

ROY PADILLA, FILOMENO GALDONES, ISMAEL GONZALGO AND JOSE FARLEY BEDEÑA, PETITIONERS, VS. COURT OF APPEALS, RESPONDENT.

G.R. No. L-39999. May 31, 1984

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review on certiorari of a Court of Appeals' decision which reversed the trial court's judgment of conviction and acquitted the petitioners of the crime of grave coercion on the ground of reasonable doubt but in spite of the acquittal ordered them to pay jointly and severally the amount of P9,000.00 to the complainants as actual damages.

The petitioners were charged under the following information:

"The undersigned Fiscal accused ROY PADILLA, FILOMENO GALDONES, PEPITO BEDEÑA, YOLLY RICO, DAVID BERMUNDO, VULLANOAC, ROBERTO ROSALES, VILLANIA, ROMEO GARRIDO, JOSE ORTEGA, JR., RICARDO CELESTINO, REALINGO alias "KAMLON", JOHN DOE alias TATO, and FOURTEEN (14) RICARDO DOES of the crime of GRAVE COERCION, committed as follows:

"That on or about February 8, 1964 at around 9:00 o'clock in the morning, in the municipality of Jose Panganiban, province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Roy Padilla, Filomeno Galdones, Pepito Bedeña, Yolly Rico, David Bermundo, Villanoac, Roberto Rosales, Villania, Romeo Garrido, Jose Ortega, Jr., Ricardo Celestino, Realingo alias Kamlon, John Doe alias Tato, and Fourteen Richard Does, by confederating and mutually helping one another, and acting without any authority of law, did then and there wilfully, unlawfully, and feloniously, by means of threats, force and violence prevent Antonio Vergara and his family to close their stall located at the Public Market, Building No. 3, Jose Panganiban, Camarines Norte, and by subsequently forcibly opening the door of said stall and thereafter brutally demolishing and destroying said stall and the furnitures therein by axes and other massive instruments, and carrying away the goods, wares and merchandise, to the damage and prejudice of the said Antonio Vergara and his family in the amount of P30,000.00 in concept of actual or compensatory and moral damages, and further the sum of P20,000.00 as exemplary damages.

"That in committing he offense, the accused took advantage of their public positions: Roy Padilla, being the incumbent municipal mayor, and the rest of the accused being policemen, except Ricardo Celestino who is a civilian, all of Jose Panganiban Camarines Norte, and that it was committed with evident premeditation."

The Court of First Instance of Camarines Norte, Tenth Judicial District rendered a decision, the dispositive portion of which states that:

IN VIEW OF THE FOREGOING, the Court finds the accused Roy Padilla, Filomeno Galdonez, Ismael Gonzalgo and Jose Parley Bedeña guilty beyond reasonable doubt of the crime of grave coercion, and hereby imposes upon them to suffer an imprisonment of FIVE (5) months and One (1) day; to pay a fine of P500.00 each; to pay actual and compensatory damages in the amount of P10,000.00; moral damages in the amount of

P30,000.00; and another P10,000.00 for exemplary damages, jointly and severally, and all the accessory penalties provided for by law; and to pay the proportionate costs of this proceedings.

"The accused Federico Realingo alias 'Kamlon', David Bermudo, Christopher Villoac, Godofredo Villania, Romeo Garrido, Roberto Rosales, Ricardo Celestino and Jose Ortega, are hereby ordered acquitted on grounds of reasonable doubt for their criminal participation in the crime charged."

The petitioners appealed the judgment of conviction to the Court of Appeals. They contended that the trial court's finding of grave coercion was not supported by the evidence. According to the petitioners, the town mayor had the power to order the clearance of market premises and the removal of the complainants' stall because the municipality had enacted municipal ordinances pursuant to which the market stall was a nuisance per se. The petitioners stated that the lower court erred in finding that the demolition of the complainants' stall was a violation of the very directive of the petitioner Mayor which gave the stall owners seventy two (72) hours to vacate the market premises. The petitioners questioned the imposition of prison terms of five months and one day and of accessory penalties provided by law. They also challenge the order to pay fines of P500.00 each, P10,000.00 actual and compensatory damages, P30,000.00 moral damages, P10,000.00 exemplary damages, and the costs of the suit.

The dispositive portion of the decision of the respondent Court of Appeals states:

"WHEREFORE, we hereby modify the judgment appealed from in the sense that the appellants are acquitted on ground of reasonable doubt, but they are ordered to pay jointly and severally to complainants the amount of P9,600.00, as actual damages."

