

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TERESA JALANDONI, ACCUSED-APPELLANT.

G.R. No. 57555. August 28, 1984

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This refers to the MOTION TO MODIFY JUDGMENT (as to appellant's civil liability) filed by the Bank of the Philippine Islands, the private complainant.

In Criminal Case No. CCC-VI-2866 of the defunct Circuit Criminal Court of Manila, Teresa Jalandoni was accused of estafa. The information alleged that she issued several checks drawn against the Rizal Commercial Banking Corporation in favor of the Bank of the Philippine Islands (BPI); that the checks were dishonored for lack of funds, a fact which was known by the accused; and that as a result thereof the BPI suffered damage in the amount of P1,391,780.00.

The trial court rendered the following judgment against the accused:

"WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of the crime of estafa defined under Article 315, 2(a), and hereby sentences her to a penalty of reclusion perpetua; to indemnify the bank of the Philippine Islands, Cervantes Branch, in the sum of P1,600,000.00 representing the balance of the amount which she swindled from the said bank; and to pay the costs." (Expediente, p. 603.)

Jalandoni appealed to this Court which in turn pronounced:

"WHEREFORE, the guilt of the appellant not having been demonstrated beyond reasonable doubt, the appealed judgment is hereby set aside and another one is entered acquitting her of the charge. No costs." (People vs. Jalandoni, G.R. No. 57555, May 30, 1983, 122 SCRA 588, 600.)

Subsequently, BPI filed the aforesaid Motion to Modify Judgment. BPI invoked a Court of Appeals decision (People vs. De Castillo, 48 O.G. 4890) where the court acquitted the appellant who was accused of malversation of public funds on the ground of reasonable doubt but nonetheless ordered her to pay the amount of her civil liability. Accordingly, BPI prayed that in the interest of justice and to avoid multiplicity of suits, a second paragraph be added to Our judgment, to wit:

"As to appellant's civil liability, considering that the civil action was instituted at the commence-ment of the criminal action, judgment is hereby ren-dered ordering appellant to pay the Bank of the Philippine Islands, Cervantes branch, the amount of P1,491,780.00 with interests at the legal rate from the filing of the action until paid." (Rollo, p. 139.)

In its Sur-Rejoinder, BPI reduced the amount claimed to P1,391,780.00 for the following reason:

"Accused-appellant admits that per information for estafa, complainant suffered by her transactions a damage of P1,391,780.00 which represents P100,000.00 less than complainant's computation. To shorten the proceedings, as manifested in the oral arguments of 17 October 1983, complainant is willing to accept

P1,391,780.00 as accused-appellant's civil liability to private complainant plus interest at the legal rate of 12% per annum from the time of demand for payment until full payment." (Rollo, p. 168.)

The appellant opposed the Motion on the following grounds: (a) People vs. de Castillo is not in point because it was decided under the old Rules of Court; and (b) the amount of civil liability, if any, is unsettled and requires necessarily the introduction of proof.

At this stage, the Motion was before the Second Division of this Court which rendered the decision acquitting the appellant on reasonable doubt. And because the Motion called for the application of a novel doctrine, the case was prudently referred to the Court En Banc on February 28, 1984.

On May 31, 1984, the Court En Banc promulgated its decision in the case of Padilla, et al. vs. Court of Appeals (G.R. No. L-39999) where it held "that the respondent Court of Appeals did not err in awarding damages despite a judgment of acquittal." The reason therefor has been stated thus:

"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. Due process has been accorded the accused. He was, in fact, exonerated of the criminal charge. The constitutional presumption of innocence called for more vigilant efforts on the part of prosecuting attorneys and defense counsel, a keener awareness by all witnesses of the serious implications of perjury, and a more studied consideration by the judge of the entire records and of applicable statutes and precedents. To require a separate civil action simply because the accused was acquitted would mean needless 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."

In the instant case, the appellant made the following admissions in her brief:

"The following facts are admitted in the information aforequoted:

- (a) accused-appellant issued nine (9) RCBC personal checks;
- (b) the sum total of the face value of said nine (9) checks is P2,150,000.00;
- (c) of said nine (9) checks, one (1) was honored, namely, RCBC check No. 2424530 in the amount of P200,000.00, when the checks went through clearing;
- (d) the checks drawn by accused-appellant against said personal checks aggregated P2,041,780.00;
- (e) said checks were drawn in favor of third parties, not the accused-appellant; and
- (f) out of the P2,150,000.00 worth of the nine (9) checks involved, the damaged suffered is only P1,391,780.00." (Italics supplied.) (pp. 5-6.)

Jalandoni's claim that "[t]he amount of the civil liability, if any, is unsettled and requires necessarily the introduction of proof" (Rollo, p. 161) is utterly devoid of merit. As shown above the appellant has formally admitted that BPI suffered damage in the amount of P1,391,780.00. For her now to assert that the civil liability, if any, is unsettled is an insult to the dignity of this Court. We cannot allow a party to state a fact only to disown it afterwards because of convenience.

WHEREFORE, the Motion is hereby granted; the judgment of this Court is modified in that the appellant is ordered to pay the Bank of the Philippine Islands the amount of P1,391,780.00 with interest at the legal rate of 12% per annum from the filing of the action until paid.

SO ORDERED.

Teehankee, Acting C.J., Aquino, Concepcion, Jr., Guerrero, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., De la Fuente, and Cuevas, JJ., concur.

Fernando, C.J., and Makasiar, JJ., on official leave.

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