

## FIRST DIVISION

[ G.R. No. 147703, April 14, 2004 ]

**PHILIPPINE RABBIT BUS LINES, INC., PETITIONER, VS. PEOPLE  
OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**PANGANIBAN, J.:**

When the accused-employee absconds or jumps bail, the judgment meted out becomes final and executory. The employer cannot defeat the finality of the judgment by filing a notice of appeal on its own behalf in the guise of asking for a review of its subsidiary civil liability. Both the primary civil liability of the accused-employee and the subsidiary civil liability of the employer are carried in one single decision that has become final and executory.

#### The Case

Before this Court is a Petition for Review<sup>[1]</sup> under Rule 45 of the Rules of Court, assailing the March 29, 2000<sup>[2]</sup> and the March 27, 2001<sup>[3]</sup> Resolutions of the Court of Appeals (CA) in CA-GR CV No. 59390. Petitioner's appeal from the judgment of the Regional Trial Court (RTC) of San Fernando, La Union in Criminal Case No. 2535 was dismissed in the first Resolution as follows:

"WHEREFORE, for all the foregoing, the motion to dismiss is **GRANTED** and the appeal is ordered **DISMISSED**."<sup>[4]</sup>

The second Resolution denied petitioner's Motion for Reconsideration.<sup>[5]</sup>

#### The Facts

The facts of the case are summarized by the CA in this wise:

"On July 27, 1994, accused [Napoleon Roman y Macadangdang] was found guilty and convicted of the crime of reckless imprudence resulting to triple homicide, multiple physical injuries and damage to property and was sentenced to suffer the penalty of four (4) years, nine (9) months and eleven (11) days to six (6) years, and to pay damages as follows:

'a. to pay the heirs of JUSTINO TORRES the sum of P50,000.00 as indemnity for his death, plus the sum of P25,383.00, for funeral expenses, his unearned income for one year at P2,500.00 a month, P50,000.00 as indemnity for the support of Renato Torres, and the further sum of P300,000.00 as moral damages;

- 'b. to the heirs of ESTRELLA VELERO, the sum of P50,000.00 as indemnity for her death, the sum of P237,323.75 for funeral expenses, her unearned income for three years at P45,000.00 per annum, and the further sum of P1,000,000.00 as moral damages and P200,000.00 as attorney's fees[;]
- 'c. to the heirs of LORNA ANCHETA, the sum of P50,000.00 as indemnity for her death, the sum of P22,838.00 as funeral expenses, the sum of P20,544.94 as medical expenses and her loss of income for 30 years at P1,000.00 per month, and the further sum of P100,000.00 for moral damages;
- 'd. to MAUREEN BRENNAN, the sum of P229,654.00 as hospital expenses, doctor's fees of P170,000.00 for the orthopedic surgeon, P22,500.00 for the [n]eurologist, an additional indemnity [of] at least P150,000.00 to cover future correction of deformity of her limbs, and moral damages in the amount of P1,000,000.00;
- 'e. to ROSIE BALAJO, the sum of P3,561.46 as medical expenses, P2,000.00 as loss of income, and P25,000.00 as moral damages;
- 'f. to TERESITA TAMONDONG, the sum of P19,800.47 as medical expenses, P800.00 for loss of income, and P25,000.00 as moral damages;
- 'g. to JULIANA TABTAB, the amount of P580.81 as medical expenses, P4,600.00 as actual damages and her loss earnings of P1,400.00 as well as moral damages in the amount of P10,000.00;
- 'h. to MIGUEL ARQUITOLA, the sum of P12,473.82 as hospital expenses, P14,530.00 as doctor's fees, P1,000.00 for medicines and P50,000.00 as moral damages;
- 'i. to CLARITA CABANBAN, the sum of P155.00 for medical expenses, P87.00 for medicines, P1,710.00 as actual damages and P5,000.00 as moral damages;
- 'j. to MARIANO CABANBAN, the sum of P1,395.00 for hospital bills, P500.00 for medicine, P2,100.00 as actual damages, P1,200.00 for loss of income and P5,000.00 as moral damages;
- 'k. to La Union Electric Company as the registered owner of the Toyota Hi-Ace Van, the amount of P250,000.00 as actual damages for the cost of the totally wrecked vehicle; to the owner of the jeepney, the amount of P22,698.38 as actual damages;'

"The court further ruled that [petitioner], in the event of the insolvency of accused, shall be liable for the civil liabilities of the accused. Evidently, the judgment against accused had become final and executory.

"Admittedly, accused had jumped bail and remained at-large. It is worth mention[ing] that Section 8, Rule 124 of the Rules of Court authorizes the dismissal of appeal when appellant jumps bail. Counsel for accused, also admittedly hired and provided by [petitioner], filed a notice of appeal which was denied by the trial court. We affirmed the denial of the notice of appeal filed in behalf of accused.

"Simultaneously, on August 6, 1994, [petitioner] filed its notice of appeal from the judgment of the trial court. On April 29, 1997, the trial court gave due course to [petitioner's] notice of appeal. On December 8, 1998, [petitioner] filed its brief. On December 9, 1998, the Office of the Solicitor General received [a] copy of [petitioner's] brief. On January 8, 1999, the OSG moved to be excused from filing [respondents'] brief on the ground that the OSG's authority to represent People is confined to criminal cases on appeal. The motion was however denied per Our resolution of May 31, 1999. On March 2, 1999, [respondent]/private prosecutor filed the instant motion to dismiss."<sup>[6]</sup> (Citations omitted)

### **Ruling of the Court of Appeals**

The CA ruled that the institution of a criminal case implied the institution also of the civil action arising from the offense. Thus, once determined in the criminal case against the accused-employee, the employer's subsidiary civil liability as set forth in Article 103 of the Revised Penal Code becomes conclusive and enforceable.

