

DRA. SOFIA L. PRUDENCIADO, PETITIONER, VS. ALLIANCE TRANSPORT SYSTEM, INC. AND JOSE LEYSON, ET AL., RESPONDENTS.

G.R. No. L-33836. March 16, 1987

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review on certiorari of the decision[1] of the Court of Appeals dated May 4, 1971 in CA-G.R. No. 34832-R entitled *Dra. Sofia L. Prudenciado v. Alliance Transport System, Inc. and Jose Leyson*, which modified the decision[2] of the Court of First Instance of Rizal, Quezon City, in Civil Case No. Q-5235 reducing the amount of moral damages from P25,000 to P2,000 and eliminating the award of exemplary damages and attorney's fees but granting actual damages of P2,451.27.

The decretal portion of said decision reads:

"WHEREFORE, the decision appealed from is hereby modified, ordering appellants jointly and severally to pay plaintiff the sum of P2,451.27 for actual damages representing the cost of the repair of the car of Plaintiff; (2) the sum of P2,000.00 as moral damages. No pronouncement as to costs."

The antecedent facts of this case as found by the trial court and by the Court of Appeals are as follows:

At about 2:05 p.m. of May 11, 1960, Dra. Sofia L. Prudenciado was driving her own Chevrolet Bel Air car along Arroceros Street with the intention of crossing Taft Avenue in order to turn left, to go to the Philippine Normal College Compound where she would hold classes. She claimed that she was driving her car at the rate of 10 kmph; that before crossing Taft Ave. she stopped her car and looked to the right and to the left and not noticing any on-coming vehicle on either side she slowly proceeded on first gear to cross the same, but when she was almost at the center, near the island thereof, Jose Leyson who was driving People's Taxicab owned and operated by Alliance Transport System, Inc., suddenly bumped and struck Dra. Prudenciado's car, thereby causing physical injuries in different parts of her body, suffering more particularly brain concussion which subjected her to several physical examinations and to an encephalograph test while her car was damaged to the extent of P2,451.27. The damage to the taxicab amounted to P190.00 (Decision in Civil Case No. Q-5235, CFI, Rizal; Record on Appeal, pp. 63-64; Decision, CA-G.R. No. 34832-R, Rollo, pp. 37-38).

Dra. Prudenciado filed a complaint for damages at the Court of First Instance of Rizal, Quezon City against the Alliance Transport System and Jose Leyson docketed as aforesaid, Civil Case No. Q-5232 (Record on Appeal, pp. 2-11).

After due hearing, the Court of First Instance of Rizal, Quezon City, found Jose Leyson guilty of negligence in the performance of his duties as taxicab driver which is the proximate cause of the accident in question. On the other hand, defendant Alliance Transport System, Inc. failed to prove to the satisfaction of the court that it had exercised the required diligence of a good father of the family in the selection, supervision and control of its

employees including defendant Leyson. Consequently, both defendants were held jointly and severally liable for the physical injuries suffered by the plaintiff Dra. Sofia L. Prudenciado as well as for the damage to her car, in addition to the other consequential damages prayed for.

The dispositive portion of said decision reads:

"IN VIEW OF THE FOREGOING CONSIDERATIONS judgment is rendered, one in favor of plaintiff and against the defendants, by ordering the said defendants, jointly and severally, to pay the plaintiff the sum of P2,451.27 for actual damages representing the cost for the repair of the car of plaintiff; P25,000.00 as moral damages; P5,000.00 as exemplary damages; and the further sum of P3,000.00 as attorney's fees, with costs against the defendants." (Record on Appeal, pp. 71-73).

On appeal, the Court of Appeals rendered the assailed decision on May 14, 1971 and denied petitioner's motion for reconsideration in its resolution dated July 20, 1971.

Hence, this petition.

The petition was given due course in the resolution of this Court dated September 6, 1971 and petitioner filed her brief on November 10, 1971 (Rollo, p. 69) while respondents filed their brief on January 24, 1972 (Rollo, p. 86). Petitioner filed her Reply Brief on March 1, 1972 (Rollo, p. 96); after which the case was considered submitted for decision on the same date (Rollo, p. 99).

