

**MANILA RAILROAD COMPANY, PETITIONER, VS. HON. RODOLFO BALTAZAR, IN HIS CAPACITY AS JUDGE OF THE COURT OF FIRST INSTANCE OF PANGASINAN, JUAN R. AQUINO AND LIWAYWAY JOAQUIN, RESPO...***G.R. No. L-5451. September 14, 1953*

Ponente: PADILLA, J.

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After their acquittal in a criminal case (No. 19224) by the Court of First Instance of Pangasinan where they were charged with qualified theft of 100 pieces of rail valued at P12,500, Juan R. Aquino and Liwayway Joaquin, agents of the Manila Railroad Company, Intelligence Section, filed a motion in the same criminal case praying for payment of their salaries during their suspension. This was granted. A motion was filed to set it aside on the ground that the Manila Railroad Company was not a party in the criminal case; that the claim for salaries during their suspension was not involved therein; and that if the movants were entitled to such salaries such right should be enforced by means of a civil action. This was denied. Hence this petition for a writ of certiorari.

It is averred and claimed that the respondent court is without power and authority to order the payment of such salaries in the criminal case and that there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law to have the order of the respondent court directing the petitioner to pay such salaries set aside except by means of this extraordinary legal remedy.

It is contended, on the other hand, that the Manila Railroad Company was the offended party in the criminal case; that the right of the respondents to remain in the service of the petitioner was dependent upon the outcome of the criminal case; and that after their acquittal they were entitled to reinstatement because their suspension was unjustified.

In criminal cases courts of first instance may dismiss an information, try and acquit or convict and impose upon the defendant the penalty provided by law. The only civil responsibility that may be imposed by the court is that which arises from the criminal act.[1] 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 charged. 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 defendant 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.[2] 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.

The order entered by the respondent court in the criminal case where Juan R. Aquino and Liwayway Joaquin were

acquitted directing the petitioner to pay their salaries during their suspension is not within the power of the respondent court to enter and it is annulled and set aside.

Writ granted, without costs.

Paras, C.J., Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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[1] Articles 100-111 of the Revised Penal Code.

[2] Sections 1 and 2, Rule 116, Rules of Court.

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