

LYDIA A. VILLEGAS, MA. TERESITA VILLEGAS, ANTONIO VILLEGAS, JR., AND MA. ANTONIETTE VILLEGAS, PETITIONERS, VS. THE COURT OF APPEALS, PEOPLE OF THE PHILIPPINES, AND ANTONIO V. RA...*G.R. No. 82562. April 11, 1997*

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-82562/>**ROMERO, J.:**

This case originated from a libel suit filed by then Assemblyman Antonio V. Raquiza against then Manila Mayor Antonio J. Villegas, who allegedly publicly imputed to him acts constituting violations of the Anti-Graft and Corrupt Practices Act. He did this on several occasions in August 1968 through (a) a speech before the Lion's Club of Malasiqui, Pangasinan on August 10; (b) public statements in Manila on August 13 and in Davao on August 17, which was coupled with a radio-TV interview; and (c) a public statement shortly prior to his appearance before the Senate Committee on Public Works (the Committee) on August 20 to formally submit a letter-complaint implicating Raquiza, among other government officials.

The Committee, however, observed that all the allegations in the complaint were based mainly on the uncorroborated testimony of a certain Pedro U. Fernandez, whose credibility turned out to be highly questionable. Villegas also failed to submit the original copies of his documentary evidence. Thus, after thorough investigation, Raquiza was cleared of all charges by the Committee.[1] All these acts of political grandstanding received extensive media coverage.

On July 25, 1969, an information for libel was filed by the Office of the City Fiscal of Manila with the then Court of First Instance of Manila against Villegas who denied the charge. After losing in the 1971 elections, Villegas left for the United States where he stayed until his death on November 16, 1984. Nevertheless, trial proceeded in absentia; by the time of his death in 1984, the prosecution had already rested its case. Two months after notice of his death, the court issued an order dismissing the criminal aspect of the case but reserving the right to resolve its civil aspect. No memorandum was ever filed in his behalf.

Judge Marcelo R. Obien[2] rendered judgment on March 7, 1985, the dispositive portion of which was amended on March 26 to read as follows:

"WHEREFORE, and in view of the foregoing considerations, judgment is hereby rendered as follows:

1. The dismissal of the criminal case against Antonio J. Villegas, on account of his death on November 16, 1984, is hereby reiterated;
2. Ordering the estate of Antonio J. Villegas, represented herein by his legal heirs, namely: Lydia A. Villegas, Ma. Teresita Villegas, Antonio Villegas, Jr., Ma. Anton(i)ette Villegas, and Ma. Lydia Villegas (sic), to pay plaintiff Antonio V. Raquiza Two Hundred Million Pesos (P200,000,000.00), itemized as follows:
 - a) One Hundred Fifty Million Pesos (P150,000,000.00) as moral damages;

- b) Two Hundred Thousand Pesos (P200,000.00) as actual damages;
- c) Forty-nine Million Eight Hundred Thousand Pesos (P49,800,000.00) as exemplary damages; and
- d) The cost of suit.

SO ORDERED." [3] (Amendments underscored)

The heirs of Villegas (the Heirs), through their father's counsel, Atty. Norberto Quisumbing, appealed the decision on these three main grounds:

- "1. Whether the trial court, three months after notice of the death of the accused and before his counsel could file a memorandum in his behalf, could validly render judgment in the case?
2. Whether, in the absence of formal substitution of parties, the trial court could validly render judgment against the heirs and estate of a deceased accused?
3. Whether, under the facts of the instant case, deceased Villegas was liable for libel, and assuming he was, whether the damages awarded by the trial court were just and reasonable?"

On March 15, 1988, the Court of Appeals rendered a decision affirming the trial court's judgment modified only with respect to the award of damages which was reduced to P2 million representing P1.5 million, P300,000.00, and P200,000.00 in moral, exemplary and actual damages, respectively. Both parties elevated said decision to this Court for review.

In their petition (G.R. No. 82562), the Heirs once again raise the very same issues brought before the Court of Appeals, albeit reworded. On the other hand, petitioner Raquiza (G.R. No. 82592) questions the extensions of time to file appellant's brief granted by the appellate court to the Heirs, as well as the drastic reduction in the award of damages.

It is immediately apparent that the focal issue in these petitions is the effect of the death of Villegas before the case was decided by the trial court. Stated otherwise, did the death of the accused before final judgment extinguish his civil liability?

Fortunately, this Court has already settled this issue with the promulgation of the case of *People v. Bayotas* (G.R. No. 102007) on September 2, 1994,[4] viz.:

"It is thus evident that as jurisprudence evolved from Castillo[5] to Torrijos,[6] the rule established was that the survival of the civil liability depends on whether the same can be predicated on sources of obligations other than delict. Stated differently, the claim for civil liability is also extinguished together with the criminal action if it were solely based thereon, i.e., civil liability *ex delicto*.

xxx xxx xxx

(I)n recovering damages for injury to persons thru an independent civil action based on Article 33 of the Civil Code, the same must be filed against the executor or administrator of the estate of deceased accused (under Sec. 1, Rule 87, *infra*.) and not against the estate under Sec. 5, Rule 86 because this rule explicitly limits the claim to those for funeral expenses, expenses for the last sickness of the decedent, judgment for money and claims arising from contract, express or implied.[7]

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From this lengthy disquisition, we summarize our ruling herein:

1. Death of the accused pending appeal of his conviction extinguishes his criminal liability as well as the civil

liability based solely thereon. As opined by Justice Regalado, in this regard, 'the death of the accused prior to final judgment terminates his criminal liability and only the civil liability directly arising from and based solely on the offense committed, i.e., civil liability *ex delicto* in *sensu strictiore*.'

