

SECOND DIVISION

[G.R. NO. 155791, March 16, 2005]

**MELBA QUINTO, PETITIONER, VS. DANTE ANDRES AND
RANDYVER PACHECO, RESPONDENTS.**

DECISION

CALLEJO, SR., J.:

At around 7:30 a.m. on November 13, 1995, eleven-year-old Edison Garcia, a Grade 4 elementary school pupil, and his playmate, Wilson Quinto, who was also about eleven years old, were at Barangay San Rafael, Tarlac, Tarlac. They saw respondents Dante Andres and Randyver Pacheco by the mouth of a drainage culvert. Andres and Pacheco invited Wilson to go fishing with them inside the drainage culvert.^[1] Wilson assented. When Garcia saw that it was dark inside, he opted to remain seated in a grassy area about two meters from the entrance of the drainage system.^[2]

Respondent Pacheco had a flashlight. He, along with respondent Andres and Wilson, entered the drainage system which was covered by concrete culvert about a meter high and a meter wide, with water about a foot deep.^[3] After a while, respondent Pacheco, who was holding a fish, came out of the drainage system and left^[4] without saying a word. Respondent Andres also came out, went back inside, and emerged again, this time, carrying Wilson who was already dead. Respondent Andres laid the boy's lifeless body down in the grassy area.^[5] Shocked at the sudden turn of events, Garcia fled from the scene.^[6] For his part, respondent Andres went to the house of petitioner Melba Quinto, Wilson's mother, and informed her that her son had died. Melba Quinto rushed to the drainage culvert while respondent Andres followed her.^[7]

The cadaver of Wilson was buried without any autopsy thereon having been conducted. The police authorities of Tarlac, Tarlac, did not file any criminal complaint against the respondents for Wilson's death.

Two weeks thereafter, or on November 28, 1995, National Bureau of Investigation (NBI) investigators took the sworn statements of respondent Pacheco, Garcia and petitioner Quinto.^[8] Respondent Pacheco alleged that he had never been to the drainage system catching fish with respondent Andres and Wilson. He also declared that he saw Wilson already dead when he passed by the drainage system while riding on his carabao.

On February 29, 1996, the cadaver of Wilson was exhumed. Dr. Dominic Aguda of the NBI performed an autopsy thereon at the cemetery and submitted his autopsy report containing the following postmortem findings:

POSTMORTEM FINDINGS

Body in previously embalmed, early stage of decomposition, attired with white long sleeves and dark pants and placed inside a wooden coffin in a niche-apartment style.

Hematoma, 14.0 x 7.0 cms., scalp, occipital region.

Abrasion, 4.0 x 3.0 cms., right face, 5.0 x 3.0 cms., left forearm.

Laryngo – tracheal lumina – congested and edematous containing muddy particles with bloody path.

Lungs – hyperinflated, heavy and readily pits on pressure; section contains bloody froth.

Brain – autolyzed and liquefied.

Stomach – partly autolyzed.

CAUSE OF DEATH: Asphyxia by drowning; traumatic head injuries, contributory.^[9]

The NBI filed a criminal complaint for homicide against respondents Andres and Pacheco in the Office of the Provincial Prosecutor, which found probable cause for homicide by *dolo* against the two.

An Information was later filed with the Regional Trial Court (RTC) of Tarlac, Tarlac, charging the respondents with homicide. The accusatory portion reads:

That at around 8 o'clock in the morning of November 13, 1995, in the Municipality of Tarlac, Province of Tarlac, Philippines, and within the jurisdiction of this Honorable Court, the said accused Dante Andres and Randyver Pacheco y Suliven @ Randy, conspiring, confederating, and helping one another, did then and there willfully, unlawfully, and feloniously attack, assault, and maul Wilson Quinto inside a culvert where the three were fishing, causing Wilson Quinto to drown and die.

