

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN BARRION Y VILLALUNA, ACCUSED-APPELLANT.

Ponente: BUESER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/76db9320a757/>

BUESER, J.:

Before the Court is an appeal from the Decision[1] rendered by the Regional Trial Court, Branch 39 of Calapan City finding the accused-appellant guilty of Reckless Imprudence Resulting in Double Homicide in Criminal Case No. C-05-8284 entitled “People of the Philippines vs. Edwin Barrion y Villaluna”.

Culled from the records[2] are the following pertinent, material antecedent facts:

On October 25, 2005, at around 4:00 o'clock in the morning, complainants Renemer Obando (Renemer), Marvin Ortega (Marvin), Marlon Padua (Marlon), Arjay Obando (Arjay), Antonio Cabrera (Antonio), Galore Gaytona (Galore), and Jefferson Panganiban (Jefferson) were at the house of Reagan Ortega (Reagan) in Barangay Caanan, Victoria, Oriental Mindoro. Private complainants were to accompany Mario Pacion (Mario) to the pier of Calapan City, Oriental Mindoro to catch the 5:00 o'clock Supercat trip.

About ten minutes later, the entire group left Reagan's house for Calapan Pier on board a Toyota Tamaraw FX driven by Reagan. Seated beside Reagan were Marvin and Renemer, while Mario, Antonio and Arjay were seated behind the driver's seat. On the other hand, Marlon, Jefferson and Galore took the back seat.

While traversing the national highway of Victoria, Oriental Mindoro at a speed of around 50km/hr., private complainants noticed an oncoming Isuzu truck with its headlight on high beam. Renemer advised Reagan to signal the oncoming truck to turn its headlight on low beam. Renemer further noticed that the said truck was at its full speed and encroaching their lane. As advised, Reagan made the signals and slowed down. However, the truck made no response to the flashed signals and continued on a high beam, impairing Reagan's vision. Thereafter, the truck collided with the private complainants' vehicle. The said collision resulted to the death of Reagan and Mario and caused injuries to the others. The driver of the truck turned out to be the accused-appellant.

Accused-appellant Edwin Barrion y Villanueva was charged with Reckless Imprudence Resulting in Double Homicide, Multiple slight Physical Injuries and Damage to Property, defined and penalized under Article 365 of the Revised Penal Code (RPC), in an Information which reads:

“That on or about 25[th] day of October 2005, at around 4:30 a.m in the morning more or less, along the National Highway of Barangay Poblacion IV, Municipality of Victoria, Province of Oriental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the above named accused, being then and there the driver of an Isuzu eight-wheeler truck with plate number RAF 971 owned by Marlon Castillo, willfully, unlawfully and with reckless imprudence, and in violation of traffic rules and regulations, managed and drove said vehicle in careless manner without due regard to traffic conditions, and without sounding a horn or attracting in any other way the attention of other motor vehicles, or keeping to the right-hand side of the street according to the direction he was going, thereby permitting the said truck to hit and bump the Toyota Tamaraw FX with plate number TSS 135 owned by Alfredo Ortega SR., and driven by Reagan Ortega thereby causing the untimely demise of the said REAGAN ORTEGA and MARIO ROMEO PACION; causing slight physical

injuries on ARJAY OBANDO, 17 years old, MARLON PADUA, RENEMER OBANDO, ANTONIO CABRERA, JEFFERSON PANGANIBAN, GALORE GAYTANO, AND MARVIN ORTEGA who were also on board the said Toyota Tamaraw FX; and that because of the incident, the said Toyota Tamaraw FX sustained and that because of the incident, the said Toyota Tamaraw FX sustained damages, to the damage and prejudice of the complainants.

Contrary to law.”

When arraigned, accused-appellant, assisted by counsel, pleaded not guilty to the charge. Thereafter, trial on the merits ensued.

