



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ANTONIO L. DALURAYA,

Petitioner,

G.R. No. 210148

Present:

- versus -

SERENO, C.J., Chairperson,
CARPIO,*
LEONARDO-DE CASTRO,
REYES,** and
PERLAS-BERNABE, JJ.

MARLA OLIVA,

Respondent.

Promulgated:

~~DEC 08 2014~~

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DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Decision² dated June 28, 2013 and the Resolution³ dated November 22, 2013 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 125113 finding petitioner Antonio L. Daluraya (Daluraya) civilly liable for the death of Marina Arabit Oliva (Marina Oliva) despite having been acquitted for Reckless Imprudence Resulting in Homicide on the ground of insufficiency of evidence.

The Facts

On January 4, 2006, Daluraya was charged in an Information⁴ for Reckless Imprudence Resulting in Homicide in connection with the death⁵

* Designated Acting Member per Special Order No. 1899 dated December 3, 2014.

** Designated Acting Member per Special Order No. 1892 dated November 28, 2014.

¹ *Rollo*, pp. 10-20.

² *Id.* at 203-208. Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Mario V. Lopez and Socorro B. Inting, concurring.

³ *Id.* at 217.

⁴ *Id.* at 48.

⁵ See Certificate of Death; *id.* at 59.

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of Marina Oliva. Records reveal that sometime in the afternoon of January 3, 2006, Marina Oliva was crossing the street when a Nissan Vanette, bearing plate number UPN-172 and traversing EDSA near the Quezon Avenue flyover in Quezon City, ran her over.⁶ While Marina Oliva was rushed to the hospital to receive medical attention, she eventually died, prompting her daughter, herein respondent Marla Oliva (Marla), to file a criminal case for Reckless Imprudence Resulting in Homicide against Daluraya, the purported driver of the vehicle.⁷

During the proceedings, the prosecution presented as witness Shem Serrano (Serrano), an eye-witness to the incident, who testified that on said date, he saw a woman crossing EDSA heading towards the island near the flyover and that the latter was bumped by a Nissan Vanette bearing plate number UPN-172. The prosecution also offered the testimonies of (a) Marla, who testified as to the civil damages sustained by her family as a result of her mother's death; (b) Dr. Paul Ortiz (Dr. Ortiz), who presented his findings on the autopsy conducted upon the body of Marina Oliva; and (c) Police Senior Inspector Lauro Gomez (PSI Gomez), who conducted the investigation following the incident and claimed that Marina Oliva was hit by the vehicle being driven by Daluraya, albeit he did not witness the incident.⁸

After the prosecution rested its case, Daluraya filed an Urgent Motion to Dismiss (demurrer)⁹ asserting, *inter alia*, that he was not positively identified by any of the prosecution witnesses as the driver of the vehicle that hit the victim, and that there was no clear and competent evidence of how the incident transpired.¹⁰

The MeTC Ruling

In an Order¹¹ dated May 24, 2010, the Metropolitan Trial Court of Quezon City, Branch 38 (MeTC) granted Daluraya's demurrer and dismissed the case for insufficiency of evidence. It found that the testimonies of the prosecution witnesses were wanting in material details and that they failed to sufficiently establish that Daluraya committed the crime imputed upon him.¹²

Deconstructing the testimonies of the prosecution witnesses individually, the MeTC found that: (a) Marla merely testified on the damages sustained by her family but she failed to identify Daluraya as the

⁶ Id. at 203.

⁷ Id. at 25.

⁸ Id. at 26.

⁹ Not attached to the records of this case. See id. at 12.

¹⁰ Id. at 12-13.

¹¹ Id. at 145-147. Penned by Judge Nadine Jessica Corazon J. Fama.

¹² Id. at 147.

driver of the vehicle that hit her mother; (b) Serrano also did not identify Daluraya as the driver of the said vehicle; (c) Dr. Ortiz merely testified on the autopsy results; and (d) PSI Gomez, while he did investigate the incident, likewise declared that he did not witness the same.¹³

Marla moved for reconsideration,¹⁴ which the MeTC denied in an Order¹⁵ dated November 4, 2010, clarifying that the grant of Daluraya's demurrer had the effect of an acquittal and that reconsideration of its Order granting Daluraya's demurrer would violate the latter's right against double jeopardy.¹⁶ With respect to the civil aspect of the case, the MeTC likewise denied the same, holding that no civil liability can be awarded absent any evidence proving that Daluraya was the person responsible for Marina Oliva's demise.¹⁷

Aggrieved, Marla appealed¹⁸ to the Regional Trial Court of Quezon City, Branch 76 (RTC), insisting that the MeTC failed to make any finding as to the civil liability of Daluraya,¹⁹ which finding was not precluded by the dismissal of the criminal aspect of the case.

