

FIFTH DIVISION

[CA-G.R. SP No. 128767, April 30, 2014]

**TERESITA M. TORRES, PETITIONER, VS. GILBERT PANABANG
AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

DECISION

CARANDANG, J.:

This is a Petition for Review under Rule 42 of the Rules of Court challenging the Decision^[1] of the Regional Trial Court of Makati City, Branch 148, in Criminal Case No. 12-1228, which affirmed with modification the May 2, 2012 Decision^[2] of the Metropolitan Trial Court of Makati City, Branch 65, in Criminal Case No. 359258, acquitting petitioner Teresita M. Torres for violation of Batas Pambansa Blg. 22 but holding her civilly liable to pay private respondent Gilbert Panabang the amount of P1,000,00.00, plus interests and the costs of the suit.

The factual and procedural antecedents, as disclosed by the record, are hereunder set forth.

On July 18, 2008, private respondent Gilbert Panabang (Panabang), Isles Cielito Dizon, and Antonio Torres (Antonio), the husband of petitioner Teresita M. Torres (Torres), entered into a "KASUNDUAN"^[3] for the purchase of scrap iron owned by a certain Mrs. Sevilla for P10,300,000.00. The agreement provides, among others, that they shall each contribute P1,000,000.00 to cover the initial payment of P3,000,000.00. Upon request, Panabang advanced and paid the P1,000,000.00 share of Antonio. In turn and as payment thereof, Antonio gave Panabang a check^[4] with a face value of P1,000,000.00 which his wife, herein petitioner Torres, issued and drawn from her own checking account at United Coconut Planter's Bank Marvin Plaza branch, Makati City. Subsequently, Panabang presented the check for payment but it was dishonored for having been Drawn Against Insufficient Funds (DAIF). As a consequence thereof, Panabang made several demands to Torres for her to pay the value of the check but Torres refused to pay. With the refusal of Torres to pay the face value of the check she issued, Panabang filed a Complaint^[5] against Torres before the City Prosecutor's Office of Makati City, which subsequently lodged an Information for violation of Batas Pambansa Blg. 22, otherwise as the Bouncing Checks Law, against Torres before the Metropolitan Trial Court (MeTC), Branch 65, Makati City, where it was docketed as Criminal Case No. 359258.

After the prosecution rested its case, Torres, instead of presenting her defense, opted to file a Demurrer to Evidence^[6] on the ground that the evidence adduced by the prosecution were insufficient to sustain her conviction beyond reasonable doubt. On January 3, 2012, the MeTC issued an Order^[7] granting the demurrer and acquitting Torres for violation of the Bouncing Checks Law on the ground that the prosecution failed to prove that she received a written notice of dishonor. It was not, however, a clear-cut victory for Torres since in the subsequent Decision of the MeTC

dated May 9, 2012 pertaining to the civil aspect of the case, she was adjudged to pay Panabang the amount of P1,000,000.00 plus legal interest rate of six percent (6%) per annum and the costs of the suit. The MeTC rendered its Decision after Torres filed a Manifestation that she will no longer present evidence on the civil aspect of the case and prayed that the same be submitted for resolution.

Not satisfied with the Decision of the MeTC, Torres appealed to the Regional Trial Court of Makati City, Branch 148, and claimed that the MeTC erred in finding her civilly liable. On October 23, 2012, the RTC rendered its Decision affirming with modification the Decision of the MeTC by deleting the award of attorney's fees. Torres filed a Motion for Partial Reconsideration^[8] of the said Decision but the same was denied by the RTC in its Order dated January 29, 2013.^[9]

Undaunted, Torres is now before Us assailing the judgment of the RTC on the ground that –

I. THE HONORABLE RTC AND MTC (hereinafter, the "LOWER COURTS") GRAVELY ERRED IN HOLDING THAT THE PETITIONER IS LIABLE FOR CIVIL DAMAGES TO PRIVATE RESPONDENT.

THE HONORABLE RTC GRAVELY ERRED WHEN IT AFFIRMED THE MTC'S DECISION INSOFAR AS IT ORDERED PETITIONER TO PAY FOR THE COSTS OF THE SUIT.

We find the petition bereft of merit.

It is a settled rule in our jurisdiction is that an acquittal does not necessarily carry with it the extinguishment of the civil liability of the accused.^[10] As enunciated by the Supreme Court in *Salazar vs. People*,^[11] the acquittal of the accused will not bar a judgment against him on the civil aspect of the criminal case where: (a) the acquittal is based on reasonable doubt; (b) the court declared that the liability of the accused is only civil; (c) the civil liability of the accused does not arise from or is not based upon the crime of which the accused is acquitted. The civil liability of the accused will only be extinguished if there is a finding in the final judgment in the criminal action that the act or omission from which the civil liability may arise did not exist or where the accused did not commit the act or omission imputed to him.

Herein, a reading of the Resolution of the MeTC granting the Demurrer to Evidence of petitioner clearly shows that petitioner's acquittal was based on reasonable doubt and not on the finding that the act or omission from which the civil liability may arise did not exist or where the accused did not commit the act or omission imputed to her. This can be easily inferred from disposition of the MeTC when it ruled that the prosecution failed to satisfactorily establish the fact of notice of dishonor. Verily then, her acquittal did not operate to bar private respondent Panabang's recovery of civil indemnity.

The question now lies as to whether petitioner could be held civilly liable to private respondent Panabang for the value of the check.

Petitioner argues that both the MeTC and the RTC erred in holding her civilly liable to respondent Panabang for the value of the checks. She insists that she is not liable to pay private respondent Panabang since there was no privity between her and Panabang. She points out that she was not a party to the "Kasunduan" between Panabang, Dizon, her husband. She likewise asserts that she did not receive any