

GEORGE MANANTAN, PETITIONER, VS. THE COURT OF APPEALS, SPOUSES MARCELINO NICOLAS AND MARIA NICOLAS, RESPONDENTS.

G.R. No. 107125. January 29, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is a petition for review of the decision dated January 31, 1992 of the Court of Appeals in CA-G.R. CV No. 19240, modifying the judgment of the Regional Trial Court of Santiago, Isabela, Branch 21, in Criminal Case No. 066. Petitioner George Manantan was acquitted by the trial court of homicide through reckless imprudence without a ruling on his civil liability. On appeal from the civil aspect of the judgment in Criminal Case No. 066, the appellate court found petitioner Manantan civilly liable and ordered him to indemnify private respondents Marcelino Nicolas and Maria Nicolas P104,400.00 representing loss of support, P50,000.00 as death indemnity, and moral damages of P20,000.00 or a total of P174,400.00 for the death of their son, Ruben Nicolas.

The facts of this case are as follows:

On June 1, 1983, the Provincial Fiscal of Isabela filed an information charging petitioner Manantan with reckless imprudence resulting in homicide, allegedly committed as follows:

That on or about the 25th day of September 1982, in the municipality of Santiago, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the driver and person-in-charge of an automobile bearing Plate No. NGA-816, willfully and unlawfully drove and operated the same while along the Daang Maharlika at Barangay Malvar, in said municipality, in a negligent, careless and imprudent manner, without due regard to traffic laws, regulations and ordinances and without taking the necessary precaution to prevent accident to person and damage to property, causing by such negligence, carelessness and imprudence said automobile driven and operated by him to sideswipe a passenger jeep bearing plate No. 918-7F driven by Charles Codamon, thereby causing the said automobile to turn down (sic) resulting to the death of Ruben Nicolas a passenger of said automobile.

CONTRARY TO LAW.[1]

On arraignment, petitioner pleaded not guilty to the charge. Trial on the merits ensued.

The prosecution's evidence, as summarized by the trial court and adopted by the appellate court, showed that:

[I]n the morning of September 25, 1982, Fiscal Wilfredo Ambrocio... decided to catch shrimps at the irrigation canal at his farm. He invited the deceased who told him that they (should) borrow the Ford Fiera of the accused George Manantan who is also from Cordon. The deceased went to borrow the Ford Fiera but...said that the accused also wanted to (come) along. So Fiscal Ambrocio and the deceased dropped by the accused at the Manantan Technical School. They drank beer there before they proceeded to the farm using the Toyota Starlet of the accused. At the farm they consumed one (more) case of beer. At about 12:00 o'clock noon they went home. Then at about 2:00 or 3:00 o'clock that afternoon, (defense witness Miguel) Tabangin and (Ruben)

Nicolas and the accused returned to the house of Fiscal Ambrocio with a duck. They cooked the duck and ate the same with one more case of beer. They ate and drank until about 8:30 in the evening when the accused invited them to go bowling. They went to Santiago, Isabela on board the Toyota Starlet of the accused who drove the same. They went to the Vicap Bowling Lanes at Mabini, Santiago, Isabela but unfortunately there was no vacant alley. While waiting for a vacant alley they drank one beer each. After waiting for about 40 minutes and still no alley became vacant the accused invited his companions to go to the LBC Night Club. They had drinks and took some lady partners at the LBC. After one hour, they left the LBC and proceeded to a nearby store where they ate arroz caldo...and then they decided to go home. Again the accused drove the car. Miguel Tabangin sat with the accused in the front seat while the deceased and Fiscal Ambrocio sat at the back seat with the deceased immediately behind the accused. The accused was driving at a speed of about 40 kilometers per hour along the Maharlika Highway at Malvar, Santiago, Isabela, at the middle portion of the highway (although according to Charles Cudamon, the car was running at a speed of 80 to 90 kilometers per hour on [the] wrong lane of the highway because the car was overtaking a tricycle) when they met a passenger jeepney with bright lights on. The accused immediately tried to swerve the car to the right and move his body away from the steering wheel but he was not able to avoid the oncoming vehicle and the two vehicles collided with each other at the center of the road.

