

Enforcement of Civil Liability for Criminal Acts or Omissions

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SUBJECT(S): CRIMINAL PROCEDURE, REMEDIAL LAW

KEYWORD(S): CIVIL LIABILITY ARISING FROM A CRIMINAL CASE

This Note seeks to assess the affectivity of the 1988 Rules on Criminal Procedure, particularly Rule 111 on the enforcement of civil liability arising from criminal acts or omissions. The Author details the reasons why Rule 111 was amended by the revision committee only three years after the last amendment. An extensive review of the provisions is also made so that the reader understands that there are various gaps that the amended Rule fails to address. For instance, the framers of the amended Rule 111 sought to discourage the multiplicity of suits involved in civil and criminal liability but failed to consider prohibiting the offended party from instituting separate civil actions against persons subsidiarily and vicariously liable when failing to make such reservation in the criminal case. The Note concludes by praising the revision committee for the goals it sought to achieve but nevertheless on the condition that they would be properly applied by the courts.