

SECOND DIVISION

[G.R. No. 150284, November 22, 2010]

**SPOUSES ELISEO SEVILLA AND ERNA SEVILLA, PETITIONERS,
VS. HON. COURT OF APPEALS AND PATRICIA VILLAREAL, FOR
HERSELF AND IN BEHALF OF HER CHILDREN, TRICIA AND
CLAIRE HOPE VILLAREAL, RESPONDENTS.**

D E C I S I O N

MENDOZA, J.:

For review in this petition is the May 22, 2001 Decision^[1] of the Court of Appeals (CA), in CA-G.R. CV No. 63518, which affirmed the Decision^[2] of the Regional Trial Court, Branch 132, Makati City (RTC), finding the petitioners, spouses Eliseo and Erna Sevilla, jointly and severally, liable for damages to the private respondents.

From the records, it appears that on March 2, 1987, Patricia Villareal, for herself and in behalf of her children, Tricia and Claire Hope Villareal (*the Villareals*), filed an action for damages against spouses Eliseo and Erna Sevilla (*the Sevillas*), on account of the killing of her (Patricia's) husband, Jose K. Villareal (*Jose*). It was alleged that Eliseo, said to be a very jealous husband, discovered that his wife, Erna was having an illicit affair with Jose. On the early morning of June 6, 1986, Erna and Jose were caught red-handed having a rendezvous in a parking lot by Eliseo who was just waiting in ambush together with some companions. There, Jose was mauled and shot to death. Because of this incident, the Sevillas started disposing their properties and eventually left for the United States of America with their children. Thereafter, a criminal case for murder was filed against them before the RTC of Makati, but it was archived because they had already left the country. On March 2, 1987, the Villareals filed a civil case for damages against the Sevillas arising from the murder case.

Summons could not be personally served on the Sevillas as they had been residing abroad so service was made by publication in a newspaper of general circulation. The Sevillas failed to file their answer to the complaint and so the trial court declared them in default and allowed the Villareals to present evidence *ex parte*. Also, the trial court allowed the Villareals to litigate as pauper litigants.

After presenting their evidence ex-parte, the Villareals filed a "Motion for Leave to Admit an Amended Complaint and for Extraterritorial Service" to implead additional plaintiffs, include additional claims for damages and increase their claims for loss of income and moral and exemplary damages. The RTC admitted their amended complaint and ordered that summons be served anew on the Sevillas. But despite the proper service of summons by publication, the Sevillas failed to file their answer. This prompted the RTC to declare them again in default.

Ruling of the Regional Trial Court

On April 2, 1990, the RTC rendered its decision^[3] ordering the Sevillas to pay the Villareals damages, among others, for the death of Jose Villareal. The dispositive portion of which reads, as follows:

WHEREFORE, judgment is hereby rendered ordering defendants, jointly and severally, to pay plaintiffs:

- (1) P30,000.00 by way of indemnity for the death of the victim;
- (2) P185, 883.00 for actual damages;
- (3) P10,491,157.00 as consequential damages representing loss of the victim's earning capacity;
- (4) P100, 000.00 moral damages
- (5) P25, 000.00 as exemplary damages;
- (6) P50, 000. 00 for attorney's fees
- (7) Interest on all the foregoing amounts at the rate of six percent (6%) per annum, computed from the date hereof; and
- (8) The costs of suit.

The unpaid additional docket fees on the Amended Complaint shall constitute a lien to this judgment.

SO ORDERED.

The RTC ruled, among others, that the Villareals were able to establish their cause of action against the Sevillas by preponderance of evidence. They were, therefore, entitled to recover civil liability from the Sevillas based on Article 100 of the Revised Penal Code.

With this adverse ruling, the Sevillas filed a motion to lift order and set aside judgment of default. This was denied by the RTC which prompted them to file a motion for reconsideration and suspension of proceedings while the criminal case against them was pending. Again, the motions were denied by the RTC in its August 10, 1990 order.

Unwilling to accede, the Sevillas elevated the matter to the CA by way of a Petition for Certiorari, Prohibition and Mandamus with Preliminary Injunction.

The CA, on December 23, 1991, set aside the judgment by default and other related orders of the RTC and ordered the admission of the answer of the Sevillas.

On October 16, 1992, the Villareals, aggrieved by the CA's order, challenged the same before this Court through a Petition for Review on Certiorari.

This Court, after careful examination of the petition, issued on September 17, 1998 a decision *reversing* the CA decision and affirming the RTC order and judgment by default, but allowing the Sevillas' appeal to the CA. So, on June 15, 1999, the RTC elevated the records of the case to the CA.

On May 8, 2001, during the pendency of the appeal, the Sevillas submitted an

"Urgent Motion to Resolve One Issue that Will Make All Other Issues Moot."

Ruling of the Court of Appeals

On May 22, 2001, the CA rendered a decision affirming the April 2, 1990 RTC decision. The CA ruled, among others, that a chain of factual circumstances all led to the conclusion that the Sevillas, with the help of other men, committed the crime. These were:

1. The victim was last seen alive with Erna at the 1851 Club located on the 20th floor of the said building;
2. One of the getaway cars was in fact the same car driven by Erna in going to the scene of the crime;
3. The car owned by [the Sevillas] was with another car that sped away and attempted to race with a witness' car toward the exit of the car park shortly after the shooting;
4. The car's plate was substituted with the plate number of another car owned by [the Sevillas] upon loading of gasoline;
5. Despite the close relationship between the victim and the [Sevillas], none of them attended the wake nor offered condolences to the bereaved family;
6. Erna asked her personal accountant to retrieve her intimate letters to the victim from the victim's files;
7. [The Sevillas] abruptly departed to a foreign country, to the extent of removing their children from school; and
8. [The Sevillas] failed to appear as they still refuse to appear in the criminal case for the killing of the victim - all point to a single conclusion: [The Sevillas] planned and executed the killing and are now in hiding to avoid the legal consequences of their actions.^[4]

Not in conformity, the Sevillas filed a Motion for Reconsideration focusing solely on the extent of the award of unliquidated damages, which was, nonetheless, denied by the CA.

On December 3, 2001, the Sevillas filed this petition raising this lone

ISSUE

Whether or not the Court of Appeals erred in ruling that the Villareals are entitled to an award of damages for the death of Jose Villareal.

Position of the Petitioners