

SECOND DIVISION

[G.R. No. 82562, April 11, 1997]

LYDIA A. VILLEGAS, MA. TERESITA VILLEGAS, ANTONIO VILLEGAS, JR., AND MA. ANTONIETTE VILLEGAS, PETITIONERS, VS. THE COURT OF APPEALS, PEOPLE OF THE PHILIPPINES, AND ANTONIO V. RAQUIZA, RESPONDENTS.

[G.R. NO. 82592. APRIL 11, 1997]

ANTONIO V. RAQUIZA, PETITIONER, VS. COURT OF APPEALS, LYDIA A. VILLEGAS, ANTONIO VILLEGAS, JR., MA. ANTONETTE VILLEGAS, MA. LYDIA VILLEGAS AND ESTATE OF ANTONIO J. VILLEGAS, RESPONDENTS.

D E C I S I O N

ROMERO, J.:

This case originated from a libel suit filed by then Assemblyman Antonio V. Raquiza against then Manila Mayor Antonio J. Villegas, who allegedly publicly imputed to him acts constituting violations of the Anti-Graft and Corrupt Practices Act. He did this on several occasions in August 1968 through (a) a speech before the Lion's Club of Malasiqui, Pangasinan on August 10; (b) public statements in Manila on August 13 and in Davao on August 17, which was coupled with a radio-TV interview; and (c) a public statement shortly prior to his appearance before the Senate Committee on Public Works (the Committee) on August 20 to formally submit a letter-complaint implicating Raquiza, among other government officials.

The Committee, however, observed that all the allegations in the complaint were based mainly on the uncorroborated testimony of a certain Pedro U. Fernandez, whose credibility turned out to be highly questionable. Villegas also failed to submit the original copies of his documentary evidence. Thus, after thorough investigation, Raquiza was cleared of all charges by the Committee.^[1] All these acts of political grandstanding received extensive media coverage.

On July 25, 1969, an information for libel was filed by the Office of the City Fiscal of Manila with the then Court of First Instance of Manila against Villegas who denied the charge. After losing in the 1971 elections, Villegas left for the United States where he stayed until his death on November 16, 1984. Nevertheless, trial proceeded in *absentia*; by the time of his death in 1984, the prosecution had already rested its case. Two months after notice of his death, the court issued an order dismissing the criminal aspect of the case but reserving the right to resolve its civil aspect. No memorandum was ever filed in his behalf.

Judge Marcelo R. Obien^[2] rendered judgment on March 7, 1985, the dispositive portion of which was amended on March 26 to read as follows:

"WHEREFORE, and in view of the foregoing considerations, judgment is hereby rendered as follows:

1. The dismissal of the criminal case against Antonio J. Villegas, on account of his death on November 16, 1984, is hereby reiterated;

2. Ordering the estate of Antonio J. Villegas, represented herein by his legal heirs, namely: Lydia A. Villegas, Ma. Teresita Villegas, Antonio Villegas, Jr., Ma. Anton(i)ette Villegas, and Ma. Lydia Villegas (sic), to pay plaintiff Antonio V. Raquiza Two Hundred Million Pesos (P200,000,000.00), itemized as follows:

a) One Hundred Fifty Million Pesos (P150,000,000.00) as moral damages;

b) Two Hundred Thousand Pesos (P200,000.00) as actual damages;

c) Forty-nine Million Eight Hundred Thousand Pesos (P49,800,000.00) as exemplary damages; and

d) The cost of suit.

SO ORDERED." ^[3] (Amendments underscored)

The heirs of Villegas (the Heirs), through their father's counsel, Atty. Norberto Quisumbing, appealed the decision on these three main grounds:

"1. Whether the trial court, three months after notice of the death of the accused and before his counsel could file a memorandum in his behalf, could validly render judgment in the case?

2. Whether, in the absence of formal substitution of parties, the trial court could validly render judgment against the heirs and estate of a deceased accused?

3. Whether, under the facts of the instant case, deceased Villegas was liable for libel, and assuming he was, whether the damages awarded by the trial court were just and reasonable?"

On March 15, 1988, the Court of Appeals rendered a decision affirming the trial court's judgment modified only with respect to the award of damages which was reduced to P2 million representing P1.5 million, P300,000.00, and P200,000.00 in moral, exemplary and actual damages, respectively. Both parties elevated said decision to this Court for review.

In their petition (G.R. No. 82562), the Heirs once again raise the very same issues brought before the Court of Appeals, albeit reworded. On the other hand, petitioner Raquiza (G.R. No. 82592) questions the extensions of time to file appellant's brief granted by the appellate court to the Heirs, as well as the drastic reduction in the award of damages.

It is immediately apparent that the focal issue in these petitions is the effect of the

death of Villegas before the case was decided by the trial court. Stated otherwise, did the death of the accused before final judgment extinguish his civil liability?

Fortunately, this Court has already settled this issue with the promulgation of the case of People v. Bayotas (G.R. No. 102007) on September 2, 1994,[4] viz.:

"It is thus evident that as jurisprudence evolved from Castillo^[5] to Torrijos,^[6] the rule established was that the survival of the civil liability depends on whether the same can be predicated on sources of obligations other than delict. Stated differently, the claim for civil liability is also extinguished together with the criminal action if it were solely based thereon, i.e., civil liability ex delicto.

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(I)n recovering damages for injury to persons thru an independent civil action based on Article 33 of the Civil Code, the same must be filed against the executor or administrator of the estate of deceased accused (under Sec. 1, Rule 87, infra.) and not against the estate under Sec. 5, Rule 86 because this rule explicitly limits the claim to those for funeral expenses, expenses for the last sickness of the decedent, judgment for money and claims arising from contract, express or implied.[7]

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From this lengthy disquisition, we summarize our ruling herein:

1. Death of the accused pending appeal of his conviction extinguishes his criminal liability as well as the civil liability based solely thereon. As opined by Justice Regalado, in this regard, 'the death of the accused prior to final judgment terminates his criminal liability and only the civil liability directly arising from and based solely on the offense committed, i.e., civil liability *ex delicto in senso strictiore*.'

2. Corollarily, the claim for civil liability survives notwithstanding the death of (the) accused, if the same may also be predicated on a source of obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:

- a) Law
- b) Contracts
- c) Quasi-contracts
- d) xxx xxx xxx
- e) *Quasi-delicts*

3. Where the civil liability survives, as explained in Number 2 above, an action for