x x x

As a result of the collision the car turned turtle twice and landed on its top at the side of the highway immediately at the approach of the street going to the Flores Clinic while the jeep swerved across the road so that one half front portion landed on the lane of the car while the back half portion was at its right lane five meters away from the point of impact as shown by a sketch (Exhibit "A") prepared by Cudamon the following morning at the Police Headquarters at the instance of his lawyer. Fiscal Ambrocio lost consciousness. When he regained consciousness he was still inside the car (lying) on his belly with the deceased on top of him. Ambrocio pushed (away) the deceased and then he was pulled out of the car by Tabangin. Afterwards, the deceased who was still unconscious was pulled out from the car. Both Fiscal Ambrocio and the deceased were brought to the Flores Clinic. The deceased died that night (Exhibit "B") while Ambrocio suffered only minor injuries to his head and legs.[2]

The defense version as to the events prior to the incident was essentially the same as that of the prosecution, except that defense witness Miguel Tabangin declared that Manantan did not drink beer that night. As to the accident, the defense claimed that:

...The accused was driving slowly at the right lane [at] about 20 inches from the center of the road at about 30 kilometers per hour at the National Highway at Malvar, Santiago, Isabela, when suddenly a passenger jeepney with bright lights which was coming from the opposite direction and running very fast suddenly swerve(d) to the car's lane and bumped the car which turned turtle twice and rested on its top at the right edge of the road while the jeep stopped across the center of the road as shown by a picture taken after the incident (Exhibit "1") and a sketch (Exhibit "3") drawn by the accused during his rebuttal testimony. The car was hit on the driver's side. As a result of the collision, the accused and Miguel Tabangin and Fiscal Ambrocio were injured while Ruben Nicolas died at the Flores Clinic where they were all brought for treatment.[3]

In its decision dated June 30, 1988, promulgated on August 4, 1988, the trial court decided Criminal Case No. 066 in petitioner's favor, thus:

WHEREFORE, in the light of the foregoing considerations, the Court finds the accused NOT GUILTY of the crime charged and hereby acquits him.

SO ORDERED.[4]

On August 8, 1988, private respondents filed their notice of appeal on the civil aspect of the trial court's judgment. In their appeal, docketed as CA-G.R. CV No. 19240, the Nicolas spouses prayed that the decision appealed from

be modified and that appellee be ordered to pay indemnity and damages.

On January 31, 1992, the appellate court decided CA-G.R. CV No. 19240 in favor of the Nicolas spouses, thus:

WHEREFORE, the decision appealed from is MODIFIED in that defendant-appellee is hereby held civilly liable for his negligent and reckless act of driving his car which was the proximate cause of the vehicular accident, and sentenced to indemnify plaintiffs-appellants in the amount of P174,400.00 for the death of Ruben Nicolas,

SO ORDERED.[5]

In finding petitioner civilly liable, the court a quo noted that at the time the accident occurred, Manantan was in a state of intoxication, due to his having consumed "all in all, a total of at least twelve (12) bottles of beer...between 9 a.m. and 11 p.m." [6] It found that petitioner's act of driving while intoxicated was a clear violation of Section 53 of the Land Transportation and Traffic Code (R.A. No. 4136) [7] and pursuant to Article 2185 of the Civil Code, [8] a statutory presumption of negligence existed. It held that petitioner's act of violating the Traffic Code is negligence in itself "because the mishap, which occurred, was the precise injury sought to be prevented by the regulation." [9]

Petitioner moved for reconsideration, but the appellate court in its resolution of August 24, 1992 denied the motion.

Hence, the present case. Petitioner, in his memorandum, submits the following issues for our consideration:

FIRST - THE DECISION OF THE TRIAL COURT ACQUITTING THE PETITIONER OF THE CRIME OF RECKLESS IMPRUDENCE RESULTING TO HOMICIDE FORECLOSED ANY FURTHER INQUIRY ON THE ACCUSED'S (PETITIONER'S) NEGLIGENCE OR RECKLESS IMPRUDENCE BECAUSE BY THEN HE WILL BE PLACED IN "DOUBLE JEOPARDY" AND THEREFORE THE COURT OF APPEALS ERRED IN PASSING UPON THE SAME ISSUE AGAIN.

