



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

VICTORIA B. COLLADO,
 Petitioner,

G.R. No. 219511

Present:

PERLAS-BERNABE,* *S.A.J.*,
Chairperson,
 GISMUNDO,
 LAZARO-JAVIER,
 LOPEZ, and
 ROSARIO,** *JJ.*

- versus -

**DR. EDUARDO M. DELA
 VEGA,**
 Respondent.

Promulgated:

DEC 02 2020

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R E S O L U T I O N

LOPEZ, J.:

Whether preponderant evidence exists to hold the accused civilly liable despite acquittal is the core issue in this Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Court of Appeals' (CA) Decision² dated October 2, 2014 in CA-G.R. CV No. 94532.

ANTECEDENTS

In November 1995, Mary Ann Manuel (Mary Ann) introduced Victoria B. Collado (Victoria) to Eduardo M. Dela Vega (Eduardo). Thereafter, Eduardo invested in Victoria's stock business on the promise that he would earn interest at the rate of 7.225% per month. Accordingly, Eduardo gave

* On official leave.

** Designated additional Member *per* Special Order No. 2797 dated November 5, 2020.

¹ *Rollo*, pp. 34-47.

² *Id.* at 11-22; penned by Associate Justice Eduardo B. Peralta, Jr., with the concurrence of Associate Justices Magdangal M. De Leon and Stephen C. Cruz.

Victoria an initial cash out of ₱100,000.00. In turn, Victoria assured that Mary Ann will monitor Eduardo's investment which will be covered by a stock certificate. Later, Eduardo invested additional funds either by delivering cash personally to Victoria, or by depositing the amounts to her bank accounts.³ However, Eduardo did not receive any stock certificate. Thus, Eduardo demanded from Victoria the return of his investments. Victoria then issued checks dated October 7, 1998, in the amount of ₱340,000.00, and November 3, 1998, in the amount of ₱400,000.00. Yet, the checks were dishonored upon presentment.⁴

Aggrieved, Eduardo charged Victoria with *estafa* involving unfaithfulness or abuse of confidence under Article 315 paragraph 1(b) of the Revised Penal Code before the Regional Trial Court (RTC) docketed as Criminal Case No. 99-2080, to wit:

That in (sic) or about and sometime in February 1996 and subsequently thereto, in the City of Makati, Philippines and within the jurisdiction of this x x x Court, the above-named accused, received the amount of ₱5,000,000.00 and US\$82,000.00 from complainant Eduardo M. Dela Vega to be invested in the money market or in stocks, but the accused once in possession of the said amount, with unfaithfulness and abuse of confidence and intent to defraud complainant, did then and there willfully, unlawfully, and feloniously misappropriate and convert the amount of ₱5,000,000.00 and US\$82,000.00 to (sic) her own personal use and benefit and despite demands made upon accused to return the said amount, said accused failed and refused and still fails and refuses to do so, to the damage and prejudice of complainant in the aforementioned amount.⁵

On March 26, 2009, the RTC acquitted Victoria based on reasonable doubt, and ruled that there was no preponderant evidence to prove her civil liability, thus:

In the case at bar, the evidence for the prosecution could not simply sustain a verdict of conviction.

What the prosecution simply adduced was the self-serving testimony of the complaining witness who incredibly gave money to Ms. Collado in huge sums without even demanding any receipt therefor. His assertion that this was so because he trusted Ms. Collado is incredulous considering that the latter was merely introduced to him by Ms. Manuel. Moreover, the testimony of Mr. Robles is not ample to pin down Ms. Collado anew, there is no proof whatsoever that Ms. Collado indeed received the money in trust for administration.

Evidently, Mr. Dela Vega does not even know what the amounts he gave to Ms. Collado were for – whether it was for investment in the stock market, investment in the “BPI Global Funds,” in the “ready-to-wear”

³ *Id.* at 12-13.

⁴ *Id.* at 13-14.

⁵ *Id.* at 150-151. Information filed by the Office of the City Prosecutor of Makati with the Regional Trial Court of Makati on September 10, 1999 as quoted in the Decision of the RTC.



(RTW) business of Mesdames Manuel and Collado[,] or for money lending. The tentativeness on the part of Mr. Dela Vega does not augur well for the prosecution.

x x x x

The doubt of the Court vis-à-vis the guilt of the accused herein stems from the fact that the oral deposition of Ms. Collado is diametrically opposed to that of Mr. Dela Vega and in fact completely contritutes the testimony of the latter which led this Court to infer that the narration of Mr. Dela Vega as to the factual antecedents x x x may not be entirely correct and accurate for which reason the prosecution has not been able to conclusively establish the presence of the first and foremost element of the offense for which the herein accused has been charged, id est, that money was received by Ms. Collado in trust, or on commission, or for administration, or under any other obligation involving the duty to make delivery of, or to return, the same.

Fact is, the defense, even with the sole testimony of Ms. Collado, succeeded in atomizing the evidence of the prosecution in such a way that it created a doubt in the mind of this Court as to the guilt of the accused herein.

x x x x

WHEREFORE, premises duly considered, on reasonable doubt the herein accused **VICTORIA B. COLLADO** (Ms. Collado) is hereby **ACQUITTED** of the crime for which she has been at present charged.

The civil liability of the herein accused Victoria B. Collado (Ms. Collado) was not also shown by preponderance of evidence by the herein complaining witness **EDUARDO DELA VEGA** (Mr. Dela Vega) for which reason the same cannot be adjudged in his favor.

Costs de officio.

SO ORDERED.⁶

Dissatisfied, Eduardo elevated the civil aspect of the case to the CA docketed as CA-G.R. CV No. 94532. On October 2, 2014, the CA held that Eduardo's appeal to recover civil liability is proper since Victoria was acquitted on reasonable doubt. After reviewing the evidence on record, the CA found Victoria liable to pay Eduardo the total amount of ₱2,905,000.00. The CA explained that Eduardo deposited such amounts in Victoria's bank accounts as shown in the deposit slips that the prosecution formally offered in evidence without any objection from the accused. This is in addition to Victoria's acknowledgment that Eduardo delivered to her sums of money as investment in her stocks business,⁷ viz.:

WHEREFORE, the **APPEAL** is hereby **PARTIALLY GRANTED**. Accordingly, the assailed Decision dated March 26, 2009 is hereby **REVERSED** with respect to the civil aspect of Criminal Case No.

⁶ *Id.* at 157-161.

⁷ *Id.* at 20-22.

99-2080 and appellee Victoria B. Collado is adjudged civilly liable to private complainant Eduardo B. Dela Vega in the amount of ₱2,905,000.00 only.

SO ORDERED.⁸

Victoria sought reconsideration but was denied.⁹ Hence, this recourse. Victoria alleges that the CA should not have disturbed the findings of the RTC which has the best opportunity to observe the manner and demeanor of witnesses. Further, the funds she received from Eduardo were meant for investment with the expectation, but without any guarantee, of profit or return. Consequently, various factors, such as risks in any business venture, must be considered.¹⁰ On the other hand, Eduardo maintains that Victoria raised factual issues which are beyond the ambit of a petition for review on *certiorari* under Rule 45 of the Rules of Court. At any rate, there is preponderant evidence to establish Victoria's civil liability.¹¹ In reply, Victoria claims that the conflicting rulings of the CA and the RTC warrant the examination of evidence.¹²

RULING

The petition is unmeritorious.

Victoria raises a question regarding the appreciation of evidence which is one of fact and is beyond the ambit of this Court's jurisdiction in a petition for review on *certiorari*. It is not this Court's task to go over the proofs presented below to ascertain if they were weighed correctly.¹³ However, this rule of limited jurisdiction admits of exceptions and one of them is when the factual findings of the CA and the RTC are contradictory.¹⁴ In this case, the RTC held that there was no preponderant evidence to hold Victoria civilly liable while the CA ruled otherwise. Considering these conflicting findings warranting the examination of evidence, this Court will entertain the factual issue on whether substantial evidence exists to prove that Victoria is civilly liable despite her acquittal.

As a rule, every person criminally liable is also civilly liable.¹⁵ However, an acquittal will not bar a civil action in the following cases: (1) where the acquittal is based on reasonable doubt as only preponderance of

⁸ *Id.* at 22.

⁹ *Id.* at 30-31.

¹⁰ *Id.* at 39-44.

¹¹ *Id.* at 95-100.

¹² *Id.* at 171-176.

¹³ See *Gatan v. Vinarao*, 820 Phil. 257, 265 (2017); *Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza*, 810 Phil. 172, 178 (2017); and *Bacsasar v. Civil Service Commission*, 596 Phil. 858, 867 (2009).

¹⁴ *Office of the Ombudsman v. De Villa*, 760 Phil. 937, 949-950 (2015); *Miro v. Vda. de Erederos*, 721 Phil. 772, 785-786 (2013); *Office of the Ombudsman v. Dechavez*, 721 Phil. 124, 129-130 (2013).

