Republic of the Philippines
Supreme Court
Manila

EN BANC

FRANCIS O. MORALES
Petitioner,

- versus -

PEOPLE OF THE PHILIPPINES
Respondent.

x ---------- x

G.R. No. 240337

Present:

GESMUNDO, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,*
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO, and
MARQUEZ, *JJ.*

Promulgated:

January 4, 2022

RESOLUTION

CARANDANG, *J.*:

Before Us is a Motion for Reconsideration[1] of this Court's Resolution[2] dated September 21, 2020, which affirmed the Decision[3] dated

---

* No part due to prior participation in the proceedings before the Court of Appeals.
1 *Rollo*, pp. 202-207.
2 Id. at 200.
3 Penned by Associate Justice Rafael Antonio M. Santos, with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Socorro B. Inting; id. at 31-55.

March 15, 2018 and the Resolution[4] dated June 22, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 39341. The dispositive portion of the CA Decision reads:

> WHEREFORE, the Decision dated December 1, 2016 of the Regional Trial Court, Angeles City, Branch 56 in Criminal Case No. R-ANG-15-02275-CR (MTCC Case No. 13-8513), which affirmed the judgment of conviction rendered by the Municipal Trial Court in Cities, Angeles City, Pampanga, Branch III for Reckless Imprudence Resulting to Damage to Property and Multiple Serious Physical Injuries is AFFIRMED with the following MODIFICATIONS:
>
> 1) Petitioner is sentenced to suffer the straight penalty of imprisonment of two (2) months and one (1) day of *arresto mayor*;
> 2) The award of lost income for one (1) month at P400 per day, or the sum of P12,000.00, to spouses Rico and Leilani Mendoza is DELETED and, in lieu thereof, petitioner is ORDERED to pay temperate damages in the amount of P8,000.00;
> 3) The award of lost income for one (1) week at P400 per day, or sum of P2,800.00 to Myrna Cunanan is DELETED and, in lieu thereof, petitioner is ORDERED to pay temperate damages in the amount of P2,000.00; and
> 4) The award of P350,000.00 to Noel G. Garcia representing the cost of the repairs of the jeepney is DELETED and, in lieu thereof, petitioner is ORDERED to pay Noel G. Garcia or his authorize[d] representative temperate damages in the amount of P150,000.00.
>
> SO ORDERED.[5]

Facts of the Case

On June 5, 2013, an information was filed against Francis O. Morales (petitioner) for the crime of Reckless Imprudence Resulting in Damage to Property and Multiple Physical Injuries. The accusatory portion of the information reads:

> That on or about 14th day of May, 2013, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the driver of a Mitsubishi Delica Van with Plate No. XKZ-528 owned and driven by Francis O. Morales, did then and there wilfully, unlawfully and feloniously drive and operate the said vehicle along Sto. Rosario St. corner San Jose St., Brgy. San Jose, Angeles City, in a careless, reckless and

---

4 Penned by Associate Justice Rafael Antonio M. Santos, with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Amy C. Lazaro-Javier (now a Member of this Court); id. at 57-61.

5 Id. at 53-54.

> imprudent manner and in utter disregard of traffic laws, rules, and regulations and without taking the necessary precaution and care to avoid accident, thereby causing such recklessness and imprudence to hit and bump a Isuzu Jitney with Plate No. CWR-138 owned by a certain Noel F. Garcia a resident of 333 Dela Paz Norte, CSFP and driven by Rico M. Mendoza as a result thereof, the driver of said Isuzu Jitney with Plate No. CWR-138 sustained **serious physical injuries** and the three (3) other passengers namely: Lailani Mendoza, Myrna Cunanan and Albert Vital sustained **slight physical injuries**, likewise said Isuzu Jitney with Plate No. CWR-138 incurred **damages** in the estimated amount of THREE HUNDRED FIFTY THOUSAND PESOS (P350,000.00), Philippine Currency to the prejudice of said complainant.
>
> ALL CONTRARY TO LAW.[6] (Emphasis supplied)

Petitioner pleaded not guilty to the offense charged. Thereafter, trial ensued. The prosecution presented three witnesses, namely Rico Mendoza (Rico), Leilani Mendoza[7] (Leilani), and Myrna Cunanan (Myrna). The defense presented petitioner as its sole witness.[8]

The witnesses for the prosecution alleged that on May 15, 2013 at around 3:00 a.m., Rico, Leilani, and Myrna, together with Albert Vital (Albert; collectively, private complainants), were on board a passenger jeepney with Plate No. CWR-138. Rico was driving the jeepney. They came from Maimpis and were traversing the road of Sto. Rosario Street, Angeles City on their way to Angeles City Market. They were on the right lane. Meanwhile, the Delica van driven by petitioner with Plate No. XKZ-528 was on the opposite lane going to San Fernando. Petitioner suddenly overtook the vehicle in front of him, causing him to occupy the lane of the jeepney. Rico tried to avoid the collision to no avail as petitioner was driving in a fast speed. Petitioner bumped the jeepney resulting in physical injuries to the passengers and driver as well as extensive damage to the jeepney amounting to ₱350,000.00. Rico suffered a deep laceration in the forehead and a cervical strain. He underwent suturing and hospitalization in the amount of ₱14,345.00. Leilani sustained skin and soft tissue avaltion, posterior lateral aspect right forearm and sprain ankle, costing her hospitalization expenses in the amount of ₱34,763.50. Myra suffered multiple physical injury and incurred damages in the amount of ₱3,045.00. Albert incurred hospitalization expenses in the amount of ₱2,895.80.[9]

Petitioner countered that after a night of merry making, he and his friends decided to go to a *gotohan* in Angeles City at the midnight of May 15, 2013. He rode his Delica van with his 13-year-old son. They stayed at the *gotohan* until 3:00 a.m. On their way home, they passed Sto. Rosario Street bound for San Fernando City. They occupied the inner lane of the

---

6 Id. at 32-33.
7 Lalaine, Leilani, Lailanie, or Lailani in some parts of the *rollo*.
8 Id. at 33.
9 Id. at 33-34.

road going to San Fernando. The right side of the jeepney driven by Rico suddenly hit the Delica van. Petitioner and his son were injured and brought to the Sacred Heart Medical Center. The Delica van also sustained extensive damages.[10]

Ruling of the Municipal Trial Court in Cities

In its Decision[11] dated June 30, 2015, the Municipal Trial Court in Cities (MTCC) of Angeles City convicted petitioner of the crime charged, viz:

> WHEREFORE, in light of the foregoing, the court finds accused Francisco Morales GUILTY beyond reasonable doubt of the crime of Reckless Imprudence Resulting to multiple physical injuries and damage to property and he is hereby sentenced to an indeterminate penalty of imprisonment of one month and twenty one days to two months.
>
> Likewise, Francisco Morales is ordered to pay the following indemnifications:
>
> 1. To Spouses Rico Mendoza and Leilani Mendoza:
>   a) Hospitalization expenses for the sum of P49,108.50;
>   b) Lost Income for one (1) month for P400 per day at a sum of P12,000.00;
>   c) Moral damages of P10,000.00 each spouse.
>
> 2. To Myra Cunanan:
>   a) Hospitalization expenses for the sum of P3,045.00;
>   b) Lost income for one (1) week for P400 per day at a sum of P2,800.00;
>   c) Moral damages of P10,000.00.
>
> 3. Albert Vital:
>   a) Hospitalization expenses for the sum of P2,895.00.
>
> 4. To Noel G. Garcia the registered owner of the passenger jeep with plate number CWR-138 or any of his authorized representative, the amount of three hundred fifty thousand pesos (P350,000.00) representing the cost of the repair of the damage of the passenger jeep.
>
> SO ORDERED.[12]

