

THE SAN PEDRO BUS LINE, PAULINO DE LA CRUZ, AND TEODOLO LACDAN, DOING BUSINESS UNDER THE NAME OF THE SAN PEDRO BUS LINE, PETITIONERS, VS. NICOLAS NAVARRO, AND THE HON. ASSOCIA...

G.R. No. L-6291. April 29, 1954

Ponente: PARAS, C.J.

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PARAS, C.J.:

Nicolas Navarro filed a complaint in the Court of First Instance of Rizal against the San Pedro Bus Line, Paulino de la Cruz and Teodulo Lacdan, doing business in the name of the San Pedro Bus Line, alleging that the plaintiff, on April 21, 1949, rode as a passenger in Manila bound bus No. TPU-7654 owned and operated by the defendants ; that while on its way the bus collided with another vehicle, causing serious physical injuries to the plaintiff, with subsequent post-traumatic psychosis which might incapacitate him for life; that as a result thereof the plaintiff suffered damages, for actual medical and hospital expenses and loss of earning power, in the total sum of P4,500 which the plaintiff sought to recover from the defendants. In their answer the defendants admitted the occurrence of the accident and the injuries received by the plaintiff, but disclaimed responsibility for the accident. After, trial, the court dismissed the complaint on the ground that there was "no proof whatsoever of the relation of the defendants San Pedro Bus Line and Paulino de la Cruz with the damages claimed by the plaintiff." The plaintiff appealed to the Court of Appeals which, on September 29, 1952, rendered a decision the dispositive part of which reads as follows: "WHEREFORE, it appearing that the trial court erred as charged, and that the facts and the law fully warrant a recovery by the appellant, the judgment appealed from is reversed and another one is entered, holding the appellees liable, jointly and severally, to said appellant in the total sum of P9,500, with interests thereon from the date this action was commenced. Costs are charged against the appellees." The defendants have elevated the case by way of a petition for certiorari.

It is contended for the herein petitioners that they cannot be held civilly liable to respondent Nicolas Navarro, for the reason that the Court of First Instance of Rizal had dismissed the criminal charge against petitioner Paulino de la Cruz, driver of the bus involved in the accident, citing the case of *Martinez vs. Barredo*,[*] 45 Off. Gaz., 4922. In answer to this contention, it is enough to advert to the conclusion of the Court of Appeals—which is correct—that the action was not based on tort or quasi delict, but was one for breach of a carrier's contract, there being a clear distinction between culpa as a source and creator of obligations (aquiliana) and culpa in the performance of an already existing obligation (contractual). As already held in the case of *Castro vs. Aero Taxicab Co.*[*] 46 Off. Gaz., 2023, "para que prosperase la accion del cjemandante pidiendo indemnizacion de danos y perjuicios bastaba que probase la existencia del contrato de pasaje esto es, que tomo el taxi para ser conducido, y el hecho del choque que causo lesiones y daiios en el pasajero. De acuerdo con la doctrina enunciada, para el exito de la accion de daiios no era necesario que se probase la culpa, descuido o negligencia del chofer que guiaba el taximetro No. 962." The case of *Martinez vs. Barredo* is not controlling, since it referred to an action based on criminal negligence.

The other contention of the petitioners is that it was erroneous for the Court of Appeals to award in favor of respondent Navarro damages in the amount of P9,500, his claim in the complaint being only for P4,500. It appears, however, that the complaint prayed for "such further relief as may be deemed just and equitable," and this of course warranted the granting of a judgment in excess of that expressly sought in the complaint. Indeed, under section 9, Rule 35, of the Rules of Court, "the judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings."

It is also urged by counsel for the petitioners that the finding of the Court of Appeals that respondent Navarro is insane, is not supported by any evidence, and that on the other hand, in the motion for new trial filed by the petitioners, accompanied by the affidavits of Marcelo Legaspi and Ceferino Terello, respondent Navarro is shown not to be insane, with the result that there is no basis for awarding the additional amount of P5,000. However, apart from the fact that the finding of the Court of Appeals is factual and therefore conclusive, the said sum was granted by the Court of Appeals, not only for the resulting insanity of respondent Navarro but for his pain and suffering in general; and we are not prepared to hold that the award is excessive as compensation for moral damages.

Wherefore, the decision complained of is affirmed, and it is so ordered with costs against petitioners.

Pablo, Bengzon, Reyes, Jugo, Bautista Angelo, and Concepcion, JJ., concur.

[*] 81 Phil., 1.

[*] 82 Phil., 359

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