In her brief, petitioner raised the following assignment of errors:

I

THE RESPONDENT COURT OF APPEALS ERRED IN REDUCING THE AWARD OF MORAL DAMAGES TO THE PETITIONER FROM P25,000.00 AWARDED BY THE COURT OF FIRST INSTANCE OF RIZAL, BRANCH V, QUEZON CITY, TO P2,000.00 NOTWITHSTANDING THE FACT THAT THERE WAS NO FINDING THAT THE AWARD WAS PALPABLY AND SCANDALOUSLY EXCESSIVE AS TO INDICATE THAT IT WAS THE RESULT OF PASSION OR CORRUPTION ON THE PART OF THE TRIAL COURT;

II

THE RESPONDENT COURT OF APPEALS ERRED IN ELIMINATING THE AWARD OF EXEMPLARY DAMAGES OF P5,000.00 NOTWITHSTANDING THE FACT THAT THE FINDING OF THE SAID COURT ON THE EVIDENCE AND THE LAW APPLICABLE JUSTIFIED THE AWARD OF EXEMPLARY DAMAGES AS HELD BY THE SAID TRIAL COURT;

III

THE COURT OF APPEALS ERRED IN FINDING THAT HER DEMOTION IN RANK AS A PROFESSOR IN THE UNITED STATES WAS NOT SUBSTANTIATED AND IN MAKING THIS FINDING A BASIS FOR THE REDUCTION OF THE AWARD OF MORAL DAMAGES, NOTWITHSTANDING THAT IT IS ALREADY TOO FAR-FETCHED AND IT MERELY CONFIRMS THE TRUTH OF THE FACT THAT THE ACCUSED SUFFERED LOSS OF HER USUAL LIVELINESS, VIVACITY, ACTIVITY SELF-CONFIDENCE AND THAT SHE FEELS UNCERTAIN AND INSECURE AND THAT SHE WAS SUBJECTED TO EXTREME FRIGHT AND SERIOUS ANXIETY, SERIOUS APPREHENSION OF LOSING HER LIFE OR HER SENSES OR REASON AND OF HER PHYSICAL MOBILITY ANYTIME AND THAT SHE SUFFERED GREAT SHOCK AND SEVERE PAINS ON HER BACK NEAR THE LEFT SIDE OF HER SPINAL COLUMN OF THE LUMBAR REGION;

IV

THE RESPONDENT COURT OF APPEALS ALSO ERRED IN ELIMINATING THE AWARD OF ATTORNEY'S FEES TO THE PETITIONERS NOTWITHSTANDING THE FACT THAT SAID AWARD IS LEGAL AND PROPER;

V

THE RESPONDENT COURT OF APPEALS ERRED IN ELIMINATING THE COSTS TAXED AGAINST THE RESPONDENTS NOTWITHSTANDING THE FACT THAT SAID COSTS ARE LEGAL AND PROPER;

VI

THE RESPONDENT COURT OF APPEALS ERRED IN FINDING THAT THE CLAIM OF DR. SOFIA L. PRUDENCIADO OF HER LOSS OF HER USUAL LIVELINESS, VIVACITY, ACTIVITY AND HER USUAL SELF CONFIDENCE, SUCH THAT SHE NOW FEELS UNCERTAIN AND INSECURE... EXTREME FRIGHT AND SERIOUS ANXIETY, SERIOUS APPREHENSION OF LOSING HER LIFE OR HER SENSES OR REASON, OF HER PHYSICAL MOBILITY ANYTIME ... GREAT SHOCK AND SEVERE PAINS ON HER BACK NEAR THE LEFT SIDE OF HER SPINAL COLUMN IN THE LUMBAR REGION IS UNCORROBORATED NOTWITHSTANDING THE FACT OF THE CERTIFICATE, EXHIBIT "G" OF DR. DOMINADOR VERGARA, OF THE VETERANS MEMORIAL HOSPITAL AND DR. CONRADO ARAMIL, BRAIN SPECIALIST AND THE CORROBORATING TESTIMONY OF THE LATTER AFTER EXAMINATION AND TREATMENT OF PETITIONER;

VII

THE RESPONDENT COURT OF APPEALS ERRED IN SO MODIFYING THE DECISION OF THE COURT OF APPEALS NOTWITHSTANDING THE FACT THAT IT HAD NO POWER TO DO SO UNDER THE FACTS AND CIRCUMSTANCES OF THIS CASE AS FOUND BY THE COURT OF APPEALS;

VIII

THE RESPONDENT COURT OF APPEALS ERRED IN MODIFYING THE DECISION OF THE TRIAL COURT NOTWITHSTANDING THE FACT THAT THE DECISION OF SAID TRIAL COURT IS IN ACCORDANCE WITH LAW.