Subsequently, the court a quo rendered its assailed Decision dated September 6, 2011 finding appellant guilty as charged. The dispositive portion of the decision reads:

“ACCORDINGLY, in view of the forgoing, the Court finds the accused EDWIN BARRION y VILLANUEVA GUILTY beyond reasonable doubt as principal of the crime of RECKLESS IMPRUDENCE RESULTING TO DOUBLE HOMICIDE AND MULTIPLE SLIGHT PHYSICAL INJURIES AND DAMAGE TO PROPERTY, defined and punished under Article 365 of the Revised Penal Code, and sentence him to suffer an indeterminate penalty of imprisonment ranging FOUR (4) MONTHS OF ARRESTO MAYOR, AS MINIMUM, TO FOUR (4) YEARS, TWO (2) MONTHS OF PRISON CORRECTIONAL, AS MAXIMUM.

The accused is likewise ordered to PAY:

- the HEIRS OF THE DECEASED REAGAN L. ORTEGA, the following amounts:

a)

P50,000.00 as and for indemnity for death of Reagan L. Ortega

b)

P500,000.00 as and for actual damages;

c)

P50,000.00 as and for moral damages;

d)

P50,000.00 as and for exemplary damages;

e)

P25,000.00 as and for attorney's fees plus P2,500.00 for every court appearance;

f)

P200,000.00 as and for temperate damages; and

g)

P1,000,000.00 as and for temperate damages in lieu of damages for loss of earning capacity of deceased Reagan L. Ortega;

- the HEIRS PF THE DECEASED MARIO ROMEO PACION the following amounts:

a)

P50,000.00 as and for indemnity for death of Marion Romeo Pacion;

b)

P50,000.00 as and for temperate damages in lieu of actual damages;

c)

P50,000.00 as and for moral damages;

d)

P50,000.00 as and for exemplary damages;

e)

P500,000.00 as and for temperate damages in lieu of damages for loss of earning capacity of deceased Mario Romeo Pacion;

- ARJAY OBANDO, RENER OBANDO, MARLON PADUA, ANTONIO CABRERA, JEFFERSON PANGANIBAN, GALORE GAYTANO, and MARVIN ORTEGA the following amounts:

a)

P30,000.00 each, as and for moral damages

b)

P10,000.00 each as and for temperate damages in lieu of actual damages; and

c)

P50,000.00 each, as and for exemplary damages;

d)

the cost of suit

SO ORDERED.”

Aggrieved, accused-appellant interposed this appeal raising the following arguments:

I

THE ACCUSED-APPELLANT WAS DRIVING HIS ISUZU TRUCK AT AN ALLOWABLE RATE OF SPEED BY TRAFFIC RULES AND REGULATIONS.

II

THE DECEASED DRIVER OF THE ILL-FATED TAMARAW FX WAS COMMITTING TWO (2) TRAFFIC VIOLATIONS AT THE TIME OF THE ACCIDENT.

III

THE DECEASED DRIVER OF THE TAMARAW FX ENCROACHED ON THE LANE OF THE ROAD OF THE ACCUSED-APPELLANT.

IV

THE COURT A QUO REQUIRED TOO MUCH FROM THE ACCUSED-APPELLANT IN PUTTING ALL THE BLAME ON HIM.

V

THE DECEASED DRIVER OF THE TAMARAW FX IS THE NEGLIGENT ONE AND NO DAMAGES MAY BE AWARDED TO HIM AND HIS OTHER PASSENGERS.

Accused-appellant contends that the prosecution failed to prove his guilt beyond reasonable doubt for the crime of reckless imprudence resulting to double homicide, multiple slight physical injuries and damage to property. At the time of the incident, he claimed that he was driving the truck at an allowable speed. On the other hand, it was the driver of the ill-fated tamaraw fx who was committing two traffic violations at the time of the accident. The deceased Regan Ortega was driving without a license, was speeding and encroached on the truck's lane, hence it was the tamaraw fx which hit the truck and not the other way around.

However, contrary to the accused-appellant's contentions, the court a quo found that the truck was running at a speed which was no longer reasonable and proper. Otherwise, the accused-appellant would have more than enough time to apply his breaks in order to avoid hitting the Tamaraw FX. Moreover, the prosecution witnesses were likewise consistent in their testimony that prior to the accident, the Tamaraw FX was running only at 50 kilometers per hour. They also testified the truck was approaching them from the opposite direction and its headlights were on high beam, blinding the deceased. The deceased Regan Ortega flashed signals to the truck so that it will switch its headlights to low beam, however the truck had already hit just right after Regan flashed his signals.

