

DR. ENCARNACION C. LUMANTAS, M.D., PETITIONER, VS. HANZ CALAPIZ, REPRESENTED BY HIS PARENTS, HILARIO CALAPIZ, JR. AND HERLITA CALAPIZ, RESPONDENT.

G.R. No. 163753. January 15, 2014

Ponente: BERSAMIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-163753/>

BERSAMIN, J.:

The acquittal of the accused does not necessarily mean his absolution from civil liability.

The Case

In this appeal, an accused desires the reversal of the decision promulgated on February 20, 2003,[1] whereby the Court of Appeals (CA) affirmed the judgment rendered on August 6, 1999 by the Regional Trial Court (RTC), Branch 13, in Oroquieta City ordering him to pay moral damages despite his acquittal of the crime of reckless imprudence resulting in serious physical injuries charged against him.[2]

Antecedents

On January 16, 1995, Spouses Hilario Calapiz, Jr. and Herlita Calapiz brought their 8-year-old son, Hanz Calapiz (Hanz), to the Misamis Occidental Provincial Hospital, Oroquieta City, for an emergency appendectomy. Hanz was attended to by the petitioner, who suggested to the parents that Hanz also undergo circumcision at no added cost to spare him the pain. With the parents' consent, the petitioner performed the coronal type of circumcision on Hanz after his appendectomy. On the following day, Hanz complained of pain in his penis, which exhibited blisters. His testicles were swollen. The parents noticed that the child urinated abnormally after the petitioner forcibly removed the catheter, but the petitioner dismissed the abnormality as normal. On January 30, 1995, Hanz was discharged from the hospital over his parents' protestations, and was directed to continue taking antibiotics.

On February 8, 1995, Hanz was confined in a hospital because of the abscess formation between the base and the shaft of his penis. Presuming that the ulceration was brought about by Hanz's appendicitis, the petitioner referred him to Dr. Henry Go, an urologist, who diagnosed the boy to have a damaged urethra. Thus, Hanz underwent cystostomy, and thereafter was operated on three times to repair his damaged urethra.

When his damaged urethra could not be fully repaired and reconstructed, Hanz's parents brought a criminal charge against the petitioner for reckless imprudence resulting to serious physical injuries. On April 17, 1997, the information[3] was filed in the Municipal Trial Court in Cities of Oroquieta City (MTCC), to which the latter pleaded not guilty on May 22, 1998.[4] Under the order of April 30, 1999, the case was transferred to the RTC pursuant to Supreme Court Circular No. 11-99.[5]

At the trial, the Prosecution presented several witnesses, including Dr. Rufino Agudera as an expert witness and as the physician who had operated on Hanz twice to repair the damaged urethra. Dr. Agudera testified that Hanz had been diagnosed to have urethral stricture and cavernosal injury left secondary to trauma that had necessitated the conduct of two operations to strengthen and to lengthen the urethra. Although satisfactorily explaining that the

injury to the urethra had been caused by trauma, Dr. Agudera could not determine the kind of trauma that had caused the injury.

In his defense, the petitioner denied the charge. He contended that at the time of his examination of Hanz on January 16, 1995, he had found an accumulation of pus at the vicinity of the appendix two to three inches from the penis that had required immediate surgical operation; that after performing the appendectomy, he had circumcised Hanz with his parents' consent by using a congo instrument, thereby debunking the parents' claim that their child had been cauterized; that he had then cleared Hanz on January 27, 1995 once his fever had subsided; that he had found no complications when Hanz returned for his follow up check-up on February 2, 1995; and that the abscess formation between the base and the shaft of the penis had been brought about by Hanz's burst appendicitis.

Ruling of the RTC

In its decision rendered on August 6, 1999,[6] the RTC acquitted the petitioner of the crime charged for insufficiency of the evidence. It held that the Prosecution's evidence did not show the required standard of care to be observed by other members of the medical profession under similar circumstances. Nonetheless, the RTC ruled that the petitioner was liable for moral damages because there was a preponderance of evidence showing that Hanz had received the injurious trauma from his circumcision by the petitioner. The decision disposed as follows:

WHEREFORE, for insufficiency of evidence, this court renders judgment acquitting the accused, Dr. Encarnacion Lumantas, of reckless imprudence resulting in serious physical injuries, but ordering him to pay Hanz Calapiz P50,000.00 as moral damages. No costs.

SO ORDERED.

Ruling of the CA

On appeal, the CA affirmed the RTC,[7] sustaining the award of moral damages. It opined that even if the petitioner had been acquitted of the crime charged, the acquittal did not necessarily mean that he had not incurred civil liability considering that the Prosecution had preponderantly established the sufferings of Hanz as the result of the circumcision.

The petitioner moved for reconsideration, but the CA denied the motion on April 28, 2004.[8]

Hence, this appeal.