The RTC Ruling

In a Decision²⁰ dated September 8, 2011, the RTC dismissed the appeal and affirmed the MeTC's ruling, declaring that "the act from which the criminal responsibility may spring did not at all exist."²¹

Marla filed a motion for reconsideration²² which, although filed beyond the reglementary period, was nonetheless accepted. However, the RTC found the same without merit and thus, sustained the factual findings and rulings of the MeTC in its Order²³ dated May 10, 2012.

Dissatisfied, Marla elevated the case to the CA via petition for review, maintaining that Daluraya must be held civilly liable.

¹³ Id. at 146.

¹⁴ Not attached to the records of this case.

¹⁵ *Rollo*, pp. 148-150.

¹⁶ Id. at 148.

¹⁷ Id. at 149.

¹⁸ See Appellant's Memorandum dated April 18, 2011; id. at 151-169.

¹⁹ Id. at 159-161.

²⁰ Id. at 45-46. Penned by Presiding Judge Alexander S. Balut.

²¹ Id. at 46.

²² Dated October 21, 2011. (Id. at 175-184.)

²³ Id. at 47.

The CA Ruling

In a Decision²⁴ dated June 28, 2013, the CA granted the petition and reversed the RTC Decision, ordering Daluraya to pay Marla the amounts of ₱152,547.00 as actual damages, ₱50,000.00 as civil indemnity, and ₱50,000.00 as moral damages.²⁵ In so ruling, the CA held that the MeTC's Order showed that Daluraya's acquittal was based on the fact that the prosecution failed to prove his guilt *beyond reasonable doubt*. As such, Daluraya was not exonerated from civil liability.²⁶

Moreover, the CA considered the following pieces of evidence to support its finding that Daluraya must be held civilly liable: (a) the *inadmissible* sworn statement executed by Daluraya where he admitted that he drove the subject vehicle which hit Marina Oliva; (b) the conclusion derived from Serrano's testimony that the woman he saw crossing the street who was hit by a Nissan Vanette with plate number UPN-172, and the victim who eventually died, are one and the same; (c) the Philippine National Police Referral Letter of one Police Chief Inspector Virgilio Pereda identifying Daluraya as the suspect in the case of Reckless Imprudence Resulting in Homicide involving the death of Marina Oliva, and stating that he brought the victim to the Quezon City General Hospital for treatment but was declared dead on arrival; and (d) the subject vehicle was registered in the name of Daluraya's aunt, Gloria Zilmar,²⁷ who authorized him to claim the vehicle from the MeTC.²⁸

Daluraya filed a motion for reconsideration,²⁹ which the CA denied in a Resolution³⁰ dated November 22, 2013, hence, this petition.

The Issue Before the Court

The sole issue advanced for the Court's resolution is whether or not the CA was correct in finding Daluraya civilly liable for Marina Oliva's death despite his acquittal in the criminal case for Reckless Imprudence Resulting in Homicide on the ground of insufficiency of evidence.

The Court's Ruling

The petition is meritorious.

²⁴ Id. at 203-208.

²⁵ Id. at 208.

²⁶ Id. at 206.

²⁷ See Motion to Release Vehicle dated January 11, 2005; id. at 190-191.

²⁸ Id. at 207.

²⁹ Dated July 19, 2013; id. at 209-215.

³⁰ Id. at 217.

Every person criminally liable for a felony is also civilly liable. The acquittal of an accused of the crime charged, however, does not necessarily extinguish his civil liability.³¹ In *Manantan v. CA*,³² the Court expounded on the two kinds of acquittal recognized by our law and their concomitant effects on the civil liability of the accused, as follows:

Our law recognizes two kinds of acquittal, with different effects on the civil liability of the accused. First is an acquittal on the ground that the accused is not the author of the act or omission complained of. This instance closes the door to civil liability, for a person who has been found to be not the perpetrator of any act or omission cannot and can never be held liable for such act or omission. There being no *delict*, civil liability *ex delicto* is out of the question, and the civil action, if any, which may be instituted must be based on grounds other than the *delict* complained of. This is the situation contemplated in Rule 111 of the Rules of Court. The second instance is an acquittal based on reasonable doubt on the guilt of the accused. In this case, even if the guilt of the accused has not been satisfactorily established, he is not exempt from civil liability which may be proved by preponderance of evidence only.³³

