

JUDGE FELIMON ABELITA III, PETITIONER, VS. P/SUPT. GERMAN B. DORIA AND SPO3 CESAR RAMIREZ, RESPONDENTS.

G.R. No. 170672. August 14, 2009

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review[1] assailing the 10 July 2004 Decision[2] and 18 October 2004 Order[3] of the Regional Trial Court of Quezon City, Branch 217 (trial court), in Civil Case No. Q-98-33442 for Damages.

The Antecedent Facts

Judge Felimon Abelita III (petitioner) filed a complaint for Damages under Articles 32(4) and (9) of the Civil Code against P/Supt. German B. Doria (P/Supt. Doria) and SPO3 Cesar Ramirez (SPO3 Ramirez). Petitioner alleged in his complaint that on 24 March 1996, at around 12 noon, he and his wife were on their way to their house in Bagumbayan, Masbate, Masbate when P/Supt. Doria and SPO3 Ramirez (respondents), accompanied by 10 unidentified police officers, requested them to proceed to the Provincial PNP Headquarters at Camp Boni Serrano, Masbate, Masbate. Petitioner was suspicious of the request and told respondents that he would proceed to the PNP Headquarters after he had brought his wife home. Petitioner alleged that when he parked his car in front of their house, SPO3 Ramirez grabbed him, forcibly took the key to his Totoya Lite Ace van, barged into the vehicle, and conducted a search without a warrant. The search resulted to the seizure of a licensed shotgun. Petitioner presented the shotgun's license to respondents. Thereafter, SPO3 Ramirez continued his search and then produced a .45 caliber pistol which he allegedly found inside the vehicle. Respondents arrested petitioner and detained him, without any appropriate charge, at the PNP special detention cell.

P/Supt. Doria alleged that his office received a telephone call from a relative of Rosa Sia about a shooting incident in Barangay Nursery. He dispatched a team headed by SPO3 Ramirez to investigate the incident. SPO3 Ramirez later reported that a certain William Sia was wounded while petitioner, who was implicated in the incident, and his wife just left the place of the incident. P/Supt. Doria looked for petitioner and when he found him, he informed him of the incident report. P/Supt. Doria requested petitioner to go with him to the police headquarters as he was reported to be involved in the incident. Petitioner agreed but suddenly sped up his vehicle and proceeded to his residence. P/Supt. Doria and his companions chased petitioner. Upon reaching petitioner's residence, they caught up with petitioner as he was about to run towards his house. The police officers saw a gun in the front seat of the vehicle beside the driver's seat as petitioner opened the door. They also saw a shotgun at the back of the driver's seat. The police officers confiscated the firearms and arrested petitioner. P/Supt. Doria alleged that his men also arrested other persons who were identified to be with petitioner during the shooting incident. Petitioner was charged with illegal possession of firearms and frustrated murder. An administrative case was also filed against petitioner before this Court.[4]

The Decision of the Trial Court

In its 10 July 2004 Decision, the trial court dismissed petitioner's complaint.

The trial court found that petitioner was at the scene of the shooting incident in Barangay Nursery. The trial court ruled that the police officers who conducted the search were of the belief, based on reasonable grounds, that petitioner was involved in the incident and that the firearm used in the commission of the offense was in his possession. The trial court ruled that petitioner's warrantless arrest and the warrantless seizure of the firearms were valid and legal. The trial court gave more credence to the testimonies of respondents who were presumed to have performed their duties in accordance with law. The trial court rejected petitioner's claim of frame-up as weak and insufficient to overthrow the positive testimonies of the police officers who conducted the arrest and the incidental search. The trial court

concluded that petitioner's claim for damages under Article 32 of the Civil Code is not warranted under the circumstances.

Petitioner filed a motion for reconsideration.

In its 18 October 2004 Order, the trial court denied the motion.

Hence, the petition before this Court.

