

PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. JOSE CAPISTRANO, ACCUSED AND APPELLEE; TRINIDAD O. ELENTO, OFFENDED PARTY AND APPELLANT.*G.R. No. L-4448. February 27, 1952*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ed41f79f37f8/>**PARAS, C.J.:**

Jose Capistrano was charged in the justice of the peace court of Tayabas in criminal Case No. 139 with the crime of serious physical injuries thru reckless imprudence committed against Trinidad Elento, and in criminal case No. 140 with the crime of less serious physical injuries thru reckless imprudence committed against Hermenegilda de los Reyes, arising from the fact that on July 18, 1950, the jeepney driven by Jose Capistrano, in which Trinidad Elento and Hermenegilda de los Reyes were riding as passengers, hit a tree while passing along the national road in barrio Isabang, Tayabas, Quezon. Jose Capistrano pleaded not guilty to the two complaints. After trial, the justice of the peace court rendered judgment in criminal case No. 140, finding Jose Capistrano guilty as charged and sentencing him to imprisonment for 2 months and 1 day, *arresto mayor*, to pay Hermenegilda de los Reyes the sum of P43.00, plus the costs¹, from which judgment Capistrano appealed to the Court of First Instance of Quezon. In the meantime, the justice of the peace court elevated criminal case No. 139 to the Court of First Instance of Quezon wherein the provincial fiscal filed information against Jose Capistrano for a violation of the Motor Vehicle Law, which was docketed as criminal case No. 10806.

Under date of August 10, 1950, Trinidad Elento filed in the Court of First Instance of Quezon a civil action for damages against Juan Reyes, Jr., and Jose Capistrano, the first as owner and operator of the jeepney involved in the accident which took place on July 18, 1950, and the second as driver of said jeepney, the cause of action being based on the act which is the subject matter of the two criminal prosecutions.

In the Court of First Instance of Quezon, Jose Capistrano, as accused in the criminal case for violation of the Motor Vehicle Law, filed a motion to quash on the ground of double jeopardy, in that he was already convicted by the justice of the peace court of Tayabas of the crime of less serious physical injuries thru reckless imprudence committed against Hermenegilda de los Reyes, and based on the same accident of July 18, 1950. This motion was sustained by the Court of First Instance of Quezon in its order dated November 9, 1950. No appeal was taken from this order by the provincial fiscal, but the offended party, Trinidad Elento, has appealed to this Court.

Without passing upon the contention of the appellant offended party that there has been no double jeopardy, we are of the opinion that she has no right to appeal in this case, since she had filed a separate civil action for indemnity arising from the same act covered by the information. (*People vs. Olavides et al.*, 45 O. G., p. 3834[1]. In the case of *People vs. Velez*, 44 O. G., p. 1811[2], we made the following applicable pronouncements:

"It appearing from the record that there was a pending civil action arising out of the same alleged libelous document, filed by the offended party against the same defendant (p. 28, Record), the offended party has no right to intervene in the prosecution of this case, and consequently can not appeal from the order of the court

dismissing the information. The reason of the law in not permitting the offended party to intervene in the prosecution of a criminal case if he has waived his right to institute a civil action arising from the criminal act, or has reserved or, a fortiori, already instituted the said civil action, is that he has no special interest in the prosecution of the criminal action.

"Besides, even if the offended party has not instituted a separate Civil action nor reserved his right to do so, and has intervened in the prosecution of the criminal action, as his intervention is subject to the direction and control of the fiscal, that is, the provincial fiscal or the Solicitor General, the latter in the exercise of his authority to control the prosecution has the right to move for the dismissal of the appeal interposed by offended party, if such dismissal would not affect the right of the offended party to civil indemnity. And in the present case the dismissal of the information or the criminal action does not affect the right of the offended to institute or continue the civil action already instituted arising from the offense, because such dismissal or extinction of the penal action does not carry with it the extinction of the civil one under Sec. 1 (d) Rule 107, Rules of Court, which reads as follows: '(d) 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 the 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 damages suffered.'"

Wherefore, the appeal interposed by the offended party in this case is dismissed with costs against the appellant.

So ordered.

Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo, and Bautista Angelo, JJ., concur.

[1] 80 Phil., 280.

[2] 77 Phil., 1026.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.