The petitioners filed a motion for reconsideration contending that the acquittal of the defendants-appellants as to criminal liability results in the extinction of their civil liability. The Court of Appeals denied the motion holding that:

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"x x x 'appellants' acquittal was based on reasonable doubt — whether the crime of coercion was committed, not on facts that no unlawful act was committed; as their taking the law into their hands, destructing (sic) complainants' properties is unlawful, and, as evidence on record established that complainants suffered actual damages, the imposition of actual damages is correct. "

Consequently, the petitioners filed this special civil action, contending that:

I

THE COURT OF APPEALS COMMITTED A GRAVE ERROR OF LAW OR GRAVELY ABUSED ITS DISCRETION IN IMPOSING UPON PETITIONERS PAYMENT OF DAMAGES TO COMPLAINANTS AFTER ACQUITTING PETITIONERS OF THE CRIME CHARGED FROM WHICH SAID LIABILITY AROSE.

II

THE COURT OF APPEALS ERRED IN HOLDING IN ITS RESOLUTION DATED DECEMBER 26, 1974 THAT SINCE APPELLANTS' ACQUIT TAL WAS BASED ON REASONABLE DOUBT, NOT ON FACTS THAT NO UNLAWFUL ACT WAS COMMITTED, THE IMPOSITION OF ACTUAL DAMAGES IS CORRECT.

III

THE COURT OF APPEALS COMMITTED A LEGAL INCONSISTENCY, IF NOT PLAIN JUDICIAL ERROR, IN HOLDING IN ITS APPEALED RESOLUTION THAT PETITIONERS COMMITTED AN UNLAWFUL ACT, THAT IS, 'TAKING THE LAW INTO THEIR HANDS, DESTRUCTING (sic) 'COMPLAINANTS' PROPERTIES' AFTER HOLDING IN ITS MAIN DECISION OF NOVEMBER 6, 1974 THAT THE ACTS FOR WHICH THEY WERE CHARGED DID NOT CONSTITUTE GRAVE COERCION AND THEY WERE NOT CHARGED OF ANY OTHER CRIME.

IV

THE COURT OF APPEALS ERRED IN ORDERING THE PETITIONERS HEREIN, APPELLANTS IN CA-G.R. NO. 13456-CR, JOINTLY, AND SEVERALLY, TO PAY COMPLAINANTS P9,600.00 IN SUPPOSED ACTUAL DAMAGES.

The issue posed in the instant proceeding is whether or not the respondent court committed a reversible error in requiring the petitioners to pay civil indemnity to the complainants after acquitting them from the criminal charge.

Petitioners maintain the view that where the civil liability which is included in the criminal action is that arising from and as a consequence of the criminal act, and the defendant was acquitted in the criminal case, (no civil liability arising from the criminal case), no civil liability arising from the criminal charge could be imposed upon him. They cite precedents to the effect that the liability of the defendant for the return of the amount received by him may not be enforced in the criminal case but must be raised in a separate civil action for the recovery of the said amount (People v. Pantig, 97 Phil. 748; following the doctrine laid down in Manila Railroad Co. v. Honorable Rodolfo Baltazar, 49 O.G. 3874; Pueblo contra Abellera, 69 Phil. 623; People v. Mañago, 69 Phil. 496; People v. Miranda, 5 SCRA 1067; Aldaba v. Elepaño, 116 Phil. 457).

In the case before us, the petitioners were acquitted not because they did not commit the acts stated in the charge against them. There is no dispute over the forcible opening of the market stall, its demolition with axes and other instruments, and the carting away of the merchandise. The petitioners were acquitted because these acts were denominated coercion when they properly constituted some other offense such as threat or malicious mischief.

The respondent Court of Appeals stated in its decision:

"For a complaint to prosper under the foregoing provision, the violence must be employed against the person, not against property as what happened in the case at bar. x x x.

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"The next problem is: May the accused be convicted of an offense other than coercion?

From all appearances, they should have been prosecuted either for threats or malicious mischief. But the law does not allow us to render judgment of conviction for either of these offenses for the reason that they were not indicted for these offenses. The information under which they were prosecuted does not allege the elements of either threats or malicious mischief. Although the information mentions that the act was 'by means of threats', it does not allege the particular threat made. An accused person is entitled to be informed of the nature of the acts imputed to him before he can be made to enter into trial upon a valid information.