In *Dayap v. Sendiong*,³⁴ the Court explained further:

The acquittal of the accused does not automatically preclude a judgment against him on the civil aspect of the case. The extinction of the penal action does not carry with it the extinction of the civil liability where: (a) the acquittal is based on reasonable doubt as only preponderance of evidence is required; (b) the court declares that the liability of the accused is only civil; and (c) the civil liability of the accused does not arise from or is not based upon the crime of which the accused is acquitted. However, **the civil action based on *delict* may be deemed extinguished if there is a finding on the final judgment in the criminal action that the act or omission from which the civil liability may arise did not exist or where the accused did not commit the acts or omission imputed to him.**

Thus, if demurrer is granted and the accused is acquitted by the court, the accused has the right to adduce evidence on the civil aspect of the case **unless the court also declares that the act or omission from which the civil liability may arise did not exist**. This is because when the accused files a demurrer to evidence, he has not yet adduced evidence both on the criminal and civil aspects of the case. The only evidence on record is the evidence for the prosecution. What the trial court should do is issue an order or partial judgment granting the demurrer to evidence and acquitting the accused, and set the case for continuation of trial for the accused to adduce evidence on the civil aspect of the case and for the private complainant to adduce evidence by way of rebuttal. Thereafter, the

³¹ *Lumantas v. Calapiz*, G.R. No. 163753, January 15, 2014.

³² 403 Phil. 299 (2001).

³³ Id. at 308-309; citations omitted.

³⁴ 597 Phil. 127 (2009).

court shall render judgment on the civil aspect of the case.³⁵ (Emphases supplied)

In case of an acquittal, the Rules of Court requires that the judgment state “whether the evidence of the prosecution absolutely failed to prove the guilt of the accused or merely failed to prove his guilt beyond reasonable doubt. In either case, the judgment shall determine if the act or omission from which the civil liability might arise did not exist.”³⁶

A punctilious examination of the MeTC’s Order, which the RTC sustained, will show that Daluraya’s acquittal was based on the conclusion that *the act or omission from which the civil liability may arise did not exist*, given that the prosecution was not able to establish that he was the author of the crime imputed against him. Such conclusion is clear and categorical when the MeTC declared that “the testimonies of the prosecution witnesses are wanting in material details and they did not sufficiently establish that the accused precisely committed the crime charged against him.”³⁷ Furthermore, when Marla sought reconsideration of the MeTC’s Order acquitting Daluraya, said court reiterated and firmly clarified that “the prosecution was not able to establish that the accused was the driver of the Nissan Vanette which bumped Marina Oliva”³⁸ and that “there is no competent evidence on hand which proves that the accused was the person responsible for the death of Marina Oliva.”³⁹

Clearly, therefore, the CA erred in construing the findings of the MeTC, as affirmed by the RTC, that Daluraya’s acquittal was anchored on *reasonable doubt*, which would necessarily call for a remand of the case to the court *a quo* for the reception of Daluraya’s evidence on the civil aspect. Records disclose that Daluraya’s acquittal was based on the fact that “the act or omission from which the civil liability may arise did not exist” in view of the failure of the prosecution to sufficiently establish that he was the author of the crime ascribed against him. Consequently, his civil liability should be deemed as non-existent by the nature of such acquittal.

WHEREFORE, the petition is **GRANTED**. The Decision dated June 28, 2013 and the Resolution dated November 22, 2013 of the Court of Appeals in CA-G.R. SP No. 125113 are hereby **REVERSED** and **SET ASIDE**. The Decision dated September 8, 2011 and the Order dated May 10, 2012 of the Regional Trial Court of Quezon City, Branch 76 are **REINSTATED**.

³⁵ Id. at 141, citing *Hun Hyung Park v. Eung Won Choi*, 544 Phil. 431, 444 (2007) and *Salazar v. People*, 458 Phil. 504, 515-517 (2003).


³⁶ RULES OF COURT, Rule 120, Section 2.

³⁷ *Rollo*, p. 147.

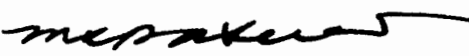
³⁸ Id. at 149.


³⁹ Id. at 150.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



ANTONIO T. CARPIO
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice