

Elcano vs. hill case

[Law](#), [Criminal Justice](#)



NATURE**Appeal from an order of the CFI Quezon City****FACTS**

Reginald Hill, a minor yet married at the time of occurrence, was criminally prosecuted for the killing of Agapito Elcano (son of Pedro), and was acquitted for —lack of intent to kill, coupled with mistake.‖ - Pedro Elcano filed a complaint for recovery of damages from Reginald and his father Atty Marvin. CFI dismissed it.

ISSUES

WON the civil action for damages is barred by the acquittal of Reginald in the criminal case wherein the action for civil liability was not reversed². WON Article 2180 (2nd and last par) of the CC can be applied against Atty. Hill, notwithstanding the fact that at the time of the occurrence, Reginald, though a minor, living with and getting subsistence from his father, was already legally married.

HELD**1. NO**

The acquittal of Reginal Hill in the criminal case has not extinguished his liability forquasi-delict, hence that acquittal is not a bar to the instant action against him. - Barredo v Garcia (dual character — civil and criminal— of fault or negligence as a source of obligation):" The above case is pertinent because it shows that the same act may come under both the Penal Code and the Civil Code. In that case, the action of the agent was unjustified and fraudulent and therefore could have been the subject of a criminal action.

And yet, it was held to be also a proper subject of a civil action under article 1902 of the Civil Code.

It is also to be noted that it was the employer and not the employee who was being sued." It will be noticed that the defendant in the above case could have been prosecuted in a criminal case because his negligence causing the death of the child was punishable by the Penal Code.

Here is therefore a clear instance of the same act of negligence being a proper subject matter either of a criminal action with its consequent civil liability arising from a crime or of an entirely separate and independent civil action for fault or negligence under article 1402 of the Civil Code. Thus, in this jurisdiction, the separate individuality of a c quasi-delito or culpa aquiliana under the Civil Code has been fully and clearly recognized, even with regard to a negligent act for which the wrongdoer could have been prosecuted and convicted in a criminal case and for which, after an conviction, he could have been sued for this civil liability arising from his crime.

Culpa aquiliana includes acts which are criminal in character or in violation of a penal law, whether voluntary or negligent.-ART 1162: " Obligations derived from quasi-delicts shall be governed by the provisions of Chapter 2, Title XVII of this Book, (on quasi-delicts) and by special laws." More precisely, Article 2177 of the new code provides:" ART 277. Responsibility for fault or negligence under the preceding article is entirely separate and distinct from the civil liability arising from negligence under the Penal Code. But the plaintiff cannot recover damages twice for the same act or omission of the defendant.