The appellate court further held that to allow an employer to dispute independently the civil liability fixed in the criminal case against the accused-employee would be to amend, nullify or defeat a final judgment. Since the notice of appeal filed by the accused had already been dismissed by the CA, then the judgment of conviction and the award of civil liability became final and executory. Included in the civil liability of the accused was the employer's subsidiary liability.

Hence, this Petition.<sup>[7]</sup>

### **The Issues**

Petitioner states the issues of this case as follows:

"A. Whether or not an employer, who dutifully participated in the defense of its accused-employee, may appeal the judgment of conviction independently of the accused.

"B. Whether or not the doctrines of *Alvarez v. Court of Appeals* (158 SCRA 57) and *Yusay v. Adil* (164 SCRA 494) apply to the instant case."<sup>[8]</sup>

There is really only one issue. Item B above is merely an adjunct to Item A.

### **The Court's Ruling**

The Petition has no merit.

**Main Issue:**  
**Propriety of Appeal by the Employer**

Pointing out that it had seasonably filed a notice of appeal from the RTC Decision, petitioner contends that the judgment of conviction against the accused-employee has not attained finality. The former insists that its appeal stayed the finality, notwithstanding the fact that the latter had jumped bail. In effect, petitioner argues that its appeal takes the place of that of the accused-employee.

We are not persuaded.

**Appeals in Criminal Cases**

Section 1 of Rule 122 of the 2000 Revised Rules of Criminal Procedure states thus:

“Any party may appeal from a judgment or final order, unless the accused will be placed in double jeopardy.”

Clearly, both the accused and the prosecution may appeal a criminal case, but the government may do so only if the accused would not thereby be placed in double jeopardy.<sup>[9]</sup> Furthermore, the prosecution cannot appeal on the ground that the accused should have been given a more severe penalty.<sup>[10]</sup> On the other hand, the offended parties may also appeal the judgment with respect to their right to civil liability. If the accused has the right to appeal the judgment of conviction, the offended parties should have the same right to appeal as much of the judgment as is prejudicial to them.<sup>[11]</sup>

**Appeal by the Accused**  
**Who Jumps Bail**

Well-established in our jurisdiction is the principle that the appellate court may, upon motion or *motu proprio*, dismiss an appeal during its pendency if the accused jumps bail. The second paragraph of Section 8 of Rule 124 of the 2000 Revised Rules of Criminal Procedure provides:

“The Court of Appeals may also, upon motion of the appellee or *motu proprio*, dismiss the appeal if the appellant escapes from prison or confinement, jumps bail or flees to a foreign country during the pendency of the appeal.”<sup>[12]</sup>

This rule is based on the rationale that appellants lose their standing in court when they abscond. Unless they surrender or submit to the court’s jurisdiction, they are deemed to have waived their right to seek judicial relief.<sup>[13]</sup>

Moreover, this doctrine applies not only to the accused who jumps bail during the appeal, but also to one who does so during the trial. Justice Florenz D. Regalado succinctly explains the principle in this wise:

"x x x. When, as in this case, the accused escaped after his arraignment and during the trial, but the trial *in absentia* proceeded resulting in the promulgation of a judgment against him and his counsel appealed, since he nonetheless remained at large his appeal must be dismissed by analogy with the aforesaid provision of this Rule [Rule 124, §8 of the Rules on Criminal Procedure]. x x x"<sup>[14]</sup>

The accused cannot be accorded the right to appeal unless they voluntarily submit to the jurisdiction of the court or are otherwise arrested within 15 days from notice of the judgment against them.<sup>[15]</sup> While at large, they cannot seek relief from the court, as they are deemed to have waived the appeal.<sup>[16]</sup>

### **Finality of a Decision in a Criminal Case**

As to when a judgment of conviction attains finality is explained in Section 7 of Rule 120 of the 2000 Rules of Criminal Procedure, which we quote:

"A judgment of conviction may, upon motion of the accused, be modified or set aside before it becomes final or before appeal is perfected. Except where the death penalty is imposed, a judgment becomes final after the lapse of the period for perfecting an appeal, or when the sentence has been partially or totally satisfied or served, or when the accused has waived in writing his right to appeal, or has applied for probation."

In the case before us, the accused-employee has escaped and refused to surrender to the proper authorities; thus, he is deemed to have abandoned his appeal. Consequently, the judgment against him has become final and executory.<sup>[17]</sup>

### **Liability of an Employer in a Finding of Guilt**

Article 102 of the Revised Penal Code states the subsidiary civil liabilities of innkeepers, as follows:

"In default of the persons criminally liable, innkeepers, tavernkeepers, and any other persons or corporations shall be civilly liable for crimes committed in their establishments, in all cases where a violation of municipal ordinances or some general or special police regulation shall have been committed by them or their employees.

"Innkeepers are also subsidiary liable for restitution of goods taken by robbery or theft within their houses from guests lodging therein, or for payment of the value thereof, provided that such guests shall have notified in advance the innkeeper himself, or the person representing him, of the deposit of such goods within the inn; and shall furthermore have followed the directions which such innkeeper or his representative may have given them with respect to the care and vigilance over such goods. No liability shall attach in case of robbery with violence against or intimidation of persons unless committed by the innkeeper's employees."