SECOND - THE COURT OF APPEALS DID NOT HAVE JURISDICTION TO AWARD DAMAGES AND INDEMNITY TO THE PRIVATE RESPONDENTS CONSIDERING THAT THE NON-DECLARATION OF ANY INDEMNITY OR AWARD OF DAMAGES BY THE REGIONAL TRIAL COURT OF ISABELA, BRANCH XXI, WAS ITSELF CONSISTENT WITH THE PETITIONER'S ACQUITTAL FOR THE REASON THAT THE CIVIL ACTION WAS IMPLIEDLY INSTITUTED WITH THE CRIMINAL ACTION AND THERE WAS NO EXPRESS WAIVER OF THE CIVIL ACTION OR RESERVATION TO INSTITUTE IT SEPARATELY BY THE PRIVATE RESPONDENTS IN THE TRIAL COURT.

THIRD - THE COURT OF APPEALS DID NOT HAVE JURISDICTION TO TAKE COGNIZANCE OF THE CASE CA-G.R. CV No. 19240 ENTITLED: SPOUSES MARCELINO NICOLAS AND MARIA NICOLAS v. GEORGE MANANTAN, AND RENDER THE DECISION SOUGHT TO BE REVIEWED WHEN THE SAME WAS PROSECUTED BY THE PRIVATE RESPONDENTS IN THEIR PERSONAL CAPACITIES AND THE FILING FEES NOT HAVING BEEN PAID, THUS VIOLATING THE MANCHESTER DOCTRINE.

In brief, the issues for our resolution are:

(1)

Did the acquittal of petitioner foreclose any further inquiry by the Court of Appeals as to his negligence or reckless imprudence?

(2)

Did the court a quo err in finding that petitioner's acquittal did not extinguish his civil liability?

(3)

Did the appellate court commit a reversible error in failing to apply the Manchester doctrine to CA-G.R. CV No. 19240?

On the first issue, petitioner opines that the Court of Appeals should not have disturbed the findings of the trial court on the lack of negligence or reckless imprudence under the guise of determining his civil liability. He argues that the trial court's finding that he was neither imprudent nor negligent was the basis for his acquittal, and not reasonable doubt. He submits that in finding him liable for indemnity and damages, the appellate court not only placed his acquittal in suspicion, but also put him in "double jeopardy."

Private respondents contend that while the trial court found that petitioner's guilt had not been proven beyond reasonable doubt, it did not state in clear and unequivocal terms that petitioner was not recklessly imprudent or negligent. Hence, impliedly the trial court acquitted him on reasonable doubt. Since civil liability is not extinguished in criminal cases, if the acquittal is based on reasonable doubt, the Court of Appeals had to review the findings of the trial court to determine if there was a basis for awarding indemnity and damages.

Preliminarily, petitioner's claim that the decision of the appellate court awarding indemnity placed him in double jeopardy is misplaced. The constitution provides that "no person shall be twice put in jeopardy for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act." [10] When a person is charged with an offense and the case is terminated either by acquittal or conviction or in any other manner without the consent of the accused, the latter cannot again be charged with the same or identical offense. [11] This is double jeopardy. For double jeopardy to exist, the following elements must be established: (a) a first jeopardy must have attached prior to the second; (2) the first jeopardy must have terminated; and (3) the second jeopardy must be for the same offense as the first. [12] In the instant case, petitioner had once been placed in jeopardy by the filing of Criminal Case No. 066 and the jeopardy was terminated by his discharge. The judgment of acquittal became immediately final. Note, however, that what was elevated to the Court of Appeals by private respondents was the civil aspect of Criminal Case No. 066. Petitioner was not charged anew in CA-G.R. CV No. 19240 with a second criminal offense identical to the first offense. The records clearly show that no second criminal offense was being imputed to petitioner on appeal. In modifying the lower court's judgment, the appellate court did not modify the judgment of acquittal. Nor did it order the filing of a second criminal case against petitioner for the same offense. Obviously, therefore, there was no second jeopardy to speak of. Petitioner's claim of having been placed in double jeopardy is incorrect.