CONTRARY TO LAW.^[10]

After presenting Garcia, the prosecution presented Dr. Dominic Aguda, who testified on direct examination that the hematoma at the back of the victim's head and the abrasion on the latter's left forearm could have been caused by a strong force coming from a blunt instrument or object. The injuries in the larynx and trachea also indicated that the victim died of drowning, as some muddy particles were also found on the lumina of the larynx and trachea ("*Nakahigop ng putik*"). Dr. Aguda stated that such injury could be caused when a person is put under water by pressure or by force.^[11] On cross-examination, Dr. Aguda declared that the hematoma on the scalp was caused by a strong pressure or a strong force applied to the scalp coming from a blunt instrument. He also stated that the victim could have fallen, and that the occipital portion of his head could have hit a blunt object.

Dr. Aguda also declared that the 14x7-centimeter hematoma at the back of Wilson's head could have rendered the latter unconscious, and, if he was thrown in a body of water, the boy could have died by drowning.

In answer to clarificatory questions made by the court, the doctor declared that the

4x3-centimeter abrasion on the right side of Wilson's face could have also been caused by rubbing against a concrete wall or pavement, or by contact with a rough surface. He also stated that the trachea region was full of mud, but that there was no sign of strangulation.^[12]

After the prosecution had presented its witnesses and the respondents had admitted the pictures showing the drainage system including the inside portions thereof,^[13] the prosecution rested its case.

The respondents filed a demurer to evidence which the trial court granted on the ground of insufficiency of evidence, per its Order dated January 28, 1998. It also held that it could not hold the respondents liable for damages because of the absence of preponderant evidence to prove their liability for Wilson's death.

The petitioner appealed the order to the Court of Appeals (CA) insofar as the civil aspect of the case was concerned. In her brief, she averred that –

THE TRIAL COURT ERRED IN DISMISSING THE CASE AND IN RULING THAT NO PREPONDERANT EVIDENCE EXISTS TO HOLD ACCUSED-APPELLEES CIVILLY LIABLE FOR THE DEATH OF THE VICTIM WILSON QUINTO.^[14]

The CA rendered judgment affirming the assailed order of the RTC on December 21, 2001. It ruled as follows:

The acquittal in this case is not merely based on reasonable doubt but rather on a finding that the accused-appellees did not commit the criminal acts complained of. Thus, pursuant to the above rule and settled jurisprudence, any civil action ex delicto cannot prosper. Acquittal in a criminal action bars the civil action arising therefrom where the judgment of acquittal holds that the accused did not commit the criminal acts imputed to them. (*Tan v. Standard Vacuum Oil Co.*, 91 Phil. 672)^[15]

The petitioner filed the instant petition for review and raised the following issues:

I

WHETHER OR NOT THE EXTINCTION OF RESPONDENTS' CRIMINAL LIABILITY, LIKEWISE, CARRIES WITH IT THE EXTINCTION OF THEIR CIVIL LIABILITY.

II

WHETHER OR NOT PREPONDERANT EVIDENCE EXISTS TO HOLD RESPONDENTS CIVILLY LIABLE FOR THE DEATH OF WILSON QUINTO.^[16]

The petitioner avers that the trial court indulged in mere possibilities, surmises and speculations when it held that Wilson died because (a) he could have fallen, his head hitting the stones in the drainage system since the culvert was slippery; or (b) he might have been bitten by a snake which he thought was the prick of a fish fin, causing his head to hit hard on the top of the culvert; or (c) he could have lost consciousness due to some ailment, such as epilepsy. The petitioner also alleges

that the trial court erred in ruling that the prosecution failed to prove any ill motive on the part of the respondents to kill the victim, and in considering that respondent Andres even informed her of Wilson's death.

The petitioner posits that the trial court ignored the testimony of the Medico-Legal Expert, Dr. Aguda; the nature, location and number of the injuries sustained by the victim which caused his death; as well as the locus criminis. The petitioner insists that the behavior of the respondents after the commission of the crime betrayed their guilt, considering that respondent Pacheco left the scene, leaving respondent Andres to bring out Wilson's cadaver, while respondent Andres returned inside the drainage system only when he saw Garcia seated in the grassy area waiting for his friend Wilson to come out.

The petitioner contends that there is preponderant evidence on record to show that either or both the respondents caused the death of her son and, as such, are jointly and severally liable therefor.

