

SECOND DIVISION

[G.R. No. 107125, January 29, 2001]

**GEORGE MANANTAN, PETITIONER, VS. THE COURT OF APPEALS,
SPOUSES MARCELINO NICOLAS AND MARIA NICOLAS,
RESPONDENTS.**

D E C I S I O N

QUISUMBING, J.:

This is a petition for review of the decision dated January 31, 1992 of the Court of Appeals in CA-G.R. CV No. 19240, modifying the judgment of the Regional Trial Court of Santiago, Isabela, Branch 21, in Criminal Case No. 066. Petitioner George Manantan was acquitted by the trial court of homicide through reckless imprudence without a ruling on his civil liability. On appeal from the civil aspect of the judgment in Criminal Case No. 066, the appellate court found petitioner Manantan *civilly liable* and ordered him to indemnify private respondents Marcelino Nicolas and Maria Nicolas P104,400.00 representing loss of support, P50,000.00 as death indemnity, and moral damages of P20,000.00 or a total of P174,400.00 for the death of their son, Ruben Nicolas.

The facts of this case are as follows:

On June 1, 1983, the Provincial Fiscal of Isabela filed an information charging petitioner Manantan with reckless imprudence resulting in homicide, allegedly committed as follows:

That on or about the 25th day of September 1982, in the municipality of Santiago, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the driver and person-in-charge of an automobile bearing Plate No. NGA-816, willfully and unlawfully drove and operated the same while along the *Daang Maharlika* at Barangay Malvar, in said municipality, in a negligent, careless and imprudent manner, without due regard to traffic laws, regulations and ordinances and without taking the necessary precaution to prevent accident to person and damage to property, causing by such negligence, carelessness and imprudence said automobile driven and operated by him to sideswipe a passenger jeep bearing plate No. 918-7F driven by Charles Codamon, thereby causing the said automobile to turn down (sic) resulting to the death of Ruben Nicolas a passenger of said automobile.

CONTRARY TO LAW.^[1]

On arraignment, petitioner pleaded not guilty to the charge. Trial on the merits ensued.

The prosecution's evidence, as summarized by the trial court and adopted by the appellate court, showed that:

[I]n the morning of September 25, 1982, Fiscal Wilfredo Ambrocio... decided to catch shrimps at the irrigation canal at his farm. He invited the deceased who told him that they (should) borrow the Ford Fiera of the accused George Manantan who is also from Cordon. The deceased went to borrow the Ford Fiera but...said that the accused also wanted to (come) along. So Fiscal Ambrocio and the deceased dropped by the accused at the Manantan Technical School. They drank beer there before they proceeded to the farm using the Toyota Starlet of the accused. At the farm they consumed one (more) case of beer. At about 12:00 o'clock noon they went home. Then at about 2:00 or 3:00 o'clock that afternoon, (defense witness Miguel) Tabangin and (Ruben) Nicolas and the accused returned to the house of Fiscal Ambrocio with a duck. They cooked the duck and ate the same with one more case of beer. They ate and drank until about 8:30 in the evening when the accused invited them to go bowling. They went to Santiago, Isabela on board the Toyota Starlet of the accused who drove the same. They went to the Vicap Bowling Lanes at Mabini, Santiago, Isabela but unfortunately there was no vacant alley. While waiting for a vacant alley they drank one beer each. After waiting for about 40 minutes and still no alley became vacant the accused invited his companions to go to the LBC Night Club. They had drinks and took some lady partners at the LBC. After one hour, they left the LBC and proceeded to a nearby store where they ate *arroz caldo*...and then they decided to go home. Again the accused drove the car. Miguel Tabangin sat with the accused in the front seat while the deceased and Fiscal Ambrocio sat at the back seat with the deceased immediately behind the accused. The accused was driving at a speed of about 40 kilometers per hour along the Maharlika Highway at Malvar, Santiago, Isabela, at the middle portion of the highway (although according to Charles Cudamon, the car was running at a speed of 80 to 90 kilometers per hours on [the] wrong lane of the highway because the car was overtaking a tricycle) when they met a passenger jeepney with bright lights on. The accused immediately tried to swerve the car to the right and move his body away from the steering wheel but he was not able to avoid the oncoming vehicle and the two vehicles collided with each other at the center of the road.

x x x

As a result of the collision the car turned turtle twice and landed on its top at the side of the highway immediately at the approach of the street going to the Flores Clinic while the jeep swerved across the road so that one half front portion landed on the lane of the car while the back half portion was at its right lane five meters away from the point of impact as shown by a sketch (Exhibit "A") prepared by Cudamon the following morning at the Police Headquarters at the instance of his lawyer. Fiscal Ambrocio lost consciousness. When he regained consciousness he was still inside the car (lying) on his belly with the deceased on top of him. Ambrocio pushed (away) the deceased and then he was pulled out of the car by Tabangin. Afterwards, the deceased who was still unconscious was

pulled out from the car. Both Fiscal Ambrocio and the deceased were brought to the Flores Clinic. The deceased died that night (Exhibit "B") while Ambrocio suffered only minor injuries to his head and legs.^[2]

The defense version as to the events prior to the incident was essentially the same as that of the prosecution, except that defense witness Miguel Tabangin declared that Manantan did not drink beer that night. As to the accident, the defense claimed that:

...The accused was driving slowly at the right lane [at] about 20 inches from the center of the road at about 30 kilometers per hour at the National Highway at Malvar, Santiago, Isabela, when suddenly a passenger jeepney with bright lights which was coming from the opposite direction and running very fast suddenly swerve(d) to the car's lane and bumped the car which turned turtle twice and rested on its top at the right edge of the road while the jeep stopped across the center of the road as shown by a picture taken after the incident (Exhibit "1") and a sketch (Exhibit "3") drawn by the accused during his rebuttal testimony. The car was hit on the driver's side. As a result of the collision, the accused and Miguel Tabangin and Fiscal Ambrocio were injured while Ruben Nicolas died at the Flores Clinic where they were all brought for treatment.^[3]

In its decision dated June 30, 1988, promulgated on August 4, 1988, the trial court decided Criminal Case No. 066 in petitioner's favor, thus:

WHEREFORE, in the light of the foregoing considerations, the Court finds the accused NOT GUILTY of the crime charged and hereby acquits him.

SO ORDERED.^[4]

On August 8, 1988, private respondents filed their notice of appeal on the civil aspect of the trial court's judgment. In their appeal, docketed as CA-G.R. CV No. 19240, the Nicolas spouses prayed that the decision appealed from be modified and that appellee be ordered to pay indemnity and damages.

On January 31, 1992, the appellate court decided CA-G.R. CV No. 19240 in favor of the Nicolas spouses, thus:

WHEREFORE, the decision appealed from is MODIFIED in that defendant-appellee is hereby held civilly liable for his negligent and reckless act of driving his car which was the proximate cause of the vehicular accident, and sentenced to indemnify plaintiffs-appellants in the amount of P174,400.00 for the death of Ruben Nicolas,

SO ORDERED.^[5]

In finding petitioner civilly liable, the court *a quo* noted that at the time the accident occurred, Manantan was in a state of intoxication, due to his having consumed "all in all, a total of at least twelve (12) bottles of beer...between 9 a.m. and 11 p.m."^[6] It found that petitioner's act of driving while intoxicated was a clear violation of Section 53 of the Land Transportation and Traffic Code (R.A. No. 4136)^[7] and

pursuant to Article 2185 of the Civil Code,^[8] a statutory presumption of negligence existed. It held that petitioner's act of violating the Traffic Code is negligence in itself "because the mishap, which occurred, was the precise injury sought to be prevented by the regulation."^[9]

Petitioner moved for reconsideration, but the appellate court in its resolution of August 24, 1992 denied the motion.

Hence, the present case. Petitioner, in his memorandum, submits the following issues for our consideration:

FIRST - THE DECISION OF THE TRIAL COURT ACQUITTING THE PETITIONER OF THE CRIME OF RECKLESS IMPRUDENCE RESULTING TO HOMICIDE FORECLOSED ANY FURTHER INQUIRY ON THE ACCUSED'S (PETITIONER'S) NEGLIGENCE OR RECKLESS IMPRUDENCE BECAUSE BY THEN HE WILL BE PLACED IN "DOUBLE JEOPARDY" AND THEREFORE THE COURT OF APPEALS ERRED IN PASSING UPON THE SAME ISSUE AGAIN.

SECOND - THE COURT OF APPEALS DID NOT HAVE JURISDICTION TO AWARD DAMAGES AND INDEMNITY TO THE PRIVATE RESPONDENTS CONSIDERING THAT THE NON-DECLARATION OF ANY INDEMNITY OR AWARD OF DAMAGES BY THE REGIONAL TRIAL COURT OF ISABELA, BRANCH XXI, WAS ITSELF CONSISTENT WITH THE PETITIONER'S ACQUITTAL FOR THE REASON THAT THE CIVIL ACTION WAS IMPLIEDLY INSTITUTED WITH THE CRIMINAL ACTION AND THERE WAS NO EXPRESS WAIVER OF THE CIVIL ACTION OR RESERVATION TO INSTITUTE IT SEPARATELY BY THE PRIVATE RESPONDENTS IN THE TRIAL COURT.

THIRD - THE COURT OF APPEALS DID NOT HAVE JURISDICTION TO TAKE COGNIZANCE OF THE CASE CA-G.R. CV No. 19240 ENTITLED: *SPOUSES MARCELINO NICOLAS AND MARIA NICOLAS v. GEORGE MANANTAN*, AND RENDER THE DECISION SOUGHT TO BE REVIEWED WHEN THE SAME WAS PROSECUTED BY THE PRIVATE RESPONDENTS IN THEIR PERSONAL CAPACITIES AND THE FILING FEES NOT HAVING BEEN PAID, THUS VIOLATING THE *MANCHESTER* DOCTRINE.

In brief, the issues for our resolution are:

- (1) Did the acquittal of petitioner foreclose any further inquiry by the Court of Appeals as to his negligence or reckless imprudence?
- (2) Did the court *a quo* err in finding that petitioner's acquittal did not extinguish his civil liability?
- (3) Did the appellate court commit a reversible error in failing to apply the Manchester doctrine to CA-G.R. CV No. 19240?

On the *first issue*, petitioner opines that the Court of Appeals should not have disturbed the findings of the trial court on the lack of negligence or reckless imprudence under the guise of determining his civil liability. He argues that the trial court's finding that he was neither imprudent nor negligent was the basis for his acquittal, and not reasonable doubt. He submits that in finding him liable for