The MTCC found that the proximate cause of the collision was the recklessness and negligence of petitioner in driving his Delica van. Petitioner, in violation of Section 37 of Republic Act (R.A.) No. 4136, as

---

10 Id. at 34.

11 Penned by Judge Gemma Theresa B. Hilario-Logronio; id. at 85-91.

12 Id. at 91.

amended, hastily overtook the vehicle in front of him without first determining whether the road was clear. He was also driving his van at a fast speed, as evidenced by the extent of damage incurred by both vehicles in violation of the speed restriction stated in Section 35 of R.A. No. 4136.[13]

The MTCC ruled that it is undisputed that the jeepney driven by Rico was traversing along its rightful lane when the van coming from the opposite direction suddenly overtook another vehicle and encroached on the passenger jeep. The accident would not have happened had the accused stayed on his lane and not recklessly try to overtake another vehicle, especially not at 3:00 a.m. while the road is dark and not well lighted.[14]

The MTCC held petitioner liable for: (1) the lost income of spouses Rico and Leilani as well as Myrna who, as vendors, were earning ₱400.00 to ₱500.00 per day; (2) the medical and hospital expenses of Rico, Lailani, Myrna, and Albert; and (3) moral damages to Rico, Leilani, and Myrna.[15]

Petitioner sought reconsideration but the MTCC denied in its Order[16] dated August 25, 2015. Petitioner appealed to the Regional Trial Court (RTC).

Ruling of the Regional Trial Court

In its Decision[17] dated December 1, 2016, the RTC affirmed the ruling of the MTCC. It agreed with the MTCC that petitioner's negligence in overtaking the vehicle in front of his without taking the necessary precaution is the proximate cause of the injury and damage suffered by the private complainants. It noted that the sketch of the incident showed that the point of impact was at the inner lane occupied by the jeepney. This proves that petitioner encroached into the rightful lane of the jeep. Evidence tending to illustrate the relative positions of the vehicles immediately after the accident tends to throw light on the issue of speed and direction of the vehicle's movement prior to, and at the time of the accident. The RTC also sustained the MTCC's finding that petitioner was speeding at the time of the accident, which very act is indicative of imprudent behavior.[18]

Undaunted, petitioner elevated the case to the CA.

Ruling of the Court of Appeals

In its Decision[19] dated March 15, 2018, the CA affirmed the RTC with modification as to the penalty imposed and the damages granted.

---

13 Id. at 88, 90.
14 Id. at 89.
15 Id. at 91.
16 Id. at 145.
17 Penned by Judge Irin Zenaida S. Buan; id. at 79-84.
18 Id. at 83-84.
19 Id. at 31-55.

Preliminarily, the CA upheld the conviction of petitioner for the crime of reckless imprudence resulting in multiple physical injuries and damage to property. It agreed with the RTC and the MTCC that it was petitioner's act of overtaking the vehicle in front of his, without taking the necessary care and precaution to ensure that he can safely do so, that was the proximate cause of the injury suffered by Rico and his passengers. Petitioner was at fault because he was driving at the wrong side of the road when the collision happened. As shown in the Traffic Accident Report (TAR) and the testimonies of the witnesses, before the collision, the jeepney driven by Rico was cruising along its rightful lane when the Delica van driven by petitioner, suddenly swerved and encroached its lane. The accident would not have happened had petitioner driven his vehicle on its lane and did not recklessly try to overtake another vehicle. Significantly, petitioner did not deny the fact that he overtook another vehicle.[20]

The CA noted that petitioner is presumed to be negligent at the time of the mishap pursuant to Article 2185 of the New Civil Code, since he was violating a traffic regulation, that is, he was driving on the wrong side of the road at the time of the accident. Petitioner failed to rebut the presumption.[21]

The CA also rejected petitioner's argument that Rico was at fault because the latter testified that he saw the approaching van but failed to evade the same. It held that R.A. No. 4136, as amended, provides that the one who is overtaking on the road has the obligation to let other cars in the opposite direction know his/her presence and not the other way around as petitioner seems to suggest. Likewise, the CA ruled that the last clear chance doctrine does not apply in the case because it presupposes that both parties are negligent. Here, it was established that petitioner's negligence caused the damage and the injury.[22]

With respect to the penalty imposed, the CA explained that the penalty prescribed for reckless imprudence is dependent on whether the act, if committed with intent, would have resulted in a grave felony, less grave felony, or light felony. The CA found that the evidence presented by the prosecution shows that the injuries sustained by Rico, Leilani, and Myrna amount only to slight physical injuries, which is a less grave felony. Per the Certificates of Confinement, Leilani was confined for three to five days only, Rico for two to three days, and none was mentioned for Myrna. No other proof was shown that they were incapacitated for labor or that they required medical attendance for a longer period. Pursuant to Section 97 of R.A. No. 10951, the prescribed penalty for reckless imprudence for an act, which if it had been intentional would have been a less grave felony, is *arresto mayor* in its minimum and medium periods, or from one (1) month and one (1) day to four (4) months. Since the maximum term of imprisonment in this case, four (4) months, does not exceed one (1) year, the provisions of the Indeterminate Sentence Law find no application. The CA

---

20 Id. at 38-41.
21 Id. at 39-40.
22 Id. at 42-44.

ruled that a straight penalty taken from *arresto mayor* in its minimum and medium periods should be imposed. It meted the penalty of imprisonment of two (2) months and one (1) day of *arresto mayor*.[23]

As to the damages awarded, the CA sustained the grant of moral damages and actual damages representing hospitalization expenses. However, on the award for lost income, Rico, Leilani, and Myrna failed to present evidence sufficiently showing their respective income. Hence, the awards for lost income should be deleted. Similarly, Noel G. Garcia failed to adduce competent proof of the amount spent for the repair or replacement of the wrecked jeep. The sum of ₱350,000.00 is merely a cost estimate from a motor repair shop and not the actual amount expended to repair the jeep. Due to the lack of documentary proof, the CA awarded temperate damages in lieu of actual damages since some pecuniary loss was suffered though its amount cannot be proven with certainty.[24]

Petitioner moved for reconsideration which the CA denied in its Resolution[25] dated June 22, 2018. He elevated the case before Us *via* a petition for review on *certiorari*. The People of the Philippines, represented by the Office of the Solicitor General (OSG), filed a comment.

