

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE;
MARCOS HERREHA AND CATALINA ARKEZA, OFFENDED PARTIES
AND APPELLANTS, VS. NESINO YUSICO, DEFENDANT AND APPELLEE.**

G.R. No. 48357. November 09, 1942

Ponente: BOCOBO, J.

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BOCOBO, J.:

- CRIMINAL LAW AND PROCEDURE; MALICIOUS MISCHIEF; EFFECT OF DECISION OF ACQUITTAL WHEN RIGHT TO BRING SEPARATE CIVIL ACTION FOR DAMAGES HAS NOT BEEN RESERVED; DOUBLE JEOPARDY.—The decision of the justice of the peace court which acquitted the defendant of the charge and did not make any pronouncement holding the defendant civilly liable put an end to the case, not only by freeing the defendant from criminal responsibility but also by rejecting all liability for damages arising from the alleged crime of malicious mischief. The offended parties not having reserved their right to bring a separate civil action, the aforesaid decision of acquittal covered both the criminal and the civil aspects of the case under Rule 107, section 1 (a) of the new Rules of Court. An appeal from that decision to the Court of First Instance, as intended by the offended parties, would reopen the question of defendant's civil liability arising from the alleged crime. And considering that such civil liability must be based on the criminal responsibility of the defendant (art. 100, Revised Penal Code), any review or re-examination of the question of civil liability would perforce require a new determination of defendant's criminal liability. But another trial upon defendant's criminal responsibility cannot be held, in view of his previous acquittal in the justice of the peace court. So the appeal from the decision of the justice of the peace court is not authorized by law.

- ID.; ID.; ID.; "CULPA AQUILIAN A."—But whether or not defendant, in spite of his acquittal in the criminal case, may be sued in an independent civil action, on the theory of culpa aquiliana or quasi-delict under article 1902 of the Civil Code, is an entirely different matter.

APPEAL from an order of the Court of First Instance of Surigao. Saguin, J.

Decision penned by Associate Justice Jorge Bocobo.

Montttno A. Ortiz for appellants.

Vicente L. Pimentel for defendant-appellee.

Solicitor-General De la Costa and Acting Solicitor Avanceña for plaintiff-appellee.

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