SONNY ROMERO Y DOMINGUEZ, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, ISABEL PADUA, REGINA BREIS, MINERVA MONTES AND OFELIA BELANDO BREIS, RESPONDENTS.

G.R. No. 167546. July 17, 2009

Ponente: CORONA, J.

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CORONA, J.:

On April 1, 1999[2] at around 12:00 noon, the JC Liner[3] driven by petitioner Sonny Romero and the Apego Taxi[4] driven by Jimmy Padua figured in a head-on collision along Governor Jose Fuentebella Highway at Barangay Hibago, Ocampo, Camarines Sur. The bus was bound for Naga City while the taxi was going in the opposite direction of Partido Area. The collision resulted in the death of Gerardo Breis, Sr.,[5] Arnaldo Breis,[6] Gerardo Breis, Jr.,[7] Rene Montes,[8] Erwin Breis[9] and Jimmy Padua.[10] Luckily, Edwin Breis and his son Edmund Breis survived although they sustained serious injuries.

As a consequence, petitioner was charged with the crime of reckless imprudence resulting in multiple homicide and multiple serious physical injuries with damage to property in the Municipal Trial Court (MTC) of Ocampo, Camarines Sur.

After trial on the merits, the MTC acquitted petitioner of the crime charged in a decision[11] dated November 9, 2000. Petitioner was, however, held civilly liable and was ordered to pay the heirs of the victims the total amount of P3,541,900 by way of actual damages, civil indemnity for death, moral damages, temperate damages and loss of earning capacity.

Petitioner appealed to the Regional Trial Court (RTC) of Pili, Camarines Sur, claiming that the MTC erred in holding him civilly liable in view of his acquittal. On July 17, 2001, the RTC affirmed the MTC judgment in toto.[12]

Refusing to give up, petitioner appealed[13] to the Court of Appeals (CA). On March 3, 2005, the CA rendered the assailed decision[14] affirming the RTC.

Left with no other recourse, petitioner now argues[15] that his acquittal should have freed him from payment of civil liability. He also claims that he should be totally exonerated from any liability because it was Gerardo Breis, Sr., not the regular driver, Jimmy Padua, who was actually driving the taxi at the time of the accident, which was clearly in violation of insurance and transportation laws.

We disagree.

The rule is that every person criminally liable is also civilly liable.[16] Criminal liability will give rise to civil liability only if the felonious act or omission results in damage or injury to another and is the direct and proximate cause thereof.[17] Every crime gives rise to (1) a criminal action for the punishment of the guilty party and (2) a civil action for the restitution of the thing, repair of the damage, and indemnification for the losses.[18]

However, the reverse is not always true. In this connection, the relevant portions of Section 2, Rule 111 and Section 2, Rule 120 of the Rules of Court provide:

> Sec. 2. When separate civil action is suspended.--xxx
>
> The extinction of the penal action does not carry with it extinction of the civil action. However, the civil action based on delict shall be deemed extinguished if there is a finding in a final judgment in the criminal action that the act or omission from which the civil liability may arise did not exist. (emphasis supplied)
>
> Sec. 2. Contents of the judgment.--xxx
>
> In case the judgment is of acquittal, it 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. (emphasis supplied)

Thus, the rule is that the acquittal of an accused of the crime charged will not necessarily extinguish his civil liability, unless the court declares in a final judgment that the fact from which the civil liability might arise did not exist.[19] Courts can acquit an accused on reasonable doubt but still order payment of civil damages in the same case.[20] It is not even necessary that a separate civil action be instituted.[21]

In this case, the MTC held that it could not ascertain with moral certainty the wanton and reckless manner by which petitioner drove the bus in view of the condition of the highway where the accident occurred and the short distance between the bus and the taxi before the collision. However, it categorically stated that while petitioner may be acquitted based on reasonable doubt, he may nonetheless be held civilly liable. [22]

The RTC added that there was no finding by the MTC that the act from which petitioner's civil liability may arise did not exist. Therefore, the MTC was correct in holding petitioner civilly liable to the heirs of the victims of the collision for the tragedy, mental anguish and trauma they suffered plus expenses they incurred during the wake and interment.[23]

In view of the pronouncements of the MTC and the RTC, we agree with the conclusion of the CA that petitioner was acquitted not because he did not commit the crime charged but because the RTC and the MTC could not ascertain with moral conviction the wanton and reckless manner by which petitioner drove the bus at the time of the accident. Put differently, petitioner was acquitted because the prosecution failed to prove his guilt beyond reasonable doubt. However, his civil liability for the death, injuries and damages arising from the collision is another matter.

While petitioner was absolved from criminal liability because his negligence was not proven beyond reasonable doubt, he can still be held civilly liable if his negligence was established by preponderance of evidence.[24] In other words, the failure of the evidence to prove negligence with moral certainty does not negate (and is in fact compatible with) a ruling that there was preponderant evidence of such negligence. And that is sufficient to hold him civilly liable.