The Court of Appeals and the trial court are in accord in the finding that the accident was caused by the negligence of the taxi driver. The bone of contention is however in the award of damages, which crystalizes the errors assigned into one main issue, which is whether or not the Court of Appeals is justified in modifying or changing the grant of damages by the trial court.

It is well settled that factual findings of the Court of Appeals are binding on the Supreme Court, but said findings are subject to scrutiny if such are diametrically opposed to those of the trial court (*Samson v. CA, et al.*, G.R. No. L-40071, January 29, 1986).

The Court of Appeals concedes that a concussion of the brain was suffered by Dra. Prudenciado but as to how serious was the concussion or how it had later become, and the disastrous extent of the injuries which she alleges to have sustained as a result of the accident, are seriously doubted by said Appellate Court.

Specifically, said Court finds that Dra. Prudenciado's claim (which was sustained by the trial court) that because of aforesaid concussion, she eventually lost her usual liveliness, vivacity, activity and her usual self-confidence, to the extent that now she feels uncertain and insecure, not to mention a sense of extreme fright and serious anxiety, serious apprehension of losing her life, or her senses or reason or her physical mobility momentarily, plus

experiences of great shock and severe pains on her back near the left side of her spinal column in the lumbar region, was not supported by the deposition of Dr. Conrado Aramil, the specialist who attended to the plaintiff from May 14 to May 26, 1960 (TSN, July 13, 1960, pp. 72-73). From said deposition, it was gathered that Dra. Prudenciado suffered a mild abnormality, compatible with mild concussion of the brain (TSN, July 13, 1960, pp. 47-48); that the symptoms of any brain concussion usually are headache, dizziness, vomiting and lack of pep or alertness; and that the possible after effects that may be produced are persistent or irregular headaches, fluctuating dizziness. Accordingly, Dra. Prudenciado was advised "Just to watch herself if she would develop any alarming symptoms such as headache, dizziness or vomitings, to have her rechecked after several months for her to be sure." (Ibid., pp. 51-52). It might also produce intellectual deterioration or lessening of intelligence, and even insanity.

Dra. Prudenciado sought to establish that she had precisely suffered all those after effects except insanity; but the Court of Appeals ruled that her proof consisted merely in her own uncorroborated testimony. In support of her allegation she could not show any medical certificate tending to prove that she was indeed medically treated abroad for her brain ailment nor was there any showing in the documents presented that she was demoted to the rank of technical assistant because the San Francisco State College does not believe in her mental capacity any more.

Finally, her statements that she is almost completely losing her voice, that she has a terrible headache when her head is pressed, that she has lost her sense of taste, that she is nervous and temperamental and that she has lapses of memory, are belied by the deposition of Dr. Aramil that the patient's EEG was already normal on May 26, 1960; and on cross-examination he declared that she was clinically symptomless when she was discharged from the hospital (TSN, July 13, 1960, pp. 75-76; 78-79).

There is no argument that moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary computation, moral damages may be recovered if they are the proximate result of defendant's wrongful act or omission (*People v. Baylon*, 129 SCRA 62 [1984]).

In the same manner, it is undisputed that the trial courts are given discretion to determine the amount of moral damages (*Alcantara v. Surro*, 93 Phil. 472) and that the Court of Appeals can only modify or change the amount awarded when they are palpably and scandalously excessive "so as to indicate that it was the result of passion, prejudice or corruption on the part of the trial court (*Gellada v. Warner Barnes & Co., Inc.*, 57 O.G. (4) 7347, 7358; *Sadie v. Bachrach Motors Co., Inc.*, 57 O.G. (4) 636 and *Adone v. Bachrach Motor Co., Inc.*, 57 O.G. 656). But in more recent cases where the awards of moral and exemplary damages are far too excessive compared to the actual losses sustained by the aggrieved party, this Court ruled that they should be reduced to more reasonable amounts.

Thus, in the case of *San Andres v. Court of Appeals* (116 SCRA 85 [1982]) the Supreme Court ruled that while the amount of moral damages is a matter left largely to the sound discretion of a court, the same when found excessive should be reduced to more reasonable amounts, considering the attendant facts and circumstances. Moral damages, though incapable of pecuniary estimation, are in the category of an award designed to compensate the claimant for actual injury suffered and not to impose a penalty on the wrongdoer.

