

SECOND DIVISION

[G.R. No. 219511, December 02, 2020]

VICTORIA B. COLLADO, PETITIONER, VS. DR. EDUARDO M. DELA VEGA, RESPONDENT.

R E S O L U T I O N

LOPEZ, J.:

Whether preponderant evidence exists to hold the accused civilly liable despite acquittal is the core issue in this Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court assailing the Court of Appeals' (CA) Decision^[2] dated October 2, 2014 in CA-G.R. CV No. 94532.

ANTECEDENTS

In November 1995, Mary Ann Manuel (Mary Ann) introduced Victoria B. Collado (Victoria) to Eduardo M. Dela Vega (Eduardo). Thereafter, Eduardo invested in Victoria's stock business on the promise that he would earn interest at the rate of 7.225% per month. Accordingly, Eduardo gave Victoria an initial cash out of P100,000.00. In turn, Victoria assured that Mary Ann will monitor Eduardo's investment which will be covered by a stock certificate. Later, Eduardo invested additional funds either by delivering cash personally to Victoria, or by depositing the amounts to her bank accounts.^[3] However, Eduardo did not receive any stock certificate. Thus, Eduardo demanded from Victoria the return of his investments. Victoria then issued checks dated October 7, 1998, in the amount of P340,000.00, and November 3, 1998, in the amount of P400,000.00. Yet, the checks were dishonored upon presentment.^[4]

Aggrieved, Eduardo charged Victoria with *estafa* involving unfaithfulness or abuse of confidence under Article 315 paragraph 1(b) of the Revised Penal Code before the Regional Trial Court (RTC) docketed as Criminal Case No. 99-2080, to wit:

That in (sic) or about and sometime in February 1996 and subsequently thereto. in the City of Makati, Philippines and within the jurisdiction of this x x x Court, the above-named accused, received the amount of P5,000,000.00 and US\$82,000.00 from complainant Eduardo M. Dela Vega to be invested in the money market or in stocks, but the accused once in possession of the said amount, with unfaithfulness and abuse of confidence and intent to defraud complainant, did then and there willfully, unlawfully, and feloniously misappropriate and convert the amount of P5,000,000.00 and US\$82,000.00 to (sic) her own personal use and benefit and despite demands made upon accused to return the said amount, said accused failed and refused and still fails and refuses to do so, to the damage and prejudice of complainant in the aforementioned amount.^[5]

On March 26, 2009, the RTC acquitted Victoria based on reasonable doubt, and ruled that there was no preponderant evidence to prove her civil liability, thus:

In the case at bar, the evidence for the prosecution could not simply sustain a verdict of conviction.

What the prosecution simply adduced was the self-serving testimony of the complaining witness who incredibly gave money to Ms. Collado in huge sums without even demanding any receipt therefor. His assertion that this was so because he trusted Ms. Collado is incredulous considering that the latter was merely introduced to him by Ms. Manuel. Moreover, the testimony of Mr. Robles is not ample to pin down Ms. Collado anew, there is no proof whatsoever that Ms. Collado indeed received the money in trust for administration.

Evidently, Mr. Dela Vega does not even know what the amounts he gave to Ms. Collado were for – whether it was for investment in the stock market. investment in the "BPI Global Funds," in the "ready-to-wear" (RTW) business of Mesdames Manuel and Collado[,] or for money lending. The tentativeness on the part of Mr. Dela Vega does not augur well for the prosecution.

x x x x

The doubt of the Court vis-à-vis the guilt of the accused herein stems from the fact that the oral deposition of Ms. Collado is diametrically opposed to that of Mr. Dela Vega and in fact completely contritutes the testimony of the latter which led this Court to infer that the narration of Mr. Dela Vega as to the factual antecedents x x x may not be entirely correct and accurate for which reason the prosecution has not been able to conclusively establish the presence of the first and foremost element of the offense for which the herein accused has been charged, id est, that money was received by Ms. Collado in trust, or on commission, or for administration, or under any other obligation involving the duty to make delivery of, or to return, the same.

Fact is, the defense, even with the sole testimony of Ms. Collado, succeeded in atomizing the evidence of the prosecution in such a way that it created a doubt in the mind of this Court as to the guilt of the accused herein.

x x x x

WHEREFORE, premises duly considered, on reasonable doubt the herein accused **VICTORIA B. COLLADO** (Ms. Collado) is hereby **ACQUITTED** of the crime for which she has been at present charged.

The civil liability of the herein accused Victoria B. Collado (Ms. Collado) was not also shown by preponderance of evidence by the herein complaining witness **EDUARDO DELA VEGA** (Mr. Dela Vega) for which reason the same cannot be adjudged in his favor.

Costs de officio.

SO ORDERED.^[6]

Dissatisfied, Eduardo elevated the civil aspect of the case to the CA docketed as CA-G.R. CV No. 94532. On October 2, 2014, the CA held that Eduardo's appeal to recover civil liability is proper since Victoria was acquitted on reasonable doubt. After reviewing the evidence on record, the CA found Victoria liable to pay Eduardo the total amount of P2,905,000.00. The CA explained that Eduardo deposited such amounts in Victoria's bank accounts as shown in the deposit slips that the prosecution formally offered in evidence without any objection from the accused. This is in addition to Victoria's acknowledgment that Eduardo delivered to her sums of money as investment in her stocks business,^[7] viz.:

WHEREFORE, the **APPEAL** is hereby **PARTIALLY GRANTED**. Accordingly, the assailed Decision dated March 26, 2009 is hereby **REVERSED** with respect to the civil aspect of Criminal Case No. 99-2080 and appellee Victoria B. Collado is adjudged civilly liable to private complainant Eduardo B. Dela Vega in the amount of P2,905,000.00 only.

SO ORDERED.^[8]

Victoria sought reconsideration but was denied.^[9] Hence, this recourse. Victoria alleges that the CA should not have disturbed the findings of the RTC which has the best opportunity to observe the manner and demeanor of witnesses. Further, the funds she received from Eduardo were meant for investment with the expectation, but without any guarantee, of profit or return. Consequently, various factors, such as risks in any business venture, must be considered.^[10] On the other hand, Eduardo maintains that Victoria raised factual issues which are beyond the ambit of a petition for review on *certiorari* under Rule 45 of the Rules of Court. At any rate, there is preponderant evidence to establish Victoria's civil liability.^[11] In reply, Victoria claims that the conflicting rulings of the CA and the RTC warrant the examination of evidence.^[12]

RULING

The petition is unmeritorious.

Victoria raises a question regarding the appreciation of evidence which is one of fact and is beyond the ambit of this Court's jurisdiction in a petition for review on *certiorari*. It is not this Court's task to go over the proofs presented below to ascertain if they were weighed correctly.^[13] However, this rule of limited jurisdiction admits of exceptions and one of them is when the factual findings of the CA and the RTC are contradictory.^[14] In this case, the RTC held that there was no preponderant evidence to hold Victoria civilly liable while the CA ruled otherwise. Considering these conflicting findings warranting the examination of evidence, this Court will entertain the factual issue on whether substantial evidence exists to prove that Victoria is civilly liable despite her acquittal.

As a rule, every person criminally liable is also civilly liable.^[15] However, an 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 that 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] Here, the RTC acquitted Victoria because her guilt was not proven beyond reasonable doubt. Thus,