

ZAYDA S. BISCOCHO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 76233. January 15, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

Zayda S. Biscocho, petitioner herein, was charged before the Sandiganbayan in Criminal Case No. 9252 with violation of Section 3, paragraph (e) of Republic Act No. 3019, as amended, in an information filed on 28 June 1984, which reads —

“That on or about June 25, 1982, in the Municipality of Pola, Province of Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Zayda Senatin-Biscocho being then the Municipal Development Coordinator and Head of the Planning and Development Staff of the Office of the Mayor of the Municipality of Pola, Province of Oriental Mindoro, taking advantage of her official position and functions, did then and there, wilfully, unlawfully and feloniously recommended (sic) to the Municipal officials of Pola, Oriental Mindoro, and the Ministry of Public Works and Highways, the construction of a barrio road that would traverse Complainant’s property which would give access and road way to the adjacent parcel of land owned by herein accused, knowing fully well that there is no prior expropriation proceedings nor a negotiated sale of the portion of the land to be traversed by the road, and, with evident bad faith, said accused represented herself to be the owner of the land to be traversed by the road, when in truth and in fact, she is not the owner thereof, and gave permission to the personnel of the road contractor to proceed with the construction of the road, and in the process resulted with the construction of the road, and in the process resulted in the cutting/felling of numerous fruit-bearing trees thereby causing undue injury and damages to the Complainant assessed at P30,000.00.”[1]

After trial, the Sandiganbayan rendered a decision dated 21 May 1986 and promulgated 17 June 1986, acquitting the accused (now petitioner) of the crime charged on the ground of reasonable doubt, but imposed upon said accused civil liability in the amount of P30,000.00 awarded as actual damages to the complainant. The dispositive part of the decision reads:

“WHEREFORE, accused Zayda Senatin-Biscocho is hereby ACQUITTED of the crime charged for failure of the prosecution to prove her guilt beyond reasonable doubt, but she is hereby ordered to pay complainant Leonida Biscocho the sum of P30,000.00 as actual damages. The bailbond filed for her temporary liberty is hereby cancelled.”[2]

On 2 July 1986, petitioner moved for partial reconsideration praying that the judgment imposing upon her the payment of actual damages allegedly suffered by the complainant, be deleted from the judgment.[3] On 3 October 1986, respondent court denied said motion; hence, the present petition.

Petitioner contends that the respondent court acted without jurisdiction or in excess of jurisdiction, and with grave abuse of discretion, in ordering her to pay private respondent Leonida Biscocho the sum of P30,000.00 as actual damages and in denying her motion for partial reconsideration.[4]

We find merit in the petition.

In imposing on petitioner the aforesaid civil liability for actual damages, the respondent court said: "but while accused is entitled to acquittal, she is nevertheless civilly liable for the actual damages suffered by the complainant by reason of the unauthorized construction of the road over her land." [5]

We do not agree.

As Municipal Development Coordinator and Head of the Planning and Development Staff of the Office of the Mayor, Municipality of Pola, Province of Oriental Mindoro, the duties of petitioner consisted of preparing development plans for the municipality in such sectors as health, education and infrastructure, like the construction of roads, schools, buildings and seawalls. [6] The actual construction, however, of the proposed infrastructure projects was left to the Bureau of Public Highways. Petitioner had no direct hand in the implementation, or in the carrying out, of the plans which she may have proposed. [7] On this matter, the Sandiganbayan found:

xxx Accused's duties were limited to the preparation or planning of development projects for the Municipality of Pola. Nowhere in the records is there evidence showing that her responsibilities extended beyond that of planning into, the area of implementation or execution. On the contrary, the prosecution's own evidence clearly establish that accused was not clothed with authority to give the go- signal or approval to the Bureau of Public Highways to proceed with the construction of infrastructure projects, xxx" [8]

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"We can not accept the proposition that when accused drew up the plan for the Pahilahan-Calatagan Road project, she had contemplated the same to traverse the property of complainant so that her own adjacent property would be connected to the main road of the municipality. It is pertinent to stress that the plan itself did not specify the area or property through which the proposed barangay road would traverse. Accused merely recommended therein the construction of a road in the barangays mentioned to form part of a road network in all the barangays without specifying the actual location of said road. The actual determination of the area where the road would be constructed was properly left to the able judgment and sound discretion of the project engineers of the Bureau of Public Highways. Depending upon the results of the survey made by the BPH personnel, the road could have been built on any of the properties situated in Barangay Calatagan. In fact, as complainant herself admitted in open court, the Pahilahan-Calatagan Road could have been built through the property of the Barangay Captain instead of hers (TSN, June 7, 1985, p. 21). The decision to build the road in complainant's property instead of over the Barangay Captain's land was made solely by the BPH project engineers without any participation at all by accused whose official duties did not call for her to intervene in the making of said decision." [9]

In other words, petitioner did not authorize the construction of the road in question over the land of complainant. The decision to build such road in complainant's land was made solely by the project engineers of the Bureau of Public Highways, without petitioner's participation. Thus, petitioner can not be held civilly liable for acts which were not of her own doing.

WHEREFORE, the petition is hereby GRANTED. The respondent court's judgment ordering petitioner to pay the complainant Leonida Biscocho the amount of P30,000.00 as actual damages, is hereby REVERSED and SET ASIDE. Without pronouncement as to costs.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Bidin, Sarmiento, and Cortes, JJ., concur.

[1] Decision, pp. 1-2.

[2] Decision, p. 10.

[3] Rollo, pp. 31-43.

[4] Petition, p. 2.

[5] Decision, p. 9.

[6] Decision, p. 4.

[7] Decision, p. 7.

[8] Decision, pp. 6-7.

[9] Decision, p. 8.

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