"We rule that the crime of grave coercion has not been proved in accordance with law.

"While appellants are entitled to acquittal, they nevertheless are civilly liable for the actual damages suffered by the complainants by reason of the demolition of the stall and loss of some of their properties. The extinction

of the penal action does not carry with it that 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. (Rule 111, Sec. 3(c), Rev. Rules of Court; *Laperal v. Aliza*, 51 OG.R. 1311, *People v. Velez*, 44 OG. 1811). In the instant case, the fact from which the civil might arise, namely, the demolition of the stall and loss of the properties contained therein; exists, and this is not denied by the accused. And since there is no showing that the complainants have reserved or waived their right to institute a separate civil action, the civil aspect therein is deemed instituted with the criminal action. (Rule 111, Sec. 1, Rev. Rules of Court).

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Section 1 of Rule 111 of the Rules of Court states the fundamental proposition that when a criminal action is instituted, the civil action for recovery of civil liability arising from the offense charged is impliedly instituted with it. There is no implied institution when the offended party expressly waives the civil action or reserves his right to institute it separately. (*Morte Sr. v. Alvizo, Jr.*, 101 SCRA 221).

The extinction of the civil action by reason of acquittal in the criminal case refers exclusively to civil liability *ex delicto* founded on Article 100 of the Revised Penal Code. (*Elcano v. Hill*, 77 SCRA 98; *Virata v. Ochoa*, 81 SCRA 472). In other words, the civil liability which is also extinguished upon acquittal of the accused is the civil liability arising from the act as a crime.

As early as 1942, the Supreme Court speaking through Justice Jorge Bocobo in *Barredo v. Garcia, et al.* 473 Phil. 607 laid down the rule that the same punishable act or omission can create two kinds of civil liabilities against the accused and, where provided by law, his employer. There is the civil liability arising from the act as a crime and the liability arising from the same act as a *quasidelict*. Either one of these two types of civil liability may be enforced against the accused. However, the offended party cannot recover damages under both types of liability. For instance, in cases of criminal negligence or crimes due to reckless imprudence, Article 2177 of the Civil Code provides:

"Responsibility for fault or negligence under the preceding article is entirely separate and distinct from the civil liability arising from negligence under the Penal Code. But the plaintiff cannot recover damages twice for the same act or omission of the defendant"

Section 3(c) of Rule 111 specifically provides that:

"Sec. 3. Other civil actions arising from offenses.- In all cases not included in the preceding section the following rules shall be observed:

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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.

The judgment of acquittal extinguishes the liability of the accused for damages only when it includes a declaration that the facts from which the civil might arise did not exist. Thus, the civil liability is not extinguished by acquittal where the acquittal is based on reasonable doubt (*PNB v. Catipon*, 98 Phil. 286) as only preponderance of evidence is required in civil cases; where the court expressly declares that the liability of the accused is not criminal but only civil in nature (*De Guzman v. Alvia*, 96 Phil. 558; *People v. Pantig*, *supra*) as, for instance, in

the felonies of estafa, theft, and malicious mischief committed by certain relatives who thereby incur only civil liability (See Art. 332, Revised Penal Code); and, where the civil liability does not arise from or is not based upon the criminal act of which the accused was acquitted (*Castro v. Collector of Internal Revenue*, 4 SCRA 1093; See Regalado, Remedial Law Compendium, 1983 ed., p. 623).

Article 29 of the Civil Code, also provides that:

"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 damages in case the complaint should be found to be malicious.

"If in a criminal case the judgment of acquittal is based upon reasonable doubt, the court shall so declare. In the absence of any declaration to that effect, it may be inferred from the text of the decision whether or not the acquittal is due to that ground."