¹⁵ REVISED PENAL CODE, Art. 100.

evidence is required in civil cases; (2) where the court declared that the accused's liability is not criminal, but only civil in nature; and (3) where the civil liability does not arise from, or is not based upon the criminal act of which the accused was acquitted.¹⁶ Here, the RTC acquitted Victoria because her guilt was not proven beyond reasonable doubt. Thus, any civil liability survived because only preponderant evidence is necessary to establish it.

Notably, however, the RTC did not explain the facts why it exonerated Victoria from civil liability. It also did not mention that the act or omission from which the civil liability may arise did not at all exist. The RTC simply stated in the dispositive portion of the decision that there was no preponderant evidence to prove Victoria's civil liability.¹⁷ In contrast, the CA reviewed the testimonial and documentary evidence in support of its conclusion that Victoria is liable to pay Eduardo the total amount of ₱2,905,000.00. We quote with approval the CA's findings, to wit:

Based on the evidence which unfolded below, there was no doubt that a business dealing transpired between Dela Vega and Collado.

Per Collado's testimony, she flatly conceded that she nodded to Dela Vega's offer of investment due to Manuel's guarantee:

x x x x

As consequence of her acceptance, Dela Vega invested in Collado's stock business through delivery of cash to the accused or deposits to accused's bank account, through messenger Robles. On this score, Collado confirmed that she had full authority over what was delivered by Dela Vega:

x x x x

Without a categorical disclaimer of Dela Vega's allegations, the accused, in effect, acknowledged that Dela Vega delivered to her sums of money as Dela Vega's investment in her stock business.

x x x x

Apart from the foregoing testimonial evidence, **the prosecution likewise established that Dela Vega had deposited an aggregate amount of ₱2,905,000.00 to the bank account of the accused in Equitable Bank Accounts No. 0341000297, 0229008048, 009101001346, as reflected on the Equitable Bank [deposit] slips, and these [deposit] slips were formally offered by the prosecution without objection on the part of the accused.** x x x.

The admission in *judicio* on the part of the accused was further fortified when Collado's counsel did not refute Dela Vega's claim on the demand letter dated October 13, 1998 which requested the accused to return the amount Dela Vega invested in her business. In lieu of an

¹⁶ *Nissan Gallery-Ortigas v. Felipe*, 720 Phil. 828, 837 (2013).

¹⁷ *Rollo*, p. 160.

outright denial of the receipt of money, the defense merely objected to its admission on the basis of secondary evidence.

Also, there was an extra-judicial admission on the part of the accused when she explicitly admitted in her counter-affidavit that private complainant gave her money under the agreement that she can invest it in any manner she sees fit, as long as it will earn profits. This counter-affidavit of the accused was formally offered by the prosecution but it was not adequately refuted by the accused.

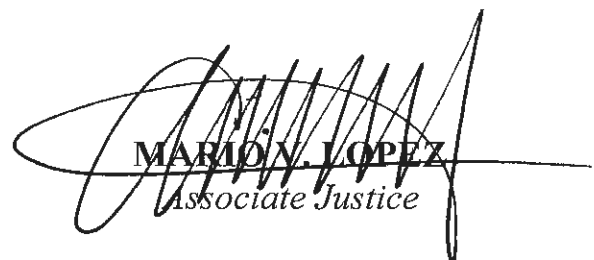
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Thus, there was ample foundation for appellee's civil liability to the extent of ₱2,905,000.00 in favor of private complainant-appellant Dela Vega as demonstrated by the deposit slips. However, with respect to the US\$82,000.00, the prosecution failed to fortify its claim with sufficient evidence.¹⁸ (Emphases supplied and citations omitted.)

Verily, the CA's factual findings, which are borne out by the evidence on record, are binding on this Court,¹⁹ unlike the contrary ruling of the RTC that failed to clearly state the facts from which its conclusion was drawn.

FOR THESE REASONS, the petition is **DENIED**. The Court of Appeals' Decision dated October 2, 2014 in CA-G.R. CV No. 94532 is **AFFIRMED**.

SO ORDERED.



MARION N. LOPEZ
Associate Justice

¹⁸ *Id.* at 17-21.

¹⁹ See *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).

WE CONCUR:

(ON OFFICIAL LEAVE)
ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



ALEXANDER G. GESMUNDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


RICARDO R. ROSARIO
Associate Justice

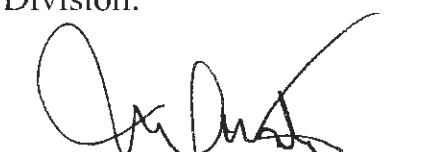
ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Chief Justice