

CRISPIN DASALLA, SR., PETITIONER, VS. COURT OF FIRST INSTANCE OF NUEVA ECIJA, BRANCH IV AND ROGELIO SUMANGIL, RESPONDENTS.

G.R. No. 51461. April 26, 1991

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is a direct appeal from the Order of the Court of First Instance (now Regional Trial Court) of Nueva Ecija, Guimba, dismissing the complaint filed by herein petitioner, Crispin Dasalla, Sr.

The complaint sought to recover damages sustained for the death of Dasalla's son who died when the passenger jeepney driven and owned by Sumangil figured in an accident. The complaint prayed for payment of P30,000.00 moral damages; exemplary damages in an amount left to the discretion of the court, attorney's fees of P5,000.00 and costs (p. 14, Rollo).

In his answer, Sumangil prayed for the dismissal of the complaint. He denied the allegations of the complaint and alleged that his civil obligations to Dasalla was already settled; and that the latter executed an affidavit condoning, waiving and forgiving all other damages he may be entitled to after receipt of P6,000.00 from the former.

Before the scheduled hearing of the complaint, on September 14, 1978, Sumangil filed a motion for preliminary hearing of the affirmative defense. On January 26, 1979, the trial court issued an order dismissing the complaint.

"ORDER

"When this case was called for preliminary hearing today, the defendant, thru counsel, resuscitated his defense for the dismissal of this case on the ground that there has been payment of the obligation stated in the complaint. As evidence, he presented Exhibit 1, which is the Pinanumpaang Salaysay, executed by the plaintiff Crispin Dasalla, Sr., before the Office of the Provincial Fiscal Guimba, Nueva Ecija. The said Exhibit 1 specifically and categorically states in par. 5 that, 'Na tinanggap ko ngayon ika-14 ng Hunyo, 1976 kay Rogelio Sumangil ang halagang LIMANG LIBO at LIMANG DAAN PISO (P5,500.00), sa nabanggit na areglo namin, at sangayon sa aming usapan pa rin ibibigay niya sa akin ang halagang P500.00 sa o bago dumating ang ika-31 ng Enero, 1977, sa Baloy, Cuyapo, Nueva Ecija;' In the other paragraph of said Exhibit 1, specifically par.4, it states the following; 'Na pinatutunayan ko sa pamamagitan ng kasulatang ito na ang aming usapan ay bibigyan tulong ako sa pamamagitan pagbabayad ng danyos na ANIM NA LIBONG PISO (P6,000.00) Salaping Pilipino, at pagkatapos nito ay wala na kaming habol pa laban sa kay Rogelio Sumangil na anumang danyos o paghahabol.' It has been further proven by the defendant that the balance of P500.00 has already been paid.

"To rebut this evidence presented by the defendant during this preliminary hearing, counsel for the plaintiff presented the plaintiff himself who testified that allegedly, Exhibit 1 was signed by him based on information that he was being given the amount for the sole purpose of the accused not going to jail. Upon cross-examination, however, by this Court, said witness reluctantly admitted that he knew that the amount given to him has a direct connection with the death of his son.

"WHEREFORE, based on the preponderance of the evidence presented by the defendant, thru counsel, especially Exhibit 1, which has been executed by the witness, Crispin Dasalla, Sr., a first year high school and presumably knew what has been contained in said document, the Court hereby dismisses this complaint on the ground that the obligation has been fully paid as to the date of the execution of Exhibit 1. With costs against the plaintiff.

"IT IS SO ORDERED." (pp. 22-23, Rollo)

From the order of dismissal, Dasalla directly appealed to Us. On January 21, 1980, We required the respondent to comment on the petition which he complied with on March 12, 1980 (p. 53-57, Rollo).

The only issue raised in this petition is whether or not the "Sinumpaang Salaysay" (pp. 6-7, Petition) which was made the basis of the dismissal of the complaint by the trial court, is contrary to law, public order, public policy, morals or good customs, or prejudicial to a third person with a right recognized by law.

There is no law which prohibits a person who has incurred damages by reason of the act of another from waiving whatever rights he may have against the latter. If the act causing damage to another also constitutes a crime, the civil liability arising from the criminal act may also be validly waived.

What is not allowed in this jurisdiction is to compromise or to waive the criminal aspect of a case. The reason or principle underlying the difference between rights which may be waived and rights which may not be waived is that those rights which may be waived are personal, while those rights which may not be waived involve public interest which may be affected. (Moran, Rules of Court, Vol. 2, p. 748, 1952 Edition, cited in L.B. Reyes, The Revised Penal Code, Eleventh Edition, Revised 1977, p. 5).

