



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **November 10, 2021**, which reads as follows:*

“G.R. No. 255173 (Ma. Ceres S. Villame v. People of the Philippines).

– This Court resolves the Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated May 15, 2019 and the Resolution³ dated October 29, 2020 of the Court of Appeals (CA) in CA-G.R. CV No. 05032-MIN. The CA Decision denied the appeal filed by Ma. Ceres S. Villame (Villame) assailing the Decision⁴ dated May 9, 2017 of the Regional Trial Court (RTC) of Cagayan de Oro City, Branch 18, which acquitted her of the crime of *estafa* but found her civilly liable to pay the amount of ₱154,000.00 to private complainant Arlene S. Tropel (Tropel).

On November 24, 2010, Villame borrowed money from Tropel in the amount of ₱154,000.00 to augment her capital for her various businesses. Villame issued three (3) Wealth Bank postdated checks: 1) Check No. 0301328 dated December 24, 2010; 2) Check No. 0301338 dated January 30, 2011; and 3) Check No. 0316175 dated May 19, 2011, to Tropel as payment.⁵

Villame failed to pay the value of the checks. Tropel then presented the checks to the drawee bank for payment but the same were dishonored for the reason “Account Closed.” Tropel sent a demand letter to Villame to settle her obligation but the latter failed to pay the same. As Villame evaded Tropel and refused to talk to her, Tropel filed an Affidavit-Complaint against Villame before the Office of the City Prosecutor of Cagayan de Oro City. Consequently, the Office of the City Prosecutor filed an Information dated March 21, 2012, indicting Villame of the crime of *estafa* defined under

¹ *Rollo*, pp. 3-19.

² *Id.* at 28-36. Penned by Associate Justice Loida S. Posadas-Kahulugan, with the concurrence of Associate Justices Oscar V. Badelles and Florencio M. Mamauag, Jr.

³ *Id.* at 38-39.

⁴ *Id.* at 20-26. Penned by Judge Dennis Z. Alcantar.

⁵ *Id.* at 29.

Paragraph 2(d) of Article 315 of the Revised Penal Code. On June 26, 2012, Villame was arraigned and pleaded not guilty to the crime charged.⁶

On October 9, 2014, the trial court issued a Pre-Trial Order where the parties admitted the following: (1) the identity of the accused, Ma. Ceres S. Villame, as the person charged in the Information dated March 21, 2012 and arraigned on June 26, 2012; (2) the indebtedness of Villame to Tropel in the amount of ₱154,000.00 covered by the three (3) checks issued by the accused; (3) the three (3) checks were presented in payment simultaneously only on December 5, 2011, which was six (6) months after the date of the issuance of the checks; and (4) the awareness of Tropel that at the time of the presentation of the checks, the same were six (6) months beyond the date for which it should have been presented. Thereafter, trial on the merits of the case ensued.⁷

In a Decision⁸ dated May 9, 2017, the RTC acquitted Villame of the crime of *estafa* on the ground that the prosecution failed to prove her guilt beyond reasonable doubt. However, it found her civilly liable to pay her indebtedness to Tropel. In finding Villame civilly liable, the RTC ruled that the receipts she presented did not specify that the payment reflected therein refers to the three (3) postdated checks subject of the Information. Moreover, Villame admitted during the pre-trial conference that she was indebted to Tropel in the amount of ₱154,000.00 covered by the said checks. Villame filed a Motion for Partial Reconsideration which was denied. Aggrieved, she appealed before the CA.

In a Decision⁹ dated May 15, 2019, the CA denied Villame's appeal and affirmed the RTC Decision. The CA held that the RTC did not err when it tried Villame for the case of *estafa*, wherein she was eventually acquitted, and when it held her civilly liable to pay the amount of ₱154,000.00. The CA relied on the case of *Rimando v. Aldaba*¹⁰ where this Court held that an accused is civilly liable despite her acquittal from *estafa* even if the civil liability did not arise from the crime charged in which she was exonerated, to wit:

In this case, Rimando's civil liability did not arise from any purported act constituting the crime of *estafa* as the RTC clearly found that Rimando never employed any deceit on Sps. Aldaba to induce them to invest money in Multitel. Rather, her civil liability was correctly traced from being an accommodation party to one of the checks she issued to Sps. Aldaba on behalf of Multitel. In lending her name to Multitel, she, in effect, acted as a surety to the latter, and as such, she may be held directly liable for the value of the issued check. Verily, Rimando's civil liability to Sps. Aldaba in the amount of ₱500,000.00 does not arise from or is not based on

⁶ Id. at 29-30.

⁷ Id. at 30-31.

⁸ Id. at 20-26.

⁹ Id. at 28-36.

¹⁰ 745 Phil 358 (2014).

the crime she is charged with, and hence, the CA correctly upheld the same despite her acquittal in the *estafa* case.¹¹

Subsequently, Villame filed a Motion for Reconsideration which was denied in the assailed Resolution dated October 29, 2020.¹²

Hence, this petition.