The Issues

The issues in this case are the following:

- Whether the warrantless arrest and warrantless search and seizure were illegal under Section 5, Rule 113 of the 1985 Rules on Criminal Procedure;
- Whether respondents are civilly liable for damages under Articles 32(4) and (9) of the Civil Code; and
- Whether the findings in the administrative case against petitioner are conclusive in this case.

The Ruling of this Court

The petition has no merit.

Application of Section 5, Rule 113 of the 1985 Rules on Criminal Procedure

Petitioner alleges that his arrest and the search were unlawful under Section 5, Rule 113 of the 1985 Rules on Criminal Procedure. Petitioner alleges that for the warrantless arrest to be lawful, the arresting officer must have personal knowledge of facts that the person to be arrested has committed, is actually committing, or is attempting to commit an offense. Petitioner alleges that the alleged shooting incident was just relayed to the arresting officers, and thus they have no personal knowledge of facts as required by the Rules.

We do not agree.

Section 5, Rule 113 of the 1985 Rules on Criminal Procedure states:

Sec. 5. Arrest without warrant; when lawful. $\frac{3}{4}$ A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has in fact just been committed and he has personal knowledge of facts indicating that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

For the warrantless arrest under this Rule to be valid, two requisites must concur: (1) the offender has just committed an offense; and (2) the arresting peace officer or private person has personal knowledge of facts indicating that the person to be arrested has committed it.[5]

Personal knowledge of facts must be based on probable cause, which means an actual belief or reasonable grounds of suspicion.[6] The grounds of suspicion are reasonable when, in the absence of actual belief of the arresting officers, the suspicion that the person to be arrested is probably guilty of committing the offense is based on actual facts, i.e., supported by circumstances sufficiently strong in themselves to create the probable cause of guilt of the person to be arrested.[7] A reasonable suspicion, therefore, must be founded on probable cause, coupled with good faith on the part of the peace officers making the arrest.[8]

Section 5, Rule 113 of the 1985 Rules on Criminal Procedure does not require the arresting officers to personally witness the commission of the offense with their own eyes. In this case, P/Supt. Doria received a report about the alleged shooting incident. SPO3 Ramirez investigated the report and learned from witnesses that petitioner was involved in the incident. They were able to track down petitioner, but when invited to the police headquarters to shed light on the incident, petitioner initially agreed then sped up his vehicle, prompting the police authorities to give chase. Petitioner's act of trying to get away, coupled with the incident report which they investigated, is enough to raise a reasonable suspicion on the part of the police authorities as to the existence of probable cause.

Plain View Doctrine

The seizure of the firearms was justified under the plain view doctrine.

Under the plain view doctrine, objects falling in the plain view of an officer who has a right to be in the position to have that view are subject to seizure and may be presented as evidence.[9] The plain view doctrine applies when the following requisites concur: (1) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which he can view a particular area; (2) the discovery of the evidence in plain view is inadvertent; and (3) it is immediately apparent to the officer that the item he observes may be evidence of a crime, contraband or otherwise subject to seizure.[10]

In this case, the police authorities were in the area because that was where they caught up with petitioner after the chase. They saw the firearms inside the vehicle when petitioner opened the door. Since a shooting incident just took place and it was reported that petitioner was involved in the incident, it was apparent to the police officers that the firearms may be evidence of a crime. Hence, they were justified in seizing the firearms.

Civil Liability Under Article 32 of the Civil Code

Petitioner alleges that respondents are civilly liable under paragraphs (4) and (9) of Article 32 of the Civil Code.

Paragraphs (4) and (9) of Article 32 of the Civil Code respectively state:

Art. 32. Any public officer or employee, or any private individual, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the following rights and liberties of another person shall be liable to the latter for damages:

x x x x

(4) Freedom from arbitrary or illegal detention;

x x x x

(9) The right to be secure in one's person, house, papers, and effects against unreasonable searches and seizures;

x x x x

In this case, it was established that petitioner was lawfully arrested without a warrant and that firearms were validly seized from his possession. The trial court found that petitioner was charged with illegal possession of firearms and frustrated murder. We agree with the trial court in rejecting petitioner's allegation that he was merely framed-up. We also agree with the trial court that respondents were presumed to be performing their duties in accordance with law. Hence, respondents should not be held civilly liable for their actions.