Proceedings Before this Court

Arguments of Petitioner

Petitioner raised the following: *first*, the CA erred in giving full faith and credence to the TAR, which stated that petitioner was at fault when the collision happened because he was driving at the wrong side of the road. Petitioner insisted that the TAR was prepared without his presence since he and his child were then being treated at the hospital for the severe injuries they suffered. The TAR was prepared at the instance of the private complainants; thus it does not provide a truthful account of what transpired during the accident.[26]

Second, the object evidence, particularly the physical depression on the vehicles, showed that Rico instead of steering the jeepney away from petitioner's approaching van, steered right into the van's direction head on. The point of impact of the van and the jeepney was within petitioner's lane. Rico admitted that he saw petitioner's approaching vehicle from the opposite direction, but he did not evade it. Thus, it was Rico who was negligent in driving his vehicle. It was he who had the last opportunity to reflect and deliberate on the impending danger of an overtaking vehicle from the opposite direction of the road. More, the prosecution failed to establish the actual speed of petitioner's vehicle and the circumstances of place and time

---

23 Id. at 47-49.
24 Id. at 50-53.
25 Id. at 57-61.
26 Id. at 19-20.

9

immediately prior to the collision. Neither did it prove that Rico was driving the jeepney with due diligence.[27]

Third, the award of temperate damages to the private complainants has no basis because petitioner was not shown to have been negligent when he drove his vehicle prior to, or during the collision. Private complainants failed to adduce evidence that they sustained substantial pecuniary losses due to the accident or even establish their earning capacity.[28]

Fourth, the CA, applying Section 97 of R.A. No. 10951,[29] imposed upon the petitioner the straight penalty of two (2) months imprisonment, an increase from the lower court's-imposed penalty of one (1) month and twenty (20) days to two (2) months of imprisonment. R.A. No. 10951 was passed in 2017, while the alleged infraction was committed in 2013. Inasmuch as R.A. No. 10951 is not favorable to him, the same should not be applied in the case.[30]

Arguments of respondent

The OSG maintained that the courts *a quo* correctly found that the prosecution established all the elements of the crime charged. The MTCC's finding of guilt was based on the evidence that petitioner overtook the vehicle without checking whether the opposite lane was clearly visible from incoming vehicle. It also considered the evidence that it was 3:00 a.m., the road was not well lighted, and petitioner was driving at a fast speed. The RTC, meanwhile, based its ruling on a sketch which showed that the impact occurred at the inner lane occupied by the private complainants' jeepney. The CA anchored its findings on the unrebutted presumption of negligence that arose because petitioner was violating a traffic regulation during the mishap. Thus, the CA did not rely solely on the contents of the TAR. As for the award of damages, the OSG argued that that it was in conformity with prevailing jurisprudence.[31]

In Our assailed Resolution[32] dated September 21, 2020, We denied the petition for failure to show any reversible error on the part of the CA as to warrant the exercise of Our discretionary appellate jurisdiction.

Aggrieved, petitioner filed this present Motion for Reconsideration,[33] repleading and reiterating the arguments in his petition for review.

---

27 Id. at 20-22.
28 Id. at 23.
29 An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based, and the Fines Imposed under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as "The Revised Penal Code," as Amended.
30 *Rollo*, pp. 23-24.
31 Id. at 191-193.
32 Id. at 200.
33 Id. at 202-207.

Issue

The sole issue in this case is whether We should uphold petitioner's conviction.

Ruling of the Court

We affirm petitioner's conviction but modify the penalty imposed.

Petitioner was charged of reckless imprudence resulting to multiple physical injuries and damage to property. Article 365 of the Revised Penal Code (RPC) punishes the quasi-offenses of "imprudence" and "negligence." It defines reckless imprudence as voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his/her employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time, and place.[34]

The Ivler Doctrine

In *Ivler v. Hon. Judge Modesto-San Pedro*[35] (*Ivler*), We emphasized that simple and reckless imprudence are distinct species of crimes, separately defined and penalized under the framework of our penal laws. Reckless imprudence is not merely a way of committing a crime. We noted that: (1) the object of punishment in quasi-crimes is the mental attitude or condition behind the act, the dangerous recklessness, lack of care or foresight, while in intentional crimes, the act itself is punished; (2) the legislature intended to treat quasi-crimes as distinct offenses otherwise they would have been subsumed under the mitigating circumstance of minimal intent; and (3) the penalty structure for quasi-crimes differ from intentional crimes in that the criminal negligence bears no relation to the individual wilful crime but is set in relation to a whole class, or series of crimes.[36] Thus, the correct way of alleging quasi-crimes is to state that their commission resulted in damage, either to person or property, such as reckless imprudence resulting in homicide or simple imprudence causing damage to property.[37]

In *Ivler*, the accused was charged of two separate offenses arising from the same vehicular accident, which are reckless imprudence resulting in slight physical injuries and reckless imprudence resulting in homicide and damage to property. He pleaded guilty to the first charge and was meted the penalty of public censure. He was tried for the second charge, but he moved to quash the information on the ground of double jeopardy. The Metropolitan Trial Court (MeTC) denied the quashal finding no identity of

---

34 Article 365 of the RPC, as amended by R.A. No. 10951.
35 649 Phil. 478 (2010).
36 Id. at 491-492, citing *Quizon v. The Justice of Peace of Pampanga*, 97 Phil. 342, 345-346 (1955).
37 Id.

offenses in the two cases. The RTC dismissed the accused's petition for *certiorari* for lack of standing. The accused elevated the case before Us arguing that his constitutional right against double jeopardy bars his prosecution for the second charge, having been convicted previously in the first charge for the same imprudent act. He maintained that there is only one offense of reckless imprudence, and the multiple consequences of such act are material only to determine the penalty. We ruled in favor of the accused.

We recognized in *Ivler* that there are two approaches in the prosecution of quasi-crimes. The first approach applies Article 48 of the RPC while the second approach forbids its application. Article 48 deals with complex crimes. It allows the single prosecution of multiple felonies falling under either of two categories, namely: (1) when a single act constitutes two or more grave or less grave felonies; and (2) when an offense is a necessary means for committing the other. Light felonies are excluded in Article 48 and must be charged separately from resulting acts penalized as grave or less grave offense. In complex crimes, the accused will serve only the maximum penalty for the most serious crime. It is a procedural tool for the benefit of the accused. In contrast, the second approach sanctions a single prosecution for all the effects of the quasi-crime collectively alleged in one charge, regardless of their number and severity. After exhaustively discussing numerous case law, We declared that Article 48 of the RPC is not applicable to quasi-crimes. We forbade the "complexing" of a single quasi-crime by breaking its resulting acts into separate offenses (except light felonies) to keep inviolate the conceptual distinction between quasi-crimes and intentional crimes. This way, the splitting of charges under Article 365 which results to rampant occasions of impermissible second prosecution based on the same act/s or omission/s are avoided. We explained Our ruling in this wise:

> A becoming regard of this Court's place in our scheme of government denying it the power to make laws constrains us to keep inviolate the conceptual distinction between quasi-crimes and intentional felonies under our penal code. **Article 48 is incongruent to the notion of quasi-crimes under Article 365. It is conceptually impossible for a *quasi-offense* to stand for (1) a single *act* constituting two or more grave or less grave *felonies*;or (2) an *offense* which is a necessary means for committing *another*.** This is why, way back in 1968 in *Buan*, we rejected the Solicitor General's argument that double jeopardy does not bar a second prosecution for slight physical injuries through reckless imprudence allegedly because the charge for that offense could not be joined with the other charge for serious physical injuries through reckless imprudence following Article 48 of the Revised Penal Code:
>
> > The Solicitor General stresses in his brief that the charge for slight physical injuries through reckless imprudence could not be joined with the accusation for serious physical injuries through

