



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **Janury 11, 2023**, which reads as follows:*

**“G.R. No. 261371 (Dominador Santos, Jr., Petitioner v. Veronica V. Orosa and Ramon Orosa, Respondents).** — The Court **GRANTS** petitioner’s final motion for an extension of fifteen (15) days from July 21, 2022 within which to file petition for review on *certiorari*.

After an incisive review of the case, the Court resolves to **DENY** the Petition for Review on *Certiorari*<sup>1</sup> and **AFFIRM with MODIFICATIONS** the Decision<sup>2</sup> and the Resolution<sup>3</sup> of the Court of Appeals in CA-G.R. SP No. 167647, in that Dominador Santos, Jr. (petitioner) is **ORDERED** to pay Veronica V. Orosa (Veronica) the sum of PHP2,500,000.00 with interest thereon at six percent (6%) *per annum* from the time of filing of the Information on November 17, 2013 until full payment.<sup>4</sup> The assailed Decision modified the Decision<sup>5</sup> and the Order<sup>6</sup> of Branch 11, Regional Trial Court of Manila, which, in turn, partially reversed and set aside the Resolutions<sup>7</sup> of Branch 11, Metropolitan Trial Court of Manila, with respect to the civil aspect of the case. The impugned Resolution denied the motion for reconsideration of the challenged Decision.

First off, it bears stressing that only questions of law may be raised in a Rule 45 petition filed before the Court.<sup>8</sup> In the case at bench, the issue raised by petitioner, *i.e.*, whether he should be held civilly liable, is indubitably a factual question since he entreats the Court to review the evidence presented during trial. While jurisprudence has provided exceptional circumstances where the Court may be urged to probe and resolve factual issues,<sup>9</sup> regrettably,

<sup>1</sup> *Rollo*, pp. 23-34.

<sup>2</sup> *Id.* at 41-49. The Decision dated December 14, 2021 was penned by Associate Justice Edwin D. Sorongon, with the concurrence of Associate Justices Perpetua Susana T. Atal-Paño and Bonifacio S. Pascua.

<sup>3</sup> *Id.* at 51-53.

<sup>4</sup> *See Nacar v. Gallery Frames*, 716 Phil. 267, 281 (2013) [Per J. Peralta, *En Banc*].

<sup>5</sup> *Id.* at 68-71. The Decision dated June 29, 2020 was rendered by Presiding Judge Cicero D. Jurado, Jr.

<sup>6</sup> *Id.* at 72-73. The Order dated December 18, 2020 was issued by Presiding Judge Cicero D. Jurado, Jr.

<sup>7</sup> *Id.* at 56-65 and 66-67. The Resolutions dated May 18, 2018 and August 7, 2018 were penned by Acting Presiding Judge Michelle C. Manaig-Calumpong.

<sup>8</sup> Section 1, Rule 45 of the Rules of Court.

<sup>9</sup> (a) When the findings are grounded entirely on speculation, surmises, or conjectures;

none of these exceptions obtain here. Further, as a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts. To do otherwise would defeat the very essence of Rule 45 of the Rules of Court and would convert the Court into a trier of facts, which is not its intended purpose under the law.<sup>10</sup> The issue at bench is essentially factual in nature, the determination of which is best left to the courts below.

Both the Regional Trial Court and the Court of Appeals ordained that petitioner should be held civilly liable notwithstanding his acquittal on reasonable doubt. Our law recognizes two kinds of acquittal, with different effects on the civil liability of the accused. The first instance is an acquittal on the ground that the accused is not the author of the act or omission complained of. This instance closes the door to civil liability, for a person who has been found to be not the perpetrator of any act or omission cannot and can never be held liable for such act or omission. There being no delict, civil liability *ex delicto* is out of the question, and the civil action, if any, which may be instituted must be based on grounds other than the delict complained of. The second instance is an acquittal based on reasonable doubt regarding the guilt of the accused. In this case, even if the guilt of the accused has not been satisfactorily established, he is not exempt from civil liability which may be proved by preponderance of evidence only.<sup>11</sup>

Petitioner was acquitted owing to the prosecution's failure to prove the critical element of notice of dishonor, in violation of Batas Pambansa Blg. 22.<sup>12</sup> Nevertheless, the act or omission from which the civil liability arose, *i.e.*, the making or issuing of the subject worthless check, existed. Thus, petitioner is not relieved from being held civilly liable.

Lastly, the Court concurs with the Court of Appeals that petitioner should only be liable to Veronica, being the sole payee in the subject worthless check, and not to Ramon Orosa.

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- (b) When the inference made is manifestly mistaken, absurd, or impossible;
  - (c) When there is grave abuse of discretion;
  - (d) When the judgment is based on a misapprehension of facts;
  - (e) When the findings of facts are conflicting;
  - (f) When in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee;
  - (g) When the CA's findings are contrary to those by the trial court;
  - (h) When the findings are conclusions without citation of specific evidence on which they are based;
  - (i) When the facts set forth in the petition, as well as in the petitioner's main and reply briefs, are not disputed by the respondent;
  - (j) When the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or
  - (k) When the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. [See *Navaja v. Hon. de Castro, et al.*, 761 Phil 142, 155 (2015) [Per J. Peralta, Third Division].

<sup>10</sup> See *Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza, et al.*, 810 Phil 172,178 (2017) [Per J. Peralta, Second Division].

<sup>11</sup> See *Daluraya v. Oliva*, 749 Phil 531, 537 (2014) [Per J. Perlas-Bernabe, First Division].

<sup>12</sup> AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES, approved on April 3, 1979.

Based on the foregoing factual backdrop, the Petition ought to be denied. However, the interest imposed is modified to conform with recent jurisprudence.<sup>13</sup>

**SO ORDERED.”**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
*Division Clerk of Court* 2/2/23

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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 11, 1000 Manila  
(Crim. Case No. 477153-CR-R00-00)

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<sup>13</sup> *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].