Issue

Whether the CA erred in affirming the petitioner's civil liability despite his acquittal of the crime of reckless imprudence resulting in serious physical injuries.

Ruling

The petition for review lacks merit.

It is axiomatic that every person criminally liable for a felony is also civilly liable.[9] Nevertheless, the acquittal of an accused of the crime charged does not necessarily extinguish his civil liability. In *Manantan v. Court of Appeals*,[10] the Court elucidates on the two kinds of acquittal recognized by our law as well as on the different effects of acquittal on the civil liability of the accused, viz:

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. 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. 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.

The Rules of Court requires that in case of an acquittal, the judgment shall state “whether the evidence of the prosecution absolutely failed to prove the guilt of the accused or merely failed to prove his guilt beyond reasonable doubt. In either case, the judgment shall determine if the act or omission from which the civil liability might arise did not exist.”[11]

Conformably with the foregoing, therefore, the acquittal of an accused does not prevent a judgment from still being rendered against him on the civil aspect of the criminal case unless the court finds and declares that the fact from which the civil liability might arise did not exist.

Although it found the Prosecution’s evidence insufficient to sustain a judgment of conviction against the petitioner for the crime charged, the RTC did not err in determining and adjudging his civil liability for the same act complained of based on mere preponderance of evidence.[12] In this connection, the Court reminds that the acquittal for insufficiency of the evidence did not require that the complainant’s recovery of civil liability should be through the institution of a separate civil action for that purpose.[13]

The petitioner’s contention that he could not be held civilly liable because there was no proof of his negligence deserves scant consideration. The failure of the Prosecution to prove his criminal negligence with moral certainty did not forbid a finding against him that there was preponderant evidence of his negligence to hold him civilly liable.[14] With the RTC and the CA both finding that Hanz had sustained the injurious trauma from the hands of the petitioner on the occasion of or incidental to the circumcision, and that the trauma could have been avoided, the Court must concur with their uniform findings. In that regard, the Court need not analyze and weigh again the evidence considered in the proceedings a quo. The Court, by virtue of its not being a trier of facts, should now accord the highest respect to the factual findings of the trial court as affirmed by the CA in the absence of a clear showing by the petitioner that such findings were tainted with arbitrariness, capriciousness or palpable error.

Every person is entitled to the physical integrity of his body. Although we have long advocated the view that any physical injury, like the loss or diminution of the use of any part of one’s body, is not equatable to a pecuniary loss, and is not susceptible of exact monetary estimation, civil damages should be assessed once that integrity has been violated. The assessment is but an imperfect estimation of the true value of one’s body. The usual practice is to award moral damages for the physical injuries sustained.[15] In Hanz’s case, the undesirable outcome of the circumcision performed by the petitioner forced the young child to endure several other procedures on his penis in order to repair his damaged urethra. Surely, his physical and moral sufferings properly warranted the amount of P50,000.00 awarded as moral damages.

Many years have gone by since Hanz suffered the injury. Interest of 6% per annum should then be imposed on the award as a sincere means of adjusting the value of the award to a level that is not only reasonable but just and commensurate. Unless we make the adjustment in the permissible manner by prescribing legal interest on the award, his sufferings would be unduly compounded. For that purpose, the reckoning of interest should be from the filing of the criminal information on April 17, 1997, the making of the judicial demand for the liability of the petitioner.

WHEREFORE, the Court AFFIRMS the decision promulgated on February 23, 2003, with the modification that

legal interest of 6% per annum to start from April 17, 1997 is imposed on the award of P50,000.00 as moral damages; and ORDERS the petitioner to pay the costs of suit.

SO ORDERED.

Sereno, C.J., Leonardo-De Castro, Villarama, Jr., and Reyes, JJ., concur.

[1] Rollo, pp. 25-30; penned by Associate Justice Perlita J. Tria Tirona (retired), with Associate Justice Roberto A. Barrios (retired/deceased) and Associate Justice Edgardo F. Sundiam (retired/deceased) concurring.

[2] Id. at 13-20.

[3] Id. at 21-24.

[4] Records, p. 174.

[5] Id. at 413.

[6] Rollo, pp. 13-20.

[7] Id. at 25-30.

[8] Id. at 33.

[9] Article 100, Revised Penal Code.

[10] G.R. No. 107125, January 29, 2001, 350 SCRA 387, 397.

[11] Section 2, Rule 120, Rules of Court.

[12] Article 29, Civil Code.

[13] *Romero v. People*, G.R. No. 167546, July 17, 2009, 593 SCRA 202, 206.

[14] Id.

[15] *Ong v. Court of Appeals, et al.*, G.R. No. 117103, January 21, 1999, 301 SCRA 387, 398.

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.