> reckless imprudence, because Article 48 of the Revised Penal Code allows only the complexing of grave or less grave felonies. This same argument was considered and rejected by this Court in the case of *People vs. [Silva]* x x x:
>
> > [T]he prosecution's contention might be true. But neither was the prosecution obliged to first prosecute the accused for slight physical injuries through reckless imprudence before pressing the more serious charge of homicide with serious physical injuries through reckless imprudence. *Having first prosecuted the defendant for the lesser offense in the Justice of the Peace Court of Meycauayan, Bulacan, which acquitted the defendant, the prosecuting attorney is not now in a position to press in this case the more serious charge of homicide with serious physical injuries through reckless imprudence which arose out of the same alleged reckless imprudence of which the defendant has been previously cleared by the inferior court.*
>
> > [W]e must perforce rule that the exoneration of this appellant ...by the Justice of the Peace ...of the charge of slight physical injuries through reckless imprudence, prevents his being prosecuted for serious physical injuries through reckless imprudence in the Court of First Instance of the province, where both charges are derived from the consequences of one and the same vehicular accident, because the second accusation places the appellant in second jeopardy for the same offense.
>
> **Indeed, this is a constitutionally compelled choice. By prohibiting the splitting of charges under Article 365, irrespective of the number and severity of the resulting acts, rampant occasions of constitutionally impermissible second prosecutions are avoided, not to mention that scarce state resources are conserved and diverted to proper use**. (Emphasis supplied; citations omitted)[38]

Accordingly, We laid down the rule that there shall be no splitting of charges under Article 365. Only one information shall be filed regardless of the number or severity of the consequences of the imprudent or negligent act. The judge will do no more than apply the penalties under Article 365 for each consequence alleged and proven.[39]

---

38 Supra note 35 at 507-509.

39 Supra note 35 at 509.

Ivler Cannot Reverse a Prior En Banc Case Applying Article 48 to Quasi-Offenses

While the 2010 case of *Ivler* comprehensively discussed the nature of Article 365 and the inapplicability of Article 48 to quasi-offenses, it was decided by the Second Division of the Court and not by the Court sitting *En Banc*. This finds significance considering the 2001 En Banc case of *People v. De los Santos*[40] (*De los Santos*), where We held that Article 48 applies to crimes through negligence. *De los Santos* was among the string of cases stated in *Ivler*, referring to the rulings which "complexed" one quasi-crime with its multiple consequences, unless one consequence amounts to a light felony, in which case charges where split by grouping, on the one hand, resulting acts amounting to grave or less grave felonies and filing the charge with the second level courts, and on the other hand, resulting acts amounting to light felonies and filing the charge with first level courts. Article VIII, Section 4(3) of the 1987 Constitution provides that "no doctrine or principle of law laid down by the court in a decision rendered *en banc* or in division may be modified or reversed except by the court sitting *en banc*[.]" Thus, there is a need for the Court, sitting *En Banc*, to clarify whether it subscribes to the view pronounced in *Ivler*, thereby abandoning *De los Santos*.

The accused in *De los Santos* was charged with the complex crime of Multiple Murder, Multiple Frustrated Murder, and Multiple Attempted Murder in an Information filed in the RTC of Cagayan De Oro City. The RTC convicted the accused as charged, with the use of motor vehicle as the qualifying circumstance. The RTC sentenced him to suffer the penalty of death and to indemnify the heirs of the deceased and the victims of frustrated and attempted murder. On automatic review, We found lack of criminal intent on the part of the accused, hence he cannot be held liable for intentional felony. We convicted him of the complex crime of reckless imprudence resulting in multiple homicide with serious physical injuries and less serious physical injuries and 10 counts of reckless imprudence resulting in slight physical injuries. We ruled that Article 48 applies in this wise:

> **Article 48 of the Revised Penal Code provides that when the single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period. Since Article 48 speaks of felonies, it is applicable to crimes through negligence in view of the definition of felonies in Article 3 as "acts or omissions punishable by law" committed either by means of deceit (*dolo*) or fault (*culpa*).** In *Reodica v. Court of Appeals*, we ruled that if a reckless, imprudent, or negligent act results in two or more grave or less grave felonies, a complex crime is committed. Thus, in *Lapuz v. Court of Appeals*, the accused was convicted, in

40 407 Phil. 724 (2001).

> conformity with Article 48 of the Revised Penal Code, of the complex crime of "homicide with serious physical injuries and damage to property through reckless imprudence," and was sentenced to a single penalty of imprisonment, instead of the two penalties imposed by the trial court. Also, in *Soriao v. Court of Appeals*, the accused was convicted of the complex crime of "multiple homicide with damage to property through reckless imprudence" for causing a motor boat to capsize, thereby drowning to death its twenty-eight passengers.
>
> The slight physical injuries caused by GLENN to the ten other victims through reckless imprudence, would, had they been intentional, have constituted light felonies. Being light felonies, which are not covered by Article 48, they should be treated and punished as separate offenses. Separate informations should have, therefore, been filed.
>
> It must be noted that only one information (for multiple murder, multiple frustrated murder and multiple attempted murder) was filed with the trial court. However, nothing appears in the record that GLENN objected to the multiplicity of the information in a motion to quash before his arraignment. Hence, he is deemed to have waived such defect. Under Section 3, Rule 120 of the Rules of Court, when two or more offenses are charged in a single complaint or information and the accused fails to object to it before trial, the court may convict the accused of as many offenses as are charged and proved, and impose on him the penalty for each of them.[41] (Emphasis supplied.; citations omitted.)

Thus, it appears that in *De los Santos*, reckless imprudence is not treated as a crime itself. Rather, it is regarded as a way of committing a crime. There, We stated that "[s]ince Article 48 speaks of felonies, it is applicable to crimes through negligence in view of the definition of felonies in Article 3 as "acts or omissions punishable by law" committed either by means of deceit (*dolo*) or fault (*culpa*)."[42] "Crimes through negligence" pertain to the offenses committed under Article 365.

Subsequently, Our ruling in *De Los Santos* was cited in *Dayap v. Sendiong*,[43] where the accused was charged with the complex crime of reckless imprudence resulting in homicide, less serious physical injuries, and damage to property. However, We acquitted the accused on the ground of insufficiency of evidence. We affirmed the Municipal Trial Court's (MTC) finding that there was no evidence proving that a crime has been committed and that the accused was the person responsible for it.[44]

A survey of case law reveals that the last case which cited *De los Santos* is *Ivler*. However, as previously stated, *Ivler* declared that a quasi-

41 Id. at 743-744.
42 Id. at 743.
43 597 Phil. 127 (2009).
44 Id. at 142.

offense cannot be "complexed" with its resulting acts or consequences. As opposed to *De los Santos*, *Ivler* sees reckless imprudence as a crime itself and not as a modality or way of committing a crime. *De los Santos'* characterization of reckless imprudence as a way of committing a crime traces its roots from the 1939 case of *People v. Faller*[45] (*Faller*), where We categorically ruled that, "[r]eckless imprudence is not a crime in itself. It is simply a way of committing it and merely determines a lower degree of criminal liability."[46] In *Faller*, the accused was charged with the crime of damage caused to another's property maliciously and willfully. After hearing, the CFI found that damage was caused through reckless imprudence. On appeal, We stated "[n]egligence being a punishable criminal act when it results in a crime, the allegation in the information that the appellant also committed the acts charged unlawfully and criminally includes the charge that he acted with negligence."[47]

