

FIRST DIVISION

[G.R. No. 210148, December 08, 2014]

**ANTONIO L. DALURAYA, PETITIONER, VS. MARLA OLIVA,
RESPONDENT.**

D E C I S I O N

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*^[1] are the Decision^[2] dated June 28, 2013 and the Resolution^[3] 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 Information^[4] for Reckless Imprudence Resulting in Homicide in connection with the death^[5] 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 Olivawas 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 Order^[11] 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 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 Order^[15] 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 appealed^[18] 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 Decision^[20] 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 reconsideration^[22] 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 Order^[23] dated May 10, 2012.

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

The CA Ruling

In a Decision^[24] dated June 28, 2013, the CA granted the petition and reversed the RTC Decision, ordering Daluraya to pay Marla the amounts of p152,547.00 as actual damages, P50,000.00 as civil indemnity, and P50,000.00 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 Resolution^[30] 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.

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]