More recently, we held that the acquittal of the defendant in the criminal case would not constitute an obstacle to the filing of a civil case based on the same acts which led to the criminal prosecution:

"x x x The finding by the respondent court that he spent said sum for and in the interest of the Capiz Agricultural and Fishery School and for his personal benefit is not a declaration that the fact upon which Civil Case No. V-3339 is based does not exist. The civil action barred by such a declaration is the civil liability arising from the offense charged, which is the one impliedly instituted with the criminal action. (Section I, Rule III, Rules of Court.) Such a declaration would not bar a civil action filed against an accused who had been acquitted in the criminal case if the criminal action is predicated on factual or legal considerations other than the commission of the offense charged. A person may be acquitted of malversation where, as in the case at bar, he could show that he did not misappropriate the public funds in his possession, but he could be rendered liable to restore said funds or at least to make a proper accounting thereof if he shall spend the same for purposes which are not authorized nor intended, and in a manner not permitted by applicable rules and regulations." (*Republic v. Bello*, 120 SCRA 203)

There appear to be no sound reasons to require a separate civil action to still be filed considering that the facts to be proved in the civil case have already been established in the criminal proceedings where the accused was acquitted. Due process has been accorded the accused. He was, in fact, exonerated of the criminal charged. The constitutional presumption of innocence called for more vigilant efforts on the part of prosecuting attorneys and defense counsel, a keener awareness by all witnesses of the serious implications of perjury, and a more studied consideration by the judge of the entire records and of applicable statutes and precedents. To require a separate civil action simply because the accused was acquitted would mean needless clogging of court dockets and unnecessary duplication of litigation with all its attendant loss of time, effort, and money on the part of all concerned.

The trial court found the following facts clearly established by the evidence adduced by both the prosecution and the defense:

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"(9) In the morning of February 8, 1964, then Chief Galdones, complying with the instructions contained in said Memorandum No. 32 of the Mayor, and upon seeing that Antonio Vergara had not vacated the premises in question, with the aid of his policemen, forced upon the store or stall and ordered the removal of the goods inside the store of Vergara, at the same time taking inventory of the goods taken out, piled them outside in front of the store and had it cordoned with a rope, and after all the goods were taken out from the store, ordered the demolition of said stall of Antonio Vergara. Since then up to the trial of this case, the whereabouts of the

goods taken out from the store nor the materials of the demolished stall have not been made known."

The respondent Court of Appeals made a similar finding that:

"On the morning of February 8th, because the said Vergaras had not up to that time complied with the order to vacate, the co-accused Chief of Police Galdones and some members of his police force, went to the market and, using ax, crowbars and hammers, demolished the stall of the Vergaras who were not present or around, and after having first inventoried the goods and merchandise found therein, they had them brought to the municipal building for safe-keeping. In spite of notice served upon the Vergaras to take possession of the goods and merchandise thus taken away, the latter refused to do so.

"The loss and damage to the Vergaras as they evaluated them were:

Cost of stall construction P 1,300.00

Value of furniture and equipment destroyed 300.00

Value of goods and equipment taken 8,000.00

P9,600.00

"It is not disputed that the accused demolished the grocery stall of the complainants Vergaras and carted away its contents. The defense that they did so in order to abate what they considered a nuisance per se is untenable. This finds no support in law and in fact. The couple has been paying rentals for the premises to the government which allowed them to lease the stall. It is, therefore, far-fetched to say that the stall was a nuisance per se which could be summarily abated.

The petitioners, themselves, do not deny the fact that they caused the destruction of the complainant's market stall and had its contents carted away. They state:

"On February 8, 1964, despite personal pleas on Vergaras by the Mayor to vacate the passageways of Market Building No. 3, the Vergaras were still in the premises, so the petitioners Chief of Police and members of the Police Force of Jose Panganiban, pursuant to the Mayor's directives, demolished the store of the Vergaras, made an inventory of the goods found in said store, and brought these goods to the municipal building under the custody of the Municipal Treasurer, x x x."

The only supposed obstacle is the provision of Article 29 of the Civil Code, earlier cited, that "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." According to some scholars, this provision of substantive law calls for a separate civil action and cannot be modified by a rule of remedial law even in the interests of economy and simplicity and following the dictates of logic and common sense.

As stated by retired Judge J. Cezar Sangco:

"x x x if the Court finds the evidence sufficient to sustain the civil action but inadequate to justify a conviction in the criminal action, may it render judgment acquitting the accused on reasonable doubt, but hold him civilly liable nonetheless? An affirmative answer to this question would be consistent with the doctrine that the two are distinct and separate actions, and will (a) dispense with the reinstituting of the same civil action, or, one based on quasidelict or other independent civil action, and of presenting the same evidence; (b) save the injured party unnecessary expenses in the prosecution of the civil action or enable him to take advantage of the free services of the fiscal; and (c) otherwise resolve the unsettling implications of permitting the reinstitution of a separate civil action whether based on delict, or quasidelict, or other independent civil actions.