Conversely, in the 1955 case of *Quizon v. The Justice of the Peace of Pampanga*[48] (*Quizon*), We rejected the earlier concept that reckless imprudence is simply a way of committing a crime. We explained, viz:

> **The proposition (inferred from Art. 3 of the Revised Penal Code) that "reckless imprudence" is not a crime in itself but simply a way of committing it and merely determines a lower degree of criminal liability" is too broad to deserve unqualified assent. There are crimes that by their structure cannot be committed through imprudence: murder, treason, robbery, malicious mischief, etc**. In truth, criminal negligence in our Revised Penal Code is treated as a mere *quasi* offense, and dealt with separately from willful offenses. It is not a mere question of classification or terminology. **In international crimes, the act itself is punished; in negligence or imprudence, what is principally penalized is the mental attitude or condition behind the act, the dangerous recklessness, lack of care or foresight, the *imprudencia punible***. Much of the confusion has arisen from the common use of such descriptive phrases as "homicide through reckless imprudence," and the like; when the strict technical offense is, more accurately, "reckless imprudence resulting in homicide"; or "simple imprudence causing damages to property".
>
> **Were criminal negligence but a modality in the commission of felonies, operating only to reduce the penalty therefor, then it would be absorbed in the mitigating circumstances of Art. 13, specially the lack of intent to commit so grave a wrong as the one actually committed.** Furthermore, the theory would require that the corresponding penalty should be fixed in proportion to the penalty prescribed for each crime when committed willfully. For each penalty for the willful offense, there

---

45 67 Phil. 529 (1939).
46 Id.
47 Id. at 530.
48 97 Phil. 342 (1955).

> would then be a corresponding penalty for the negligent variety. But instead, our Revised Penal Code (Art. 365) fixes the penalty for reckless imprudence at *arresto mayor* maximum, to *prision correccional* minimum, if the willful act would constitute a grave felony, notwithstanding that the penalty for the latter could range all the way from *prision mayor* to death, according to the case. It can be seen that the actual penalty for criminal negligence bears no relation to the individual willful crime, but is set in relation to a whole class, or series, of crimes.[49] (Emphasis supplied.)

Quizon is the bedrock of *Ivler's* dicta that simple or reckless imprudence are distinct species of crime.

Meanwhile, at this juncture, We acknowledge the observation of Associate Justice Benjamin Caguioa about the concerning volume of inconsistent jurisprudence relating to Article 365.[50] Thus, We shall finally settle in this case the conflicting rulings of the court on complex crimes and quasi-crimes.

Case Law after Ivler

On its face, *Ivler* had already settled the nature, proper designation, and treatment of quasi-crimes and their resulting act/s, but jurisprudence after it appears to be in disarray.

In *Dumayag v. People*[51] (*Dumayag*), the accused was charged before the MTC of reckless imprudence resulting in multiple homicide and reckless imprudence resulting in serious physical injuries and damage to property. The MTC convicted the accused of reckless imprudence resulting in multiple homicide. The RTC affirmed the MTC with modification in that the accused was found liable for the complex crime of reckless imprudence resulting in multiple homicide and for reckless imprudence resulting in slight physical injuries and damage to property. The CA affirmed the RTC *in toto*. On appeal before Us, We acquitted the accused of the crimes charged because his recklessness was not the proximate cause of the damage. However, We did not take issue on the characterization made by the RTC and the CA of the crime that the accused was charged and convicted of, which is "complex crime of reckless imprudence resulting in multiple homicide."[52]

In *Gonzaga v. People*[53] (*Gonzaga*), We affirmed the accused's conviction of the "complex crime" of reckless imprudence resulting to

---

49 Id. at 345-346.
50 Separate Concurring Opinion, Associate Justice Alfredo Benjamin S. Caguioa, p. 1.
51 699 Phil. 328 (2012).
52 Id. at 335-336.
53 751 Phil. 218 (2015).

homicide with double serious physical injuries and damage to property under Article 365 of the RPC in relation to Article 263 of the same Code.[54]

In *Dr. Cruz v. Agas, Jr.*,[55] We affirmed the ruling of the CA that the Department of Justice did not err in sustaining the dismissal of the complaint against Dr. Cruz for serious physical injuries through reckless imprudence and medical malpractice.[56] Similar to *Dumayag*, We did not take issue or corrected the proper designation of the offense to be reckless imprudence resulting in serious physical injuries.

In *Senit v. People*[57] (*Senit*), We affirmed the CA, which convicted the accused of reckless imprudence resulting to multiple serious physical injuries and damage to property.[58] The CA imposed the penalty of three (3) months and one (1) day of *arresto mayor* "since the petitioner has, by reckless imprudence, committed an act which had it been intentional, would have constituted a less grave felony, based on the first paragraph of Article 365 in relation to Article 48 of the RPC."[59]

Conversely, in other cases, We applied Our pronouncement in *Ivler*, to wit:

In *Sevilla v. People*,[60] We observed that the Sandiganbayan designated the felony committed by the accused as "falsification of public document through reckless imprudence."[61] We noted that this is an inaccurate designation of the felony and emphasized that reckless imprudence is not simply a modality of committing a crime but is a crime itself. Thus, the proper designation of the offense is reckless imprudence resulting to falsification of public documents.[62]

In *Esteban v. People*[63] (*Esteban*), the accused was convicted of reckless imprudence resulting in homicide, serious physical injuries, and damage to property. We agreed with the CA that: (1) Article 48 of the RPC does not apply to acts penalized under Article 365 since the former is incongruent to the notion of quasi-crimes; and (2) prosecutions under Article 365 should proceed from a single charge regardless of the number or severity of the consequences.[64] Thus, the CA did not err in affirming the RTC (with modification), which in turn sustained the Municipal Circuit Trial Court's (MCTC) imposition of three separate penalties for reckless imprudence resulting in homicide, serious physical injuries, and damage to property. The MCTC imposed the following penalties:

---

54 Id.
55 759 Phil. 504 (2015).
56 Id. at 511-513.
57 776 Phil. 372 (2016).
58 Id. at 388.
59 Id. at 379.
60 741 Phil. 198 (2014).
61 Id. at 203.
62 Id. at 207.
63 G.R. No. 209597 (Notice), April 26, 2017.
64 Id.

(a) for reckless imprudence resulting to homicide, an indeterminate prison term of four (4) months and one (1) day of *arresto mayor*, as minimum, to two (2) years and ten (10) months and twenty (20) days of *prision correcional* as maximum; and to pay ₱50,000.00 as civil indemnity for the death of Antonieto Manuel; ₱35,000.00 as actual damages for funeral expenses; ₱602,000.00 for loss of earning capacity; and ₱25,000.00 as moral damages.[65]

(b) for reckless imprudence resulting to serious physical injuries, a straight penalty of two month imprisonment.