In a compromise or a waiver of the civil aspect of the case, the restriction imposed by law is that it must be entered into before or during litigation, never after final judgment (Romero v. Amparo, 91 Phil., 228). A compromise on the civil aspect of a case is valid even if it turns out to be unsatisfactory to either or both of the parties (Castro v. Castro, 97 Phil., 705). The case of Balite v. People, (L-21475, Sept. 30, 1966, 18 SCRA 280, 290) enumerated the reasons to support the conclusion that civil liability may be waived or condoned:

"x x x, express condonation by the offended party has the effect of waiving civil liability with regard to the interest of the injured party (Article 23, Revised Penal Code). For, civil liability arising from an offense is extinguished in the same manner as other obligations, in accordance with the provisions of the civil law (Art. 112, Revised Penal Code. See also Article 2034, Civil Code which reads: 'There may be a compromise upon the civil liability arising from an offense; but such compromise shall not extinguish the public action for the imposition of the legal penalty')."

It is true, as alleged by petitioner, that the minimum amount of compensatory damages for death that may be awarded to petitioner at the time of the death of his son is P12,000.00. However, for reasons stated in the "Sinumpaang Salaysay," petitioner voluntarily released the private respondent from his civil obligations. The "Sinumpaang Salaysay", presented in court and admitted by him, states:

"PINANUMPAANG SALAYSAY

"AKO, CRISPIN DASALLA, SR., Filipino, may sapat na gulang, may-asawa at naninirahan sa Baloy, Cuyapo, Nueva Ecija, pagkatapos kong manumpa sang-ayon sa batas, ay buong laya at kusang bob kong isinasalaysay ang mga sumusunod:

"1. Na ako ang ama ni Crispin Dasalla, Jr., na namatay sa isang aksidente (jeep) sa Baloy, Cuyapo, Nueva Ecija, noong ika-15 ng Pebrero 1976;

"2. Na dahil dito ay nagsampa ako ng isang asunto criminal bilang Crim. Case No. 526-G laban kay Rogelio E.

Sumangil, na siyang nagmamaneho ng nabanggit na sasakyan;

"3. Na dahilan sa mga pakiusap ni Rogelio Sumangil sampu ng kaniyang mga amain at magulang, at sapagkat hindi naman kami iba-iba at mga kamag-anak ko rin ang kanyang kamag-anak, ay iginawad ko ang pagpapatawad sa kanya (Rogelio) pagkatapos na binigyan nila ako ng gugulin o danyos at ako ay lumagda sa isang pag-urong ng nabanggit na demanda;

"4. Na pinatutunayan ko sa pamamagitan ng kasulatang ito na ang aming usapan ay bibigyan tulong ako sa pamamagitan ng pagbabayad ng danyos na ANIM NA LIBONG PISO (P6,000.00) Salaping Pilipino, at pagkatapos nito ay wala na kaming habol pa laban sa kay Rogelio Sumangil na anumang danyos o paghahabol;

"5. Na tinanggap ko ngayong ika-14 ng Hunyo, 1976 kay Rogelio Sumangil and halagang LIMANG LIBO at LIMANG DAAN PISO (P5,500.00), sa nabanggit na areglo namin, at sang-ayon sa aming usapan parin ay ibibigay niya sa akin ang halagang P500.00 sa o bago dumating ang ika-31 ng Enero, 1977, sa Baloy, Cuyapo, Nueva Ecija;

"6. Na dahil dito, at sapagkat ang nabanggit na asunto criminal laban kay Rogelio Sumangil ay pinawalang-saysay na, ay muli kong pinagtitiyay ang aking nilagdaan na "Affidavit of Desistance" sa harap ng piskal noong ika-5 ng Mayo, 1975;

"7. Na wala na akong paghahabol pa, maging ang aking asawang si Regina Diascan, laban kay Rogelio Sumangil ay buong laya akong tumatalima sa anumang hatol ng Hukuman sa nabanggit na asunto, ng petsa May 17, 1976.

"SA KATUNAYAN NG LAHAT, lumagda ako sa ibaba nito ngayong ika-14 ng Hunyo, 1976 dito sa Guimba, Nueva Ecija.

(Sgd.) CRISPIN DASALLA, SR.

"SUBSCRIBED AND SWORN TO before me this 14[th] day of June, 1976 at Guimba, Nueva Ecija.

(Sgd.) JOSUE C. GASPAR"

(pp. 19-20, Rollo)

It is Our opinion that the above affidavit executed by the petitioner, releasing the respondent from additional civil liability arising from the death of the former's son, is legal. It is not contrary to law, morals, good customs, public policy or public order. Consequently, he can no longer institute a complaint to recover damages arising from the same incident subject of the affidavit.

A party to the settlement cannot be allowed to renege on his undertaking therein after receiving the benefits thereof. As long as the parties entered into the settlement voluntarily and intelligently, the courts are bound to respect the agreement.

ACCORDINGLY, the petition is DISMISSED. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Griño-Aquino, JJ., concur.

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