"x x x But for the court to be able to adjudicate in the manner here suggested, Art. 29 of the Civil Code should be amended because it clearly and expressly provides that the civil action based on the same act or omission

may only be instituted in a separate action, and therefore, may not inferentially be resolved in the same criminal action. To dismiss the civil action upon" acquittal of the accused, and disallow the reinstitution of any other civil action, would likewise render, unjustifiably, the acquittal on reasonable doubt without any significance, and would violate the doctrine that the two actions are distinct and separate.

"In the light of the foregoing exposition, it seems evident that there is much sophistry and no pragmatism in the doctrine that it is inconsistent to award in the same proceedings damages against the accused after acquitting him on reasonable doubt. Such doctrine must recognize the distinct and separate character of the two actions, the nature of an acquittal on reasonable doubt, the vexatious and oppressive effects of a reservation or institution of a separate civil action, and that the injured party is entitled to damages not because the act or omission is punishable but because he was damaged or injured thereby (Sangco, Philippine Law on Torts and Damages, pp. 288-289).

We see no need to amend Article 29 of the Civil Code in order to allow a court to grant damages despite a judgment of acquittal based on reasonable doubt. What Article 29 clearly and expressly provides is a remedy for the plaintiff in case the defendant has been acquitted in a criminal prosecution on the ground that his guilt has not been proved beyond reasonable doubt. It merely emphasizes that a civil action for damages is not precluded by an acquittal for the same criminal act or omission. The Civil Code provision does not state that the remedy can be availed of only in a separate civil action. A separate civil case may be filed but there is no statement that such separate filing is the only and exclusive permissible mode of recovering damages.

There is nothing contrary to the Civil Code provision in the rendition of a judgment of acquittal and a judgment awarding damages in the same criminal action. The two can stand side by side. A judgment of acquittal operates to extinguish the criminal liability. It does not, however, extinguish the civil liability unless there is clear showing that the act from which civil liability might arise did not exist.

A different conclusion would be attributing to the Civil Code a trivial requirement, a provision which imposes an uncalled for burden before one who has already been the victim of a condemnable, yet non-criminal, act may be, accorded the justice which he seeks.

We further note the rationale behind Art. 29 of the Civil Code in arriving at the intent of the legislator that they could not possibly have intended to make it more difficult for the aggrieved party to recover just compensation by making a separate civil action mandatory and exclusive:

"The old rule that the acquittal of the accused in a criminal case also releases him from civil liability is one of the most serious flaws in the Philippine legal system. It has given rise to numberless instances of miscarriage of justice, where the acquittal was due to a reasonable doubt in the mind of the court as to the guilt of the accused. The reasoning followed is that inasmuch as the civil responsibility is derived from the criminal offense, when the latter is not proved, civil liability cannot be demanded.

"This is one of those cases where confused thinking leads to unfortunate and deplorable consequences. Such reasoning fails to draw a clear line of demarcation between criminal liability and civil responsibility, and to determine the logical result of the distinction. The two liabilities are separate and distinct from each other. One affects the social order and the other, private rights. One is for the punishment or correction of the offender while the other is for reparation of damages suffered by the aggrieved party. x x x It is just and proper that, for the purposes of the imprisonment of or fine upon the accused, the offense should be proved beyond reasonable doubt. But for the purpose of indemnifying the complaining party, why should the offense also be proved beyond reasonable doubt? Is not the invasion or violation of every private right to be proved only by preponderance of evidence? Is the right of the aggrieved person any less private because the wrongful act is also punishable by the criminal law? (Code Commission, pp. 45-46).

A separate civil action may be warranted where additional facts have to be established or more evidence must be adduced or where the criminal case has been fully terminated and a separate complaint would be just as efficacious or even more expedient than a timely remand to the trial court where the criminal action was decided for further hearings on the civil aspects of the case. The offended party may, of course, choose to file a separate action. These do not exist in this case. Considering moreover the delays suffered by the case in the trial, appellate, and review stages, it would be unjust to the complainants in this case to require at this time a separate civil action to be filed.

With this in mind, we therefore hold that the respondent Court of Appeals did not err in awarding damages despite a judgment of acquittal.

WHEREFORE, we hereby AFFIRM the decision of the respondent Court of Appeals and dismiss the petition for lack of merit.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Guerrero, Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, and De la Fuente, JJ., concur.

Aquino, J., in the result.

Concepcion, Jr., J., on leave.

De Castro, J., did not take part.

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