(c) for damage to property, to pay the victim Librado Felix in the amount of ₱42,996.40 as actual damages and a fine of ₱50,000.00.[66]

Penalties under Article 365 of the RPC

Article 365 of the RPC, as amended by R.A. No. 10951,[67] reads:

> Article. 365. *Imprudence and negligence.* – Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prisión correccional* in its medium period; **if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed; if it would have constituted a light felony, the penalty of *arresto menor* in its maximum period shall be imposed.**
>
> Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of *arresto mayor* in its medium and maximum periods; if it would have constituted a less serious felony, the penalty of *arresto mayor* in its minimum period shall be imposed.
>
> **When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three (3) times such value, but which shall in no case be less than Five thousand pesos (P5,000).**
>
> A fine not exceeding Forty thousand pesos (P40,000) and censure shall be imposed upon any person, who, by simple imprudence or negligence, shall cause some

---

65 Id. Note that the CA modified the penalty for reckless imprudence resulting in homicide – the petitioner is sentenced to suffer an indeterminate penalty of imprisonment ranging from four (4) months of *arresto mayor* as minimum, to two (2) years, ten (10) months and twenty (20) days of *prision correccional as* maximum; moral dames in the amount of ₱50,000.00 is further awarded to the heirs of the deceased.

66 Id.

67 R.A. No. 10951 increased the amount of fines provided in Article 365.

> wrong which, if done maliciously, would have constituted a light felony.
>
> In the imposition of these penalties, the court shall exercise their sound discretion, without regard to the rules prescribed in Article 64.
>
> The provisions contained in this article shall not be applicable:
>
> 1. **When the penalty provided for the offense is equal to or lower than those provided in the first two (2) paragraphs of this article, in which case the court shall impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.** x x x (Emphasis supplied)

The penalties provided in Article 365 are clear and straightforward except for its third paragraph, in instances where the imprudent or negligent act resulted not only to damage to property but also to physical injuries. The third paragraph provides that when an imprudent or negligent act resulted in damage to property only, the offender shall be punished by a fine. The question that arises is whether the third paragraph still applies when there is also damage to persons. We answered in the affirmative in the 1954 case of *Angeles v. Jose*[68] (*Angeles*). There, We ruled that the third paragraph applies to the resulting damage to property, and an additional penalty shall be imposed on the resulting injury to person. The "additional penalty" pertains to the penalty scheme under Article 365.[69]

In *Angeles*, the accused was charged before the Court of First Instance (CFI) of the crime of damage to property in the sum of ₱654.22 with less serious physical injuries through reckless negligence. The CFI dismissed the case upon motion of the defense on the ground that the penalty prescribed by Article 365 is only *arresto mayor* in its minimum and medium period, which falls within the exclusive jurisdiction of the municipal court. However, the prosecution argued that the CFI has jurisdiction because the fine that may be imposed on account of the damage to property is a sum equal to the amount of damage to three times such amount, which in no case shall be less than ₱25.00. We reversed the CFI and remanded the case for further proceedings. In effect, We held that the CFI has jurisdiction because the fine for the damage to property should be considered in determining jurisdiction.[70] We also interpreted the third paragraph of Article 365 in this manner:

> The respondent court, however, relies on the wording of the third paragraph of said article, which reads as follows:
>
> "When the execution of the act covered by this article shall have only resulted in damage to the

---

68 96 Phil. 151 (1954).
69 Id. at 152.
70 Id. at 151-152.

> property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damage to three times such value, but which shall in no case be less than 25 pesos."
>
> **The above-quoted provision simply means that if there is only damage to property the amount fixed therein shall be imposed, but if there are also physical injuries there should be an additional penalty for the latter. The information cannot be split into two; one for the physical injuries**, and another for the damage to property, for both the injuries and the damage committed were caused by one single act of the defendant and constitute what may be called a complex crime of physical injuries and damage to property. It is clear that the fine fixed by law in this case is beyond the jurisdiction of the municipal court and within that of the court of first instance. (Emphasis and underscoring supplied)[71]

Simply put, if the imprudent or negligent act covered by Article 365 results to both damage to property and persons, a fine shall be imposed for the former and an additional penalty based on the penalty scheme of Article 365 shall be meted for the latter. The information cannot also be split into two – one for physical injuries and another for damage to property.

Nevertheless, in the 1998 case of *Reodica v. Court of Appeals*,[72] which involved an Information for reckless imprudence resulting in damage to property with slight physical injuries, We held that the third paragraph of Article 365 does not apply since the reckless imprudence did not result in damage to property only. What applies is the first paragraph of Article 365 which provides for *arresto mayor* in its minimum and medium periods for an act committed through reckless imprudence which, had it been intentional, would have constituted a less grave felony.[73]

Significantly, in *Ivler*, We went back to Our pronouncement in *Angeles* that the third paragraph of Article 365 applies even if the imprudent or negligent act resulted not only in damage to property but also in damage to persons, in which case an additional penalty for the latter shall be imposed aside from a fine.

Interestingly, We did not apply this in *Gonzaga* where despite a finding that the accused was guilty of reckless imprudence resulting to homicide with serious physical injuries and damage to property, no separate fine was imposed for damage to property. The same goes for *Senit* where the accused was convicted of reckless imprudence resulting to multiple serious physical injuries and damage to property. There was no fine imposed for the resulting damage to property. In both these cases, the imprudent acts and their consequences were treated as complex crimes.

---

71 Id. at 152.
72 354 Phil. 90 (1998).
73 Id. at 104.

Meanwhile, there is a seeming flaw in *Angeles* that We need to address. *Angeles* teaches that an "additional penalty" should be imposed when the negligent or imprudent act resulted not only in damage to property but also to physical injuries. Only one information shall be filed for both the injuries and the damages. The reasoning stated in *Angeles* is because "the injuries and damage committed were caused by one single act of the defendant and constitute what may be called a complex crime of physical injuries and damage to property."[74] Hence, on its face, *Angeles* is among the case law which applied Article 48 of the RPC to quasi-crimes. *Ivler*, by citing *Angeles*, seems to affirm a case which allows the "complexing" of quasi-crimes. We now clarify Our ruling in *Angeles*.

The crux of the controversy in *Angeles* is the interpretation of the third paragraph of Article 365 in relation to determining the jurisdiction of courts. We ruled that the fine for damage to property and the additional penalty for damage to persons should both be considered in ascertaining which court has jurisdiction over the quasi-offense. While We referred to the "complex crime of physical injuries and damage to property,"[75] Our declaration that an additional penalty should be imposed for the resulting physical injuries defies or disregards the sentencing formula under Article 48 for complex crimes, which is the imposition of only one penalty – the penalty for the most serious crime, the same to be applied in its maximum period.[76] Thus, the contradiction in *Angeles* seems to be more apparent than real. *Angeles*, in prescribing an additional penalty for the resulting damage to persons, does not, in essence, allow the "complexing" of the resulting acts of a single quasi-crime.

In fine, the *Angeles* and *Ivler* interpretation of the third paragraph of Article 365 conform/dovetail with the second approach that quasi-crimes should be prosecuted in one charge, regardless of their number and severity, and each consequence should be penalized separately. We applied this interpretation in the recent case of *Esteban*.