It is well settled[3] that "the trial court's assessment of the credibility of a witness is entitled to great weight, sometimes even with finality."xxx where there is no showing that the trial court overlooked or misinterpreted some material facts or that it gravely abused its discretion, then We do not disturb and interfere with its assessment of the facts and the credibility of the witnesses. This is clearly because the judge in the trial court was the one who personally heard the accused and the witnesses, and observed their demeanor as well as the manner in which they testified during trial. Accordingly, the trial court, or more particularly, the RTC in this case, is in a better position to assess and weigh the evidence presented during trial."

It was held in *Seguritan vs. People of the Philippines*: [4]

"In a criminal case, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that this Court will re-calibrate and evaluate the factual findings of the court below."

In addition in *People of the Philippines vs. Sagarino*, [5] it was held:

"Doctrinally, it is settled that the issue of credibility of witnesses is to be resolved primarily by the trial court because it is in the better position to assess the credibility of witnesses having heard the testimonies, observed the deportment and manner of testifying of the witnesses. Accordingly, its findings are entitled to great respect and will not be disturbed on appeal in the absence of any showing that the trial court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance which would have affected the result of the case."

Here, We find none of the exceptional circumstances which would entail the reversal of the court a quo's findings.

Even granting that Reagan Ortega was also negligent, the doctrine of last clear chance applies. The “doctrine of last clear chance states that where both parties are negligent but the negligent act of one is appreciably later than that of the other, or where it is impossible to determine whose fault or negligence caused the loss, the one who had the last clear opportunity to avoid the loss but failed to do so is chargeable with the loss”.^[6]

In the instant case, We find no error on the part of the court a quo when it gave credence to the testimony of the prosecution witnesses that the deceased Reagan was not negligent in driving the Tamaraw FX before the collision and that negligence should not be attributed to him because he drove with an expired driver's license and the vehicle registration of the Tamaraw fx had already expired. Rather, We sustain the court a quo's findings that it was the driver of the truck who had the last clear chance to avoid the collision with the Tamaraw fx.

As aptly held by the court a quo, had the accused-appellant been more attentive to his driving and heeded the signals given by Reagan, he would have had the opportunity to avoid hitting the tamaraw fx which verged on the lane of the truck. He should have slowed down and switched his headlights on low beam to avoid blinding the oncoming vehicle's driver.

Lastly, the accused-appellant admitted leaving the victims of the accident after the collision. The act of the accused-appellant of leaving the fatalities of the accident behind without assistance militates against his innocence. He simply abandoned Reagan and his companions upon learning that Reagan was a member of an influential family in Oriental Mindoro. To Our mind, his act leaving the victims of the collision helpless and alone at such an early hour of the morning is not justified by his fear of reprisal from the deceased's family he should have at least sought assistance for them, if he cannot assist them on his own.

All told, finding no cogent reason to reverse the court a quo's findings, accused-appellant's conviction stands. Likewise, the award of damages is sustained.

WHEREFORE, premises considered, the decision rendered by the Regional Trial Court, Branch 39 of Calapan City dated 6 September 2011 is hereby AFFIRMED in TOTO.

SO ORDERED.

Zalameda[*] (Acting Chairperson) and Sempio Diy,[**] JJ., concur.

[*] Vice Justice De Guia-Salvador per Office Order No. 184-14-ABR dated May 5, 2014.

[**] Acting Junior Member per Office Order No. 187-14-ABR dated May 6, 2014.

[1] Rollo, p. 11-23.

[2] Rollo, pp. 1-144

[3] People vs. Bautista, GR. No. 191266, June 6, 2011

[4] GR No. 172896, April 19, 2010 citing People v. Narca, 341 Phil. 713-714 (1997).

[5] G.R. Nos. 135356-58, September 4, 2001

[6] Lapanday Agricultural and Development Corp. vs. Angala, Gr. No. 153076, June 21, 2007

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.