Res Judicata Does Not Apply

Respondents raise the defense of res judicata against petitioner's claim for damages.

Res judicata has two aspects: bar by prior judgment and conclusiveness of judgment provided under Section 47(b) and (c), Rule 39, respectively, of the 1997 Rules of Civil Procedure[11] which provide:

Sec. 47. Effect of judgments or final orders. - The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

x x x

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

Bar by prior judgment and conclusiveness of judgment differ as follows:

There is "bar by prior judgment" when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action. Otherwise put, the judgment or decree of the court of competent jurisdiction on the merits concludes the litigation between the parties, as well as their privies, and constitutes a bar to a new action or suit involving the same cause of action before the same or other tribunal.

But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of res judicata known as "conclusiveness of judgment." Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same.[12]

For res judicata to apply, the following requisites must be present:

(a) the former judgment or order must be final;

(b) it must be a judgment or order on the merits, that is, it was rendered after a consideration of the evidence or stipulations submitted by the parties at the trial of the case;

(c) it must have been rendered by a court having jurisdiction over the subject matter and the parties; and

(d) there must be, between the first and second actions, identity of parties, of subject matter, and of cause of action; this requisite is satisfied if the two actions are substantially between the same parties.[13]

While the present case and the administrative case are based on the same essential facts and circumstances, the doctrine of *res judicata* will not apply. An administrative case deals with the administrative liability which may be incurred by the respondent for the commission of the acts complained of.[14] The case before us deals with the civil liability for damages of the police authorities. There is no identity of causes of action in the cases. While identity of causes of action is not required in the application of *res judicata* in the concept of conclusiveness of judgment,[15] it is required that there must always be identity of parties in the first and second cases.

There is no identity of parties between the present case and the administrative case. The administrative case was filed by Benjamin Sia Lao (Sia Lao) against petitioner. Sia Lao is not a party to this case. Respondents in the present case were not parties to the administrative case between Sia Lao and petitioner. In the present case, petitioner is the complainant against respondents. Hence, while *res judicata* is not a defense to petitioner's complaint for damages, respondents nevertheless cannot be held liable for damages as discussed above.

WHEREFORE, we DENY the petition. We AFFIRM the 10 July 2004 Decision and 18 October 2004 Order of the Regional Trial Court of Quezon City, Branch 217, in Civil Case No. Q-98-33442.

SO ORDERED.

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

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 30-40. Penned by Judge Lydia Querubin Layosa.

[3] *Id.* at 41.

[4] *Sia Lao v. Abelita III*, A.M. No. RTJ-96-1359, 356 Phil. 575 (1998). The Court found petitioner guilty of conduct unbecoming a member of the judiciary and dismissed him from the service with forfeiture of all benefits and with prejudice to reemployment in any other branch, instrumentality or agency of the government, including government-owned and controlled corporations.

[5] *People v. Cubcubin, Jr.*, 413 Phil. 249 (2001).

[6] *Id.*

[7] *Umil v. Ramos*, G.R. No. 81567, 3 October 1991, 202 SCRA 251; *People v. Lozada*, 454 Phil. 241 (2003).

[8] *Id.*

[9] *Abenes v. Court of Appeals*, G.R. No. 156320, 14 February 2007, 515 SCRA 690.

[10] *Id.*

[11] *Agustin v. Sps. Delos Santos*, G.R. No. 168139, 20 January 2009.

[12] *Id.*

[13] Estate of the Late Encarnacion Vda. de Panlilio v. Dizon, G.R. No. 148777, 18 October 2007, 536 SCRA 565.

[14] See Velasquez v. Hernandez, 480 Phil. 844 (2004).

[15] See Layos v. Fil-Estate Gold and Development, Inc., G.R. No. 150470, 6 August 2008, 561 SCRA 75, citing Oropeza Marketing Corp. v. Allied Banking Corp., 441 Phil. 551 (2002).

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