Jurisdiction of Courts over Quasi-Crimes

In *Angeles* and the succeeding cases that cited it, both the fine for damage to property and the penalty for damage to persons were considered in determining which court has jurisdiction. Hence, in *People v. Villanueva*[77] (*Villanueva*), which involved the complex crime of serious and less serious physical injuries with damage to property in the amount of ₱2,636.00,[78] We ruled that the CFI (now the RTC) had jurisdiction, *viz.*:

> **Considering that it is the court of first instance that would undoubtedly have jurisdiction if the only**

---

74 Supra note 68 at 152. Underscoring supplied.
75 Supra note 68 at 152.
76 Supra note 35.
77 111 Phil. 897 (1961).
78 Id. at 900.

> **offense that resulted from appellant's imprudence were the damage to property in the amount of P2,636.00, it would be absurd to hold that for the graver offense of serious and less serious physical injuries combined with damage to property through reckless imprudence, jurisdiction would lie in the justice of the peace court.** The presumption is against absurdity, and it is the duty of the courts to interpret the law in such a way as to avoid absurd results. Our system of apportionment of criminal jurisdictions among the various trial courts proceeds on the basic theory that crimes cognizable by the Courts of First Instance are more serious than those triable in justice of the peace or municipal courts.[79] (Emphasis supplied)

Villanueva was followed by *People v. Malabanan*.[80] However, with the amendment of *Batas Pambansa Bilang* (BP) 129 by R.A. No. 7691 on March 25, 1994, the amount of fine in criminal negligence resulting to damage to property is no longer relevant in determining which court has jurisdiction. Section 32(2) of BP 129, as amended, reads:

> Section 32. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases.* – Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:
>
> (1) Exclusive original jurisdiction over all violations of city or municipal ordinances committed within their respective territorial jurisdiction; and
>
> (2) **Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine,** and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: *Provided, however*, **That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.** (Emphasis supplied; italics in the original)

Hence, the MeTCs, MTCs, MCTCs, and MTCCs have exclusive original jurisdiction over criminal negligence cases which results to damage

---

79 Id. 899-900.

80 112 Phil. 1082, 1084 (1961). Malabanan was charged in the CFI of the crime of double serious physical injuries with damage to property thru reckless imprudence. Following Angeles and Villanueva, We held that "there may be cases, as the one at bar, where the imposable penalty for the physical injuries charged would come within the jurisdiction of the municipal or justice of the peace court, while the fine, for the damage to property, would fall on the Court of First Instance. As the information cannot be split into two, one for damages and another for the physical injuries, the jurisdiction of the court to take cognizance of the case must be determined not by the corresponding penalty for the physical injuries charged but by the fine imposable for the damage to property resulting from the reckless imprudence."

to property, regardless of the imposable fine. Note that prior to the amendment of BP 129, the first level courts only have jurisdiction when the imposable fine does not exceed ₱20,000.00.

Similarly, BP 129 as amended by R.A. No. 7691, extended the jurisdiction of the first-level courts over criminal cases to include all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and other imposable accessory or other penalties, including the civil liability arising from the crime. Thus, the first-level courts have exclusive original jurisdiction over acts penalized under Article 365 of the RPC. The most serious imposable penalty under Article 365 is *prision correctional* in its medium and maximum period or two (2) years, four (4) months, and one (1) day to six (6) years of imprisonment. This is the imposable penalty, "[w]hen, by imprudence or negligence and with violation of the Automobile Law, the death of a person shall be caused."[81] The only exception is when the offender in the foregoing offense "fails to lend on the spot to the injured parties such help as may be in his/her hands to give,"[82] in which case the penalty next higher in degree shall be imposed.[83] The penalty next higher in degree to *prision correcional* in its medium and maximum periods is *prision mayor* in its minimum and medium periods or six (6) years and one (1) day to ten (10) years of imprisonment. The jurisdiction for the qualified offense will now lie in the RTC.

De los Santos is no longer a good law.

We rule that *Ivler* is a good law, notwithstanding the few stray cases that allowed the "complexing" of the effects of a single quasi-offense. Forbidding the application of Article 48 of the RPC to quasi-offenses and their resultant acts/effects preserves the conceptual distinction between quasi-crimes and intentional felonies under the RPC. **We thus declare that *De los Santos*[84] is abandoned. We agree with Our pronouncements in *Ivler*. Article 48 does not apply to quasi-offenses under Article 365 because reckless imprudence is a distinct crime and not a mere way of committing a crime. Simple or reckless imprudence does not strictly fall under the term "felonies" or acts or omissions committed by fault or culpa.**

Applying what We had discussed in the present case, We find that the offense charged against petitioner was properly designated as reckless imprudence resulting to multiple physical injuries and damage to property. The Information was also correctly filed before the MTCC.

---

81 REVISED PENAL CODE, Article 365.
82 Id.
83 Id.
84 Supra note 40.

The elements of the crime of reckless imprudence are: (1) that the offender does or fails to do an act; (2) that the doing or the failure to do that act is voluntary; (3) that it be without malice; (4) that material damage results from the reckless imprudence; and (5) that there is inexcusable lack of precaution on the part of the offender, taking into consideration his employment or occupation, degree of intelligence, physical condition, and other circumstances regarding persons, time, and place.[85]

The prosecution was able to establish the foregoing elements beyond reasonable doubt. Petitioner has exhibited, by his voluntary act, without malice, an inexcusable lack of precaution in overtaking the vehicle in front of him. He did not ensure that the road was clear and free of oncoming traffic. Section 41 of R.A. No. 4136, also known as the "Land Transportation and Traffic Code," as amended, provides that, "the driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for sufficient distance to permit such overtaking or passing to be made in safety." As stated in the TAR[86] and shown in the Sketch Plan,[87] the point of impact occurred at the inner lane occupied by the private complainants' jeepney. This proves that petitioner encroached on the rightful lane of the private complainants. Petitioner was violating a traffic regulation at the time of the collision as he was driving on the wrong side of the road.[88] Under Article 2185 of the New Civil Code, he is presumed to be negligent at the time of the accident, which presumption he failed to rebut.[89]

The CA, the RTC, and the MTCC uniformly held that petitioner failed to observe the necessary care and precaution required of a driver who abandons his proper lane for the purpose of overtaking another vehicle, which recklessness resulted in the injuries sustained by the private complainants and the damage to the jeepney. Settled is the rule that findings of fact of the trial court, especially when affirmed by the CA, are binding and conclusive upon the Supreme Court.[90]

Consequently, contrary to the claim of petitioner, the last clear chance doctrine is inapplicable. The said doctrine presupposes that both parties are negligent but the negligent act of one is appreciably at a later point in time than that of the other, or where it is impossible to determine whose negligence or fault brought about the occurrence of the incident, the one who had the last clear opportunity to avoid the impending harm but failed to do so, is chargeable with the consequences arising therefrom.[91] The

---

85 *Valencia v. People*, G.R. No. 235573, November 9, 2020, citing *Cabugao v. People*, 740 Phil. 9, 21-22 (2014).
86 *Rollo*, p. 102.
87 Id. at 103.
88 *Paman v. People*, 813 Phil. 139, 147 (2017).
89 Id.
90 *Mariano v. People*, 738 Phil. 448, 457 (2014).
91 *Phil. National Railways Corp. v. Vizcara*, 682 Phil. 343, 358 (2012).

documentary and testimonial evidence in this case show that petitioner was at fault.