Villame argues that the civil liability arising from a contract is not civil liability *ex delicto*. Hence, the recovery of civil liability arising from the loan that she contracted from Tropel was not deemed instituted with the criminal action for *estafa* filed against her.¹³

In its Comment,¹⁴ the People of the Philippines, through the Office of the Solicitor General (OSG), maintains that the CA did not err in affirming the RTC Decision finding Villame civilly liable to pay Tropel the amount of ₱154,000.00. It reiterated the CA's pronouncement that Villame's acquittal from the crime of *estafa* does not necessarily negate the existence of civil liability. Given that the criminal action was properly lodged, the civil case was also deemed instituted. The OSG likewise cited *Rimando v. Aldaba*¹⁵ to support its contention.

The sole issue for consideration is whether the CA correctly affirmed the RTC Decision insofar as it found Villame civilly liable to pay the amount of ₱154,000.00 pursuant to her loan obligation to Tropel.

We rule in the affirmative.

Villame relies heavily on the doctrine laid down in *Dy v. People*¹⁶ where this Court ruled that—

Our law states that every person criminally liable for a felony is also civilly liable. This civil liability *ex delicto* may be recovered through a civil action which, under our Rules of Court, is deemed instituted with the criminal action. While they are actions mandatorily fused, they are, in truth, separate actions whose existences are not dependent on each other. Thus, civil liability *ex delicto* survives an acquittal in a criminal case for failure to prove guilt beyond reasonable doubt. However, the Rules of Court limits this mandatory fusion to a civil action for the recovery of civil liability *ex delicto*. It, by no means, includes a civil liability arising from a different source of obligation, as in the case of a contract. Where the civil liability

¹¹ Id. at 363.

¹² *Rollo*, pp. 38-39.

¹³ Id. at 8.

¹⁴ Id. at 43-51.

¹⁵ *Supra* note 10.

¹⁶ 792 Phil. 672 (2016).

is *ex contractu*, the court hearing the criminal case has no authority to award damages.¹⁷

However, We emphasize that in a long line of cases promulgated after the case of *Dy*, this Court has ordered the accused in those cases, even if acquitted, to pay the amounts involved in their respective *estafa* cases.

In *Yulo v. Celo*,¹⁸ the accused therein, while acquitted of the crime of *estafa* due to insufficiency of evidence, was ordered to return the amount of ₱1,188,960.00 for encashing the checks and receiving the proceeds thereof.¹⁹

In *Juaquico v. People*,²⁰ the Court acquitted petitioner therein but ordered him to pay the amount of ₱329,000.00 which he received from the private complainant through the checks which the former endorsed to the latter.²¹

Finally, in *Collado v. Dela Vega*,²² the Court affirmed the award of ₱2,905,000.00 in favor of the private complainant therein, and against the accused even if the latter was acquitted of the crime of *estafa* on the basis of reasonable doubt. The Court affirmed the finding of the CA that the private complainant has proved that he deposited the amounts in the accused's bank accounts as shown in the deposit slips that the prosecution offered in evidence without objection from the accused. This is in addition to the accused's acknowledgement that she received the sums of money as investment in her stocks business.²³

Thus, courts should be allowed to decide the issue as to whether or not there is basis to order reparation, restitution, and indemnification of damages arising from the act complained of as a crime even if the accused is acquitted. On a more practical note, this will also prevent possible re-litigation of cases especially on matters which should have to be established in the criminal case. We note that in this case, Villame admitted during the pre-trial conference her indebtedness to private complainant Tropel in the amount of ₱154,000.00 representing the amounts covered by the subject checks. The RTC likewise ruled that Villame has failed to prove that her debt has been paid. The CA thus correctly sustained the RTC's finding that Villame is civilly liable to pay Tropel the amount of ₱154,000.00.

¹⁷ Id. at 676.

¹⁸ G.R. No. 208787, July 30, 2019.

¹⁹ Id.

²⁰ 827 Phil. 145 (2018).

²¹ Id. at 151-152.

²² G.R. No. 219511, December 2, 2020.

²³ Id.

FOR THESE REASONS, the Petition for Review on *Certiorari* is hereby **DENIED**. The Decision dated May 15, 2019 and the Resolution dated October 29, 2020 of the Court of Appeals in CA-G.R. CV No. 05032-MIN are hereby **AFFIRMED**. Ma. Ceres S. Villame is hereby ordered to pay private complainant Arlene S. Tropel the value of the three (3) postdated Wealth Bank Checks in the total amount of ₱154,000.00, plus legal interest at six percent (6%) per annum from the filing of the case until fully paid.

SO ORDERED.” (Dimaampao, *J.*, designated additional Member per Special Order No. 2839 dated September 16, 2021.)

By authority of the Court:

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(Criminal Case No. R-2012-446)

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