

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
JESUS GUANCO, DEFENDANT AND APPELLANT.***G.R. No. L-2621. February 28, 1950*

Ponente: TORRES, J.

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TORRES, J.:

The above-named accused was charged in and convicted by the Justice of the Peace Court of Hinigaran, Negros Occidental, for violation of Act No. 3992, otherwise known as the Motor Vehicle Law. He appealed to the Court of First Instance of said province, and the latter, after due trial, found him guilty of the offense charged, and sentenced him to pay a fine of P50 with subsidiary imprisonment in case of insolvency and to pay the costs. He moved for a new trial which was denied and brought this case on appeal to this Court, mainly on the ground that he has been placed twice on jeopardy.

It appears that on June 30, 1946, appellant Jesus Guanco drove a jeep in a public highway between the municipalities of Hinigaran and Pontevedra, Negros Occidental, carrying fourteen passengers. While on the way, the jeep, which was being driven by him at a rate of speed prohibited by law, that is, between 50 to 60 miles per hour, after zigzagging, turned turtle into a ditch, and as a result thereof, four of the passengers were killed.

It further appears that on the day of the accident, Jesus Guanco, being less than 18 years of age, could not, and did not have the required license to operate a motor vehicle and thus violated the provisions of Section 27 of Act No. 3992.

In another case, he was charged in and convicted by the Court of First Instance of Negros Occidental of multiple homicide through reckless imprudence, where he was found guilty and sentenced accordingly and from which sentence he appealed to the Court of Appeals, and the latter, after reviewing the evidence, affirmed the order of the lower court, and, pursuant to the provisions of Article 80 of the Revised Penal Code, ordered his commitment to the Training School for Boys until he shall have reached his majority.

In the case before Us, this appellant admitted having driven the jeep in question on the day of the accident, without the necessary license, due to the fact that he was less than 18 years of age. This constitutes a violation of Section 27 of Act No. 3992, otherwise known as the Motor Vehicle Law. Such violation is distinct from, and has no connection with the other offense, which is a violation of paragraph (d) of Section 67 of the same Act, of which he was found guilty and, under a suspended sentence, committed to the Training School for Boys.

It is argued by appellant that when he was tried in the other case, for multiple homicide through reckless imprudence, it was proven that he had driven the motor vehicle without license, and that fact was mentioned by the court in its decision as one of the factors indicative of appellant's negligence. But upon comparing the allegations contained in the two informations, it is very clear that under the specific charge made against him in the one case, that of having operated the jeep in an imprudent and reckless manner, he was responsible for the death of four of the passengers of the vehicle; while in the information filed in this case, he was simply charged with having operated a motor vehicle along the national highway between Hinigaran and Pontevedra, without

providing himself with a license therefor.

Moreover, under Section 68 of the Motor Vehicle Law, it is provided that—

"Sec. 68. Punishment for other offenses.—The conviction of any person of any offense under this Act shall not bar prosecution of other offenses in this Act or elsewhere defined and penalized which may have been committed by such person concurrently with the commission of the offense of which he was convicted or in doing the act or series of acts which constituted the offense of which he was convicted."

We, therefore, find no merit in the contention of appellant that by his conviction in the present double case he has been put in double jeopardy, because the offense charged in the case at bar is not included in the offense charged in the other case.

The judgment appealed from is affirmed, with costs.

Moran, C. J., Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Paras and Feria, JJ., no part.

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