Accordingly, the courts *a quo* did not err in finding that petitioner's reckless act is the proximate cause of the injuries and damage to property. **However, the said courts failed to apply *Ivler* in determining the imposable penalty.** While they found that petitioner was guilty of reckless imprudence resulting to both physical injuries and damage to property, they did not impose a separate fine for damage to property, manifesting that they treated the single imprudent act and its effects as a complex crime. The correct approach is to impose separate penalties for each consequence of the imprudent act alleged and proven.

More, the CA found that the injuries sustained by Rico, Leilani, and Myrna from the collision amounted to slight physical injuries only, yet it erroneously characterized it as a less grave felony in its Decision dated March 15, 2018. The Certificates of Confinement[92] presented by the prosecution showed that the estimated days of confinement for Leilani is only 3-5 days; for Rico 2-3 days; and none was mentioned for Myrna. Under Article 266 (1) of the RPC, as amended, the crime of slight physical injuries shall be punished by *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one (1) to nine (9) days, or shall require medical attendance during the same period. *Arresto menor* has a duration of 1-30 days of imprisonment. Hence, pursuant to Article 9 in relation to Article 25 of the RPC, as amended, slight physical injuries is only a light felony.

The correct penalty for the crime

The reckless driving of petitioner resulted in slight physical injuries to Rico, Leilani, and Myrna. As previously stated, slight physical injuries is a light felony. Pursuant to the first paragraph of Article 365,[93] reckless imprudence resulting in a light felony is punishable by *arresto menor* in its maximum period, that is, imprisonment of twenty-one (21) to thirty (30) days. On the contrary, if the reckless act of petitioner was intentional, it would have been penalized under Article 266[94] of the RPC, as amended by

---

92 *Rollo*, pp. 104-106.

93 Article 365. *Imprudence and negligence.* – Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prisión correccional* in its medium period; **if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed; if it would have constituted a light felony, the penalty of *arresto menor* in its maximum period shall be imposed.** (Emphasis supplied)

94 Article 266. *Slight physical injuries and maltreatment.* – The crime of slight physical injuries shall be punished:

1. By *arresto mayor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one (1) to nine (9) days, or shall require medical attendance during the same period.
2. By *arresto menor* or a fine not exceeding Forty thousand pesos (₱40,000) and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance.
3. By *arresto menor* in its minimum period or a fine not exceeding Five thousand pesos (₱5,000) when the offender shall ill-treat another by deed without causing any injury.

R.A. No. 10951, as a crime of slight physical injuries punishable by *arresto menor* or imprisonment with a duration of one (1) to thirty (30) days.[95] Evidently, the penalty under Article 266, had the act been intentional, is equal to or lower than that prescribed in the first paragraph of Article 365. In this connection, the sixth paragraph of Article 365 provides that:

> When the penalty provided for the offense is equal to or lower than those provided in the first two (2) paragraphs of this article, in which case the court shall impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.

The underlying reason for this reduction in penalty is to preserve the difference between an act wilfully performed from one committed through negligence.[96] Otherwise, a reckless or imprudent act would be punished with the same penalty imposable to an intentional act.

Thus, the proper penalty for reckless imprudence resulting in slight physical injuries is public censure, this being the penalty next lower in degree to *arresto menor*. Since that the reckless act of petitioner resulted in slight physical injuries to three persons (Rico, Leilani, and Myrna), the penalty of public censure shall be imposed for each of the slight physical injuries committed.

With respect to the resulting damage to property, We concur with the CA that while it is evident that the jeepney driven by Rico and owned by Noel G. Garcia (Garcia) was damaged, the prosecution failed to present competent proof to establish the amount actually spent for the repair or replacement of the wrecked jeep. The Vehicle and Equipment Work Order presented in the trial court only provided for an estimated expense of ₱350,000.00. No representative from the Maglanque Motor Shop testified to authenticate the document. Only Rico and Lailani testified that they brought the jeep for repair to the shop and the cost of repair is ₱350,000.00. In any case, this will not prevent Us from imposing temperate damages in favor of owner of the wrecked jeepney. Under Article 2224 of the New Civil Code, temperate or moderate damages may be recovered when the court finds that some pecuniary loss has been suffered but its amount cannot be provided with certainty. Here, We rule that the amount of ₱150,000.00 which the CA awarded as temperate damages to Garcia is fair and reasonable.

As to the amount of fine, petitioner should pay ₱150,000.00 conformably with the third paragraph of Article 365 which states that, when the reckless act "resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three (3) times such value, but which shall in no case be less than Five Thousand pesos (₱5,000.00)."

---

95 REVISED PENAL CODE, Article 27.

96 Luis B. Reyes, The Revised Penal Code, Book Two, p. 1006.

Additionally, We agree with the CA that Rico, Leilani, and Myrna suffered some pecuniary loss due to their physical injuries, which prevented them from working. However, aside from their bare allegations they failed to present proof that they are earning ₱400.00 to ₱500.00 per day. Therefore, the CA's award of temperate damages in the amount of ₱8,000.00 to Spouses Rico and Leilani, and ₱2,000.00 to Myrna, are in order. All the monetary awards shall be subject to a legal interest at the rate of six percent (6%) *per annum* from the finality of the Resolution until fully paid.[97]

Lastly, for technical propriety, We shall correct the designation of the offense stated in the dispositive portion of the Decision dated March 15, 2018 of the CA. It seems that the CA inadvertently indicated that petitioner is guilty of reckless imprudence resulting in damage to property and multiple serious physical injuries, whereas based on the evidence presented and the body of the Decision, private complainants only suffered slight physical injuries.

WHEREFORE, the motion is **DENIED**. Our Resolution dated September 21, 2020 is **AFFIRMED with MODIFICATION** in that:

(1) petitioner is found **GUILTY** beyond reasonable doubt of reckless imprudence resulting in multiple slight physical injuries and damage to property, and is sentenced to suffer the penalty of public censure for each of the resulting slight physical injuries committed to private complainants Rico Mendoza, Leilani Mendoza, and Myrna Cunanan, and to pay a fine in the amount of ₱150,000.00 as penalty for the resulting damage to property;
(2) petitioner is **ORDERED** to pay temperate damages in the amount of ₱8,000.00 to Spouses Rico and Leilani Mendoza and ₱2,000.00 to Myrna Cunanan;
(3) petitioner is **ORDERED** to pay Noel G. Garcia or his authorized representative temperate damages in the amount of ₱150,000.00;
(4) all monetary awards shall earn six percent (6%) interest *per annum* from the finality of this Resolution until fully paid.

SO ORDERED.

ROSMARI D. CARANDANG
Associate Justice

---

97 Supra note 90 at 462, citing BSP Circular No. 799, Series of 2013 and *Nacar v. Gallery Frames*, 716 Phil. 267, 281-283 (2013).

ALEXANDER G. GESMUNDO
Chief Justice

Please see Concurring and Dissenting Opinion

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC MARIO VICTOR F. LEONEN
Associate Justice

See Separate Concurring Opinion

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

(no part)
AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

ALEXANDER G. GESMUNDO
Chief Justice