In their comment on the petition, the respondents aver that since the prosecution failed to adduce any evidence to prove that they committed the crime of homicide and caused the death of Wilson, they are not criminally and civilly liable for the latter's death.

The petition has no merit.

Every person criminally liable for a felony is also civilly liable.^[17] The civil liability of such person established in Articles 100, 102 and 103 of the Revised Penal Code includes restitution, reparation of the damage caused, and indemnification for consequential damages.^[18] When a criminal action is instituted, the civil action for the recovery of civil liability arising from the offense charged shall be deemed instituted with the criminal action unless the offended party waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.^[19] With the implied institution of the civil action in the criminal action, the two actions are merged into one composite proceeding, with the criminal action predominating the civil.^[20]

The prime purpose of the criminal action is to punish the offender in order to deter him and others from committing the same or similar offense, to isolate him from society, to reform and rehabilitate him or, in general, to maintain social order.^[21] The sole purpose of the civil action is the restitution, reparation or indemnification of the private offended party for the damage or injury he sustained by reason of the delictual or felonious act of the accused.^[22] While the prosecution must prove the guilt of the accused beyond reasonable doubt for the crime charged, it is required to prove the cause of action of the private complainant against the accused for damages and/or restitution.

The extinction of the penal action does not carry with it the extinction of the civil action. However, the civil action based on delict shall be deemed extinguished if there is a finding in a final judgment in the civil action that the act or omission from where the civil liability may arise does not exist.^[23]

Moreover, a person committing a felony is criminally liable for all the natural and logical consequences resulting therefrom although the wrongful act done be different from that which he intended.^[24] "Natural" refers to an occurrence in the ordinary course of human life or events, while "logical" means that there is a rational connection between the act of the accused and the resulting injury or damage. The felony committed must be the proximate cause of the resulting injury. Proximate cause is that cause which in natural and continuous sequence, unbroken by an efficient intervening cause, produces the injury, and without which the result would not have occurred. The proximate legal cause is that acting first and producing the injury, either immediately, or by setting other events in motion, all constituting a natural and continuous chain of events, each having a close causal connection with its immediate predecessor.^[25]

There must be a relation of "cause and effect," the cause being the felonious act of the offender, the effect being the resultant injuries and/or death of the victim. The "cause and effect" relationship is not altered or changed because of the pre-existing conditions, such as the pathological condition of the victim (*las condiciones patologica del lesionado*); the predisposition of the offended party (*la predisposicion del ofendido*); the physical condition of the offended party (*la constitucion fisica del herido*); or the concomitant or concurrent conditions, such as the negligence or fault of the doctors (*la falta de medicos para suster al herido*); or the conditions supervening the felonious act such as tetanus, pulmonary infection or gangrene.^[26]

The felony committed is not the proximate cause of the resulting injury when:

- (a) there is an active force that intervened between the felony committed and the resulting injury, and the active force is a distinct act or fact absolutely foreign from the felonious act of the accused; or
- (b) the resulting injury is due to the intentional act of the victim.^[27]

If a person inflicts a wound with a deadly weapon in such a manner as to put life in jeopardy and death follows as a consequence of their felonious act, it does not alter its nature or diminish its criminality to prove that other causes cooperated in producing the factual result. The offender is criminally liable for the death of the victim if his delictual act caused, accelerated or contributed to the death of the victim.^[28] A different doctrine would tend to give immunity to crime and to take away from human life a salutary and essential safeguard.^[29] This Court has emphasized that:

... Amid the conflicting theories of medical men, and the uncertainties attendant upon the treatment of bodily ailments and injuries, it would be easy in many cases of homicide to raise a doubt as to the immediate cause of death, and thereby to open a wide door by which persons guilty of the highest crime might escape conviction and punishment. ...^[30]

In *People v. Quianzon*,^[31] the Supreme Court held:

... The Supreme Court of Spain, in a Decision of April 3, 1879, said in a case similar to the present, the following: Inasmuch as a man is responsible for the consequences of his act – and in this case, the physical condition and temperament of the offended party nowise lessen