

SECOND DIVISION

[G.R. NO. 150785, September 15, 2006]

EMMA P. NUGUID, PETITIONER, VS. CLARITA S. NICDAO,^[1]
RESPONDENT.

D E C I S I O N

CORONA, J.:

In this petition for review on certiorari under Rule 45 of the Rules of Court, Emma P. Nuguid assails the decision of the Court of Appeals (CA) dated October 30, 2001 in CA-G.R. No. 23054:

WHEREFORE, the **Petition for Review** is hereby **GRANTED** and the **Assailed Decision dated May 10, 1999** of the Regional Trial Court [RTC], Branch 5, Bataan, affirming the Decision dated January 11, 1999 of the First Municipal Circuit Trial Court of Dinalupihan-Hermosa, Bataan is **REVERSED and SET ASIDE**.

The petitioner **CLARITA S. NICDAO** is hereby **ACQUITTED** of the offense charged. NO COSTS.

SO ORDERED.^[2]

Petitioner seeks a review of the decision with respect to the alleged lack of civil liability of respondent Clarita S. Nicdao. Stemming from two cases of violation of BP 22,^[3] this petition involves the following facts:

xxx xxx xxx

Accused Clarita S. Nicdao is charged with having committed the crime of Violation of BP 22 in fourteen (14) counts. The criminal complaints allege that sometime in 1996, from April to August thereof, [respondent] and her husband [,] of Vignette Superstore [,] approached [petitioner] and asked her if they [could] borrow money to settle some obligations. Having been convinced by them and because of the close relationship of [respondent] to [petitioner], the latter lent the former her money. Thus, every month, she was persuaded to release P100,000.00 to the accused until the total amount reached P1,150,000.00.

As security for the P1,150,000.00, [respondent] gave [petitioner] the following open dated Hermosa Savings Bank (HSLB) (sic) with the assurance that if the entire amount is not paid within one (1) year, [petitioner] can deposit the check:

Check No.
7277

Amount
P100,000.00 (Exhibit "A")

7348	150,000.00 (Exhibit "A")
12118	100,000.00 (Exhibit "A")
8812	50,000.00 (Exhibit "A")
12102	100,000.00 (Exhibit "A")
7255	100,000.00 (Exhibit "A")
2286	50,000.00 (Exhibit "A")
8128	100,000.00 (Exhibit "A")
7254	50,000.00 (Exhibit "A")
7278	100,000.00 (Exhibit "A")
4540	50,000.00 (Exhibit "A")
4523	50,000.00 (Exhibit "A")
12103	50,000.00 (Exhibit "A")
7294	<u>100,000.00 (Exhibit "A").</u>
	P1,150,000.00

In June 1997, [petitioner] together with Samson Ching demanded payment of the sums [above- mentioned], but [respondent] refused to acknowledge the indebtedness. Thus, on October 6, 1977, [petitioner] deposited all aforementioned checks in the bank of Samson Ching totaling P1,150,000.00 since all the money given by her to [respondent] came from Samson Ching. The checks were all returned for having been drawn against insufficient funds (DAIF).

A verbal and written demand was made upon [respondent] to pay the amount represented by the bounced checks, but [to] no avail. Hence, a complaint for violation of BP 22 was filed against the [respondent]. ^[4] (Citation omitted)

After petitioner instituted 14 criminal cases^[5] (docketed as Criminal Case Nos. 9458-9471) for violation of BP 22 involving the sum of P1,150,000, corresponding warrants of arrest were issued against respondent. On November 12, 1997, respondent was arraigned. She pleaded not guilty and trial ensued.

In a decision dated January 11, 1999, Judge Manuel M. Tan of the Municipal Circuit Trial Court of Dinalupihan, Bataan found respondent guilty of the charges against her. Respondent was sentenced to pay P1,150,000, plus interest, and to suffer imprisonment equivalent to one year for each violation of BP 22, or a total of 14 years of imprisonment.

On appeal, the decision was affirmed in toto by the Regional Trial Court of Dinalupihan, Bataan. Respondent elevated the case to the CA. On October 30, 2001, the CA reversed the decision of the lower courts and acquitted respondent. According to the CA, certain substantial facts were overlooked by the trial court. These circumstances, if properly considered, justified a different conclusion on the case.^[6]

Petitioner now comes to us, raising this main issue: whether respondent remains civilly liable to her for the sum of P1,150,000. In this connection, she asserts that respondent obtained loans from her in the aggregate amount of P1,150,000 and that these loans have not been paid.

From the standpoint of its effects, a crime has a dual character: (1) as an offense against the State because of the disturbance of the social order and (2) as an offense against the private person injured by the crime unless it involves the crime of treason, rebellion, espionage, contempt and others (wherein no civil liability arises on the part of the offender either because there are no damages to be compensated or there is no private person injured by the crime^[7]). What gives rise to the civil liability is really the obligation of everyone to repair or to make whole the damage caused to another by reason of his act or omission, whether done intentionally or negligently and whether or not punishable by law.^[8]

Extinction of penal action does not carry with it the eradication of civil liability, unless the extinction proceeds from a declaration in the final judgment that the fact from which the civil liability might arise did not exist.^[9]

On one hand, as regards the criminal aspect of a violation of BP 22, suffice it to say that:

[t]he gravamen of BP 22 is the act of making and issuing a worthless check or one that is dishonored upon its presentment for payment [and] the accused failed to satisfy the amount of the check or make arrangement for its payment within 5 banking days from notice of dishonor. The act is *malum prohibitum*, pernicious and inimical to public welfare. Laws are created to achieve a goal intended to guide and prevent against an evil or mischief. Why and to whom the check was issued is irrelevant in determining culpability. The terms and conditions surrounding the issuance of the checks are also irrelevant.^[10]

On the other hand, the basic principle in civil liability ex delicto is that every person criminally liable is also civilly liable, crime being one of the five sources of obligations under the Civil Code.^[11] A person acquitted of a criminal charge, however, is not necessarily civilly free because the quantum of proof required in criminal prosecution (proof beyond reasonable doubt) is greater than that required for civil liability (mere preponderance of evidence^[12]). In order to be completely free from civil liability, a person's acquittal must be based on the fact that he did not commit the offense.^[13] If the acquittal is based merely on reasonable doubt, the accused may still be held civilly liable since this does not mean he did not commit the act complained of.^[14] It may only be that the facts proved did not constitute the offense charged.^[15]

Acquittal will not bar a civil action in the following cases: (1) where the acquittal is based on reasonable doubt as only preponderance of evidence is required in civil cases; (2) where the court declared the accused's liability is not criminal but only civil in nature and (3) where the civil liability does not arise from or is not based upon the criminal act of which the accused was acquitted.^[16]

In this petition, we find no reason to ascribe any civil liability to respondent. As found by the CA, her supposed civil liability had already been fully satisfied and extinguished by payment. The statements of the appellate court leave no doubt that respondent, who was acquitted from the charges against her, had already been completely relieved of civil liability: