THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. MAXIMIANO CELORICO, DEFENDANT AND APPELLEE.

G.R. No. 45738. April 05, 1939

Ponente: LAUREL, J.

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LAUREL, J.:

The defendant-appellee was convicted of the crime of slight physical injuries in the justice of the peace court of Dao, Antique. On appeal, the Court of First Instance of Antique also found him guilty of the offense and sentenced him accordingly. During the trial in the lower court, the prosecution attempted to introduce evidence to show the damages sustained by the complaining witness, but, upon objection of the defense, this was not allowed on the ground that there was no specific allegation of such damages in the information. From this ruling of the court below the present appeal was taken.

Every person criminally liable for a felony is also civilly liable. (Art. 100, Revised Penal Code.) The civil liability of the accused is determined in the criminal action, unless the injured party expressly waives such liability or reserves his right to have civil damages determined in a separate action. (Art. 112, Spanish Code of Criminal Procedure in relation to sec. 107 of General Orders No. 58; vide, also, U. S. vs. Heery, 25 Phil, 600, and cases therein cited.) Here, there was no waiver or reservation of civil liability, and evidence should have been allowed to establish the extent of the injuries suffered by the offended party and to recover the same, if proven.

The order appealed from is accordingly reversed and the case is remanded to the Court of First Instance of Antique with instruction that the prosecution be allowed to introduce evidence concerning the damages suffered by the injured party, and to render judgment accordingly. Without costs. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, JJ., concur.

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