Our law recognizes two kinds of acquittal, with different effects on the civil liability of the accused. First is an acquittal on the ground that the accused is not the author of the act or omission complained of. This instance closes the door to civil liability, for a person who has been found to be not the perpetrator of any act or omission cannot and can never be held liable for such act or omission. [13] There being no delict, civil liability *ex delicto* is out of the question, and the civil action, if any, which may be instituted must be based on grounds other than the delict complained of. This is the situation contemplated in Rule 111 of the Rules of Court. [14] The second instance is an acquittal based on reasonable doubt on the guilt of the accused. In this case, even if the guilt of the accused has not been satisfactorily established, he is not exempt from civil liability which may be proved by preponderance of evidence only. [15] This is the situation contemplated in Article 29 of the Civil Code, [16] where the civil action for damages is "for the same act or omission." Although the two actions have different purposes, the matters discussed in the civil case are similar to those discussed in the criminal case. However, the judgment in the criminal proceeding cannot be read in evidence in the civil action to establish any fact there determined, even though both actions involve the same act or omission. [17] The reason for this rule is that the parties are not

the same and secondarily, different rules of evidence are applicable. Hence, notwithstanding herein petitioner's acquittal, the Court of Appeals in determining whether Article 29 applied, was not precluded from looking into the question of petitioner's negligence or reckless imprudence.

On the second issue, petitioner insists that he was acquitted on a finding that he was neither criminally negligent nor recklessly imprudent. Inasmuch as his civil liability is predicated on the criminal offense, he argues that when the latter is not proved, civil liability cannot be demanded. He concludes that his acquittal bars any civil action.

Private respondents counter that a closer look at the trial court's judgment shows that the judgment of acquittal did not clearly and categorically declare the non-existence of petitioner's negligence or imprudence. Hence, they argue that his acquittal must be deemed based on reasonable doubt, allowing Article 29 of the Civil Code to come into play.

Our scrutiny of the lower court's decision in Criminal Case No. 066 supports the conclusion of the appellate court that the acquittal was based on reasonable doubt; hence, petitioner's civil liability was not extinguished by his discharge. We note the trial court's declaration that did not discount the possibility that "the accused was really negligent." However, it found that "a hypothesis inconsistent with the negligence of the accused presented itself before the Court" and since said "hypothesis is consistent with the record...the Court's mind cannot rest on a verdict of conviction."^[18] The foregoing clearly shows that petitioner's acquittal was predicated on the conclusion that his guilt had not been established with moral certainty. Stated differently, it is an acquittal based on reasonable doubt and a suit to enforce civil liability for the same act or omission lies.

On the third issue, petitioner argues that the Court of Appeals erred in awarding damages and indemnity, since private respondents did not pay the corresponding filing fees for their claims for damages when the civil case was impliedly instituted with the criminal action. Petitioner submits that the non-payment of filing fees on the amount of the claim for damages violated the doctrine in *Manchester Development Corporation v. Court of Appeals*, 149 SCRA 562 (1987) and Supreme Court Circular No. 7 dated March 24, 1988.^[19] He avers that since *Manchester* held that "The Court acquires jurisdiction over any case only upon payment of the prescribed docket fees," the appellate court was without jurisdiction to hear and try CA-G.R. CV No. 19240, much less award indemnity and damages.

Private respondents argue that the *Manchester* doctrine is inapplicable to the instant case. They ask us to note that the criminal case, with which the civil case was impliedly instituted, was filed on July 1, 1983, while the *Manchester* requirements as to docket and filing fees took effect only with the promulgation of Supreme Court Circular No. 7 on March 24, 1988. Moreover, the information filed by the Provincial Prosecutor of Isabela did not allege the amount of indemnity to be paid. Since it was not then customarily or legally required that the civil damages sought be stated in the information, the trial court had no basis in assessing the filing fees and demanding payment thereof. Moreover, assuming that the *Manchester* ruling is applied retroactively, under the Rules of Court, the filing fees for the damages awarded are a first lien on the judgment. Hence, there is no violation of the *Manchester* doctrine to speak of.

At the time of the filing of the information in 1983, the implied institution of civil actions with criminal actions was governed by Rule 111, Section 1 of the 1964 Rules of Court.^[20] As correctly pointed out by private respondents, under said rule, it was not required that the damages sought by the offended party be stated in the complaint or information. With the adoption of the 1985 Rules of Criminal Procedure, and the amendment of Rule 111, Section 1 of the 1985 Rules of Criminal Procedure by a resolution of this Court dated July 7, 1988, it is now required that:

When the offended party seeks to enforce civil liability against the accused by way of moral, nominal,

temperate or exemplary damages, the filing fees for such civil action as provided in these Rules shall constitute a first lien on the judgment except in an award for actual damages.