2. Corollarily, the claim for civil liability survives notwithstanding the death of (the) accused, if the same may also be predicated on a source of obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:

- a) Law
- b) Contracts
- c) Quasi-contracts
- d) xxx xxx xxx
- e) Quasi-delicts

3. Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor may be pursued but only by way of filing a separate civil action and subject to Section 1, Rule 111 of the 1985 Rules on Criminal Procedure as amended.[8] This separate civil action may be enforced either against the executor/administrator of the estate of the accused, depending on the source of obligation upon which the same is based as explained above.

4. Finally, the private offended party need not fear a forfeiture of his right to file this separate civil action by prescription, in cases where during the prosecution of the criminal action and prior to its extinction, the private offended party instituted together therewith the civil action. In such case, the statute of limitations on the civil liability is deemed interrupted during the pendency of the criminal case, conformably with (the) provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription." (Underscoring supplied)

The source of Villegas' civil liability in the present case is the felonious act of libel he allegedly committed. Yet, this act could also be deemed a quasi-delict within the purview of Article 33[9] in relation to Article 1157 of the Civil Code. If the Court ruled in Bayotas that the death of an accused during the pendency of his appeal extinguishes not only his criminal but also his civil liability unless the latter can be predicated on a source of obligation other than the act or omission complained of, with more reason should it apply to the case at bar where the accused died shortly after the prosecution had rested its case and before he was able to submit his memorandum, and all this before any decision could even be reached by the trial court.

The Bayotas ruling, however, makes the enforcement of a deceased accused's civil liability dependent on two factors, namely, that it be pursued by filing a separate civil action and that it be made subject to Section 1, Rule 111 of the 1985 Rules on Criminal Procedure, as amended. Obviously, in the case at bar, the civil action was deemed instituted with the criminal. There was no waiver of the civil action and no reservation of the right to institute the same, nor was it instituted prior to the criminal action. What then is the recourse of the private offended party in a criminal case such as this which must be dismissed in accordance with the Bayotas doctrine, where the civil action was impliedly instituted with it?

The answer is likewise provided in Bayotas, thus:

"Assuming that for lack of express reservation, Belamala's civil action for damages was to be considered instituted together with the criminal action still, since both proceedings were terminated without final adjudication, the civil action of the offended party under Article 33 may yet be enforced separately." [10]

(Underscoring supplied)

Hence, logically, the court a quo should have dismissed both actions against Villegas which dismissal will not, however, bar Raquiza as the private offended party from pursuing his claim for damages against the executor or administrator of the former's estate, notwithstanding the fact that he did not reserve the right to institute a separate civil action based on Article 33 of the Civil Code.

It cannot be argued either that to follow Bayotas would result in further delay in this protracted litigation. This is because the resolution of the civil aspect of the case after the dismissal of the main criminal action by the trial court was technically defective. There was no proper substitution of parties, as correctly pointed out by the Heirs and repeatedly put in issue by Atty. Quisumbing. What should have been followed by the court a quo was the procedure laid down in the Rules of Court, specifically, Section 17, Rule 3, in connection with Section 1, Rule 87. The pertinent provisions state as follows:

"Rule 3

Sec. 17. Death of party. — After a party dies and the claim is not thereby extinguished, the court shall order, upon proper notice, the legal representative of the deceased to appear and to be substituted for the deceased, within a period of thirty (30) days, or within such time as may be granted. x x x The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator and the court may appoint guardian ad litem for the minor heirs.

Rule 87

Sec. 1. Actions which may and which may not be brought against executor or administrator. — No action upon a claim for the recovery of money or debt or interest thereon shall be commenced against the executor or administrator; but actions to recover real or personal property, or an interest therein, from the estate, or to enforce a lien thereon, and actions to recover damages for an injury to person or property, real or personal, may be commenced against him."

Accordingly, the Court sees no more necessity in resolving the other issues raised by both parties in these petitions.

WHEREFORE, the petition in G.R. No. 82562 is GRANTED and the petition in G.R. No. 82592 is DENIED. The decisions of the Court of Appeals in CA-G.R. CR No. 02186 dated March 15, 1988, and of the Manila Regional Trial Court, Branch 44, dated March 7, 1985, as amended, are hereby REVERSED and SET ASIDE, without prejudice to the right of the private offended party, Antonio V. Raquiza, to file the appropriate civil action for damages against the executor or administrator of the estate, or the heirs, of the late Antonio J. Villegas in accordance with the foregoing procedure.

SO ORDERED.

Regalado, (Chairman), Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Exhibit "WW," pp. 255-279 of original exhibits.

[2] Presiding Judge, Manila Regional Trial Court, Branch 44.

[3] Records, p. 621.

[4]236 SCRA 239 (1994).

[5] People v. Castillo and Ocfemia, 81 SCRA 120 (1978).

[6]Torrijos v. Court of Appeals, 67 SCRA 394 (1975).

[7]Citing Belamala v. Polinar, 21 SCRA 970 (1967).

[8] It states, inter alia:

"Rule 111

Prosecution of Civil Action

Section 1. Institution of criminal and civil actions. -- When a criminal action is instituted, the civil action for the recovery of civil liability is impliedly instituted with the criminal action, unless the offended party waives the civil action, reserves his right to institute it separately, or institutes the civil action prior to the criminal action.

x x x x x x x x

The reservation of the right to institute the separate civil actions shall be made before the prosecution starts to present its evidence and under circumstances affording the offended party a reasonable opportunity to make such reservation.

x x x x x x x x"

[9] "Art. 33. In cases of defamation, fraud, and physical injuries, a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence."

[10] Belamala, supra.

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