In a much later case (*Siguenza v. Court of Appeals*, 137 SCRA 578-579 [1985]), the Supreme Court, reiterating the above ruling, reduced the awards of moral and exemplary damages which were far too excessive compared to the actual losses sustained by the aggrieved parties and where the records show that the injury suffered was not serious or gross and, therefore, out of proportion to the amount of damages generously awarded by the trial court.

In any case the Court held that "moral damages are emphatically not intended to enrich a complainant at the expense of a defendant. They are awarded only to enable the injured party to obtain means, diversion or amusements that will serve to alleviate the moral suffering he has undergone, by reason of the defendants' culpable action." The award of moral damages must be proportionate to the suffering inflicted (*R & B Surety & Insurance Co., Inc. v. Intermediate Appellate Court*, 129 SCRA 745 [1984] citing *Grand Union Supermarket, Inc. v. Espino, Jr.*, 94 SCRA 966).

Coming back to the case at bar, a careful review of the records makes it readily apparent that the injuries sustained by Dra. Prudenciado are not as serious or extensive as they were claimed to be, to warrant the damages awarded by the trial court. In fact, a closer scrutiny of the exhibits showing a moderate damage to the car can by no stretch of the imagination produce a logical conclusion that such disastrous effects of the accident sought to be established, actually took place, not to mention the fact that such were not supported by the medical findings presented. Unquestionably, therefore, the damages imposed by the lower court should be reduced to more reasonable levels.

On the other hand, it will be observed that the reduction of the damages made by the Court of Appeals is both too drastic and unrealistic, to pass the test of reasonableness, which appears to be the underlying basis to justify such reduction.

While the damages sought to be recovered were not satisfactorily established to the extent desired by the petitioner, it was nonetheless not disputed that an accident occurred due to the fault and negligence of the respondents; that Dra. Prudenciado suffered a brain concussion which although mild, can admittedly produce the effects complained of by her and that these symptoms can develop after several years and can lead to some serious handicaps or predispose the patient to other sickness (*TSN*, July 13, 1960, pp. 52-54). Being a doctor by profession, her fears can be more real and intense than an ordinary person. Otherwise stated, she is undeniably a proper recipient of moral damages which are proportionate to her suffering.

As to exemplary damages, Article 2231 of the Civil Code provides:

"In quasi-delicts, exemplary damages may be granted if the defendant acted with grave negligence."

The rationale behind exemplary or corrective damages is, as the name implies, to provide an example or correction for the public good (*Lopez, et al. v. Pan American World Airways*, 16 SCRA 431). The findings of the trial court in the case at bar which became the basis of the award of exemplary damages are to the effect that it is more apparent from the facts, conditions and circumstances obtaining in the record of the case that respondent driver was running at high speed after turning to the right along Taft Ave. coming from Ayala Boulevard, considering that the traffic was clear. Failing to notice petitioner's car, he failed to apply his brakes and did not even swerve to the right to avoid the collision (*Record on Appeal*, pp. 69-70).

The Court of Appeals conforms with aforesaid findings of the trial court but is not prepared to accept that there was gross negligence on the part of the driver to justify the imposition of exemplary damages.

However, a driver running at full speed on a rainy day, on a slippery road in complete disregard of the hazards to life and limb of other people cannot be said to be acting in anything less than gross negligence. The frequent incidence of accidents of this nature caused by taxi drivers indeed demands corrective measures.

PREMISES CONSIDERED, the assailed decision of the Court of Appeals is hereby MODIFIED insofar as the award of damages is concerned; and respondents are ordered to jointly and severally pay the petitioner; (1) the sum of P2,451.27 for actual damages representing the cost of the repair of her car; (2) the sum of P15,000.00 as moral damages; (3) the sum of P5,000.00 as exemplary damages; and (4) the sum of P3,000.00 as attorney's fees.

No pronouncement as to costs.

SO ORDERED.

Fernan, (Chairman), Alampay, Gutierrez, Jr., Padilla, Bidin, and Cortes, JJ., concur.

[1] PENNED by Justice Lourdes P. San Diego, with Justices Salvador V. Esguerra and Edilberto Soriano.

[2] WRITTEN by Judge Nicasio Yatco.

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