In cases wherein the amount of damages, other than actual, is alleged in the complaint or information, the corresponding filing fees shall be paid by the offended party upon the filing thereof in court for trial.

The foregoing were the applicable provisions of the Rules of Criminal Procedure at the time private respondents appealed the civil aspect of Criminal Case No. 066 to the court a quo in 1989. Being in the nature of a curative statute, the amendment applies retroactively and affects pending actions as in this case.

Thus, where the civil action is impliedly instituted together with the criminal action, the actual damages claimed by the offended parties, as in this case, are not included in the computation of the filing fees. Filing fees are to be paid only if other items of damages such as moral, nominal, temperate, or exemplary damages are alleged in the complaint or information, or if they are not so alleged, shall constitute a first lien on the judgment.^[21] Recall that the information in Criminal Case No. 066 contained no specific allegations of damages. Considering that the Rules of Criminal Procedure effectively guarantee that the filing fees for the award of damages are a first lien on the judgment, the effect of the enforcement of said lien must retroact to the institution of the criminal action. The filing fees are deemed paid from the filing of the criminal complaint or information. We therefore find no basis for petitioner's allegations that the filing fees were not paid or improperly paid and that the appellate court acquired no jurisdiction.

WHEREFORE, the instant petition is **DISMISSED** for lack of merit. The assailed decision of the Court of Appeals in CA-G.R. CV No. 19240 promulgated on January 31, 1992, as well as its resolution dated August 24, 1992, denying herein petitioner's motion for reconsideration, are **AFFIRMED**. Costs against petitioner.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

[1] Records, p. 1.

[2] CA Rollo, pp. 53-55.

[3] Id. at 56-57.

[4] Records, p. 429.

[5] CA Rollo, p. 60.

[6] Id. at 57.

[7] SEC. 53. Driving while under the influence of liquor or narcotic drug. - No person shall drive a motor vehicle while under the influence of liquor or narcotic drug.

[8] CIVIL CODE, ART. 2185. Unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation.

[9] Supra note 6, at 58.

[10] CONST., Art. III, Sec. 21.

[11] *Melo v. People*, 85 Phil. 766, 768 (1950).

[12] *People v. Bocar*, 138 SCRA 166, 171 (1985).

[13] *Almeida, et al. v. Abaroa*, 8 Phil. 178, 181 (1907). See also *Almeida Chantangco and Lete v. Abaroa*, 40 Phil. 1056 (1910), 218 US 476, 54 L. Ed. 1116 (1910); *Wise & Co. v. Larion*, 45 Phil. 314 (1923), *Francisco v. Onrubia*, 46 Phil. 327 (1924). Article 29 of the Civil Code serves only to limit and qualify the application of the Almeida doctrine.

[14] RULES OF COURT, Rule 111, Sec. 2. Institution of separate civil action. -

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(b) 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. (stress supplied)

[15] *Manahan, Jr. v. Court of Appeals*, 255 SCRA 202, 214 (1996), citing *Padilla v. Court of Appeals*, 129 SCRA 558 (1984).

[16] CIVIL CODE, 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 (stress supplied). 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.

[17] *Almeida Chantangco and Lete v. Abaroa*, supra note 13, at 1061.

[18] Supra note 4.

[19] The subject of which reads: ALL COMPLAINTS MUST SPECIFY THE AMOUNT OF DAMAGES SOUGHT NOT ONLY IN THE BODY OF THE PLEADINGS, BUT ALSO IN THE PRAYER IN ORDER TO BE ACCEPTED AND ADMITTED FOR FILING. THE AMOUNT OF DAMAGES SO SPECIFIED IN THE COMPLAINT SHALL BE THE BASIS FOR ASSESSING THE AMOUNT OF THE FILING FEES.

[20] Sec. 1. Institution of criminal and civil actions. - When a criminal action is instituted, the civil action for recovery of civil liability arising from the offense charged is impliedly instituted with the criminal action, unless the offended party expressly waives the civil action or reserves his right to institute it separately.

[21] *People v. Escano, Jr.*, 193 SCRA 662, 665 (1991).

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