Thus, the MTC (as affirmed by the RTC and the CA) correctly imposed civil liability on petitioner despite his acquittal. Simple logic also dictates that petitioner would not have been held civilly liable if his act from which the civil liability had arisen did not in fact exist.

Anent the second issue, it would be well to remind petitioner of the time-honored doctrine that this Court is not a trier of facts.[25] The rule finds greater relevance in this case because the MTC,[26] the RTC[27] and the CA[28] uniformly held that it was Jimmy Padua, and not Gerardo Breis, Sr., who was driving the taxi at the time of the accident.

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There are of course instances[29] when this Court can embark on a re-examination of the evidence adduced by the parties during trial. Sad to say, none of those instances is present here.

WHEREFORE, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro and Bersamin, JJ., concur.

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[1] The surnames of respondents Regina Breis and Ofelia Belando Breis were erroneously stated as "Bries" in the caption of the petition.

[2] Erroneously indicated as April 21, 1999 by the Court of Appeals.

[3] With Plate No. EAW-533 and Body No. 1019.

[4] With Plate No. PVZ-345.

[5] 36 years old.

[6] 13 years old.

[7] 9 years old.

[8] 14 years old.

[9] 7 years old.

[10] 41 years old.

[11] Penned by Judge Manuel E. Contreras. Rollo, pp. 24-36.

[12] Decision penned by Judge Martin P. Badong, Jr. Id., pp. 37-42.

[13] Under Rule 42 of the Rules of Court.

[14] Penned by Justice Eliezer R. De Los Santos (deceased) and concurred in by Justices Eugenio S. Labitoria (retired) and Arturo D. Brion (now a member of the Supreme Court). Rollo, pp. 43-48.

[15] Petitioner appealed to this Court via Rule 45 of the Rules of Court.

[16] Revised Penal Code, Art. 100. Underlying the principle that every person criminally liable is also civilly liable is the view that from the standpoint of its effects, a crime has dual character: (1) as an offense against the State because of the disturbance of the social order; and (2) as an offense against the private person injured by the crime unless it involves the crime of treason, rebellion, espionage, contempt and others where no civil liability arises on the part of the offender either because there are no damages to be compensated or there is no private person injured by the crime. Occena v. Icamina, G.R. No. 82146, 22 January 1990, 181 SCRA 328, 333, citing H. Jarencio, Torts and Damages, 1983 ed., p. 237. In the ultimate analysis, what gives rise to the civil liability is really the obligation of everyone to repair or to make whole the damage caused by another by reason of his act or omission, whether done intentionally or negligently and whether or not punishable by law. Id., citing C. Sangco, Philippine Law on Torts and Damages, Revised Edition, pp. 246-257.

[17] Banal v. Tadeo, Jr., G.R. Nos. L-78911-25, 11 December 1987, 156 SCRA 325.

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[18] United States v. Bernardo, 19 Phil. 265 (1911).

[19] Bautista v. Court of Appeals, G.R. No. 46025, 2 September 1992, 213 SCRA 231, 236; Calalang v. IAC, G.R. No. 74613, 27 February 1991, 194 SCRA 514.

[20] Padilla v. Court of Appeals, G.R. No. L-39999, 31 May 1984, 129 SCRA 558, 567. "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. xxx To require a civil action simply because the accused was acquitted would mean 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." See also People v. Jalandoni, G.R. No. L-57555, 28 August 1984, 131 SCRA 454; Maximo v. Garuchi, G.R. Nos. L-47994-97, 24 September 1986, 144 SCRA 326; Vizconde v. Intermediate Appellate Court, G.R. No. L-74231, 10 April 1987, 149 SCRA 226; People v. Ligon, G.R. No. L-74041, 29 July 1987, 152 SCRA 419.

[21] Id.

[22] Rollo, p. 31.

[23] Id., pp. 41-42.

[24] In that case, his civil liability remains to be ex delito. (See Manantan v. CA, 403 Phil. 298 [2001].)

[25] Vicente Delos Santos, et al. v. Fred Elizalde, G.R. Nos. 141810 & 141812, 2 February 2007, 514 SCRA 14.

[26] Rollo, p. 24.

[27] Id., p. 39.

[28] Id., p. 45.

[29] It is a settled rule that in the exercise of the Supreme Court's power of review, the Court is not a trier of facts and does not normally undertake the re-examination of the evidence presented by the contending parties during the trial of the case considering that the findings of facts of the CA are conclusive and binding on the Court. However, the Court had recognized several exceptions to this rule, to wit: (1) when the findings are grounded entirely on speculation, surmises or conjectures; 2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. Sampayan v. CA, G.R. No. 156360, 14 January 2005, 448 SCRA 220, 229.

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