Code, provides that "In cases of defamation, fraud, and physical injuries, a civil action for

damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence." Section 13 of Rep. Act No. 3019 (Anti-graft Law) likewise recognizes that administrative proceedings may proceed independently against the accused, in providing that "SEC. 13. Suspension and loss of benefits. - Any public officer against whom any criminal prosecution under a valid information under this Act or under the provisions of the Revised Penal Code on bribery is pending in court, shall be suspended from office. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him." (emphasis supplied)

Further analogy is found in the provisions of Article 29 of the Civil Code, in relation to Rule 111, sec. 3, par. (c), which permit a separate civil action for, damages after acquittal of the accused in the criminal case on the ground of the prosecution's failure to prove his guilt beyond reasonable doubt except where the penal action is extinguished with a declaration in the final judgment that the fact from which the civil action might arise "did not exist." The pertinent legal provisions read:

"Art. 29. When the accused in a criminal prosecution is acquitted on the ground that his guilt has not been proved beyond reasonable doubt, a civil action for damages for the same act or omission may be instituted. Such action requires only a preponderance of evidence. Upon motion of the defendant, the court may require the plaintiff to file a bond to answer for damage, in case the complaint should be found to be malicious. x x x " (Civil Code)

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"(c) 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 or indemnity for the damage suffered." (Rule 111, sec. 3).

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