

EDGARDO CARIAGA, ET AL., PLAINTIFFS AND APPELLANTS, VS. LAGUNA TAYABAS BUS CO., ET AL., DEFENDANTS.

G.R. No. L-11037. January 30, 1962

Ponente: DIZON, J.

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DIZON, J.:

The dispositive part of the decision of the Court of First Instance of Laguna in the above entitled case reads as follows:

"WHEREFORE, Judgment is rendered as follows:"

"(a) The defendant, Laguna Tayabas Bus Company, is hereby sentenced to pay the plaintiff, Edgardo Cariaga, the sum of P10, 490 as compensatory damages with interest thereon at the legal rate from the date of the filing of the complaint;"

"(b) The moral damages and attorney's fees claimed by Edgardo Cariaga and his parents Jose and Maura C. Gariaga, as well as the compensatory damages claimed by the said spouses are hereby dismissed;"

"(c) The defendant Manila Railroad Company is hereby absolved from the complaint of the plaintiffs and the cross-claim of defendant, Laguna Tayabas Bus Company;"

"(d) Defendant Laguna Tayabas Bus Company is further ordered to pay the costs."

Upon appeal this Court increased the compensatory damages the P25,000.00 and affirmed the appealed judgment in all other respects, with costs against appellant Laguna Tayabas Bus Company.

On December 12, 1961 plaintiffs-appellants filed a Motion for Clarification praying "that an order be issued to clarify what is meant by the decision of this Honorable Court when it increased the payment of compensatory damages to P25,000 and affirmed the decision appealed from in all other respects whether the payment of P25,000 should be with interest or not."

The above motion was denied by our minute resolution of December 14, 1961, but four days thereafter defendant-appellant filed its answer to the aforesaid motion. In view of the conflicting opinions of the parties on the question of whether the interests awarded shall be in the increased compensatory damages or on the amount awarded by the lower court, or whether interests on the amount of the compensatory damages were awarded at all, we find it necessary to reconsider the minute resolution already mentioned and to state the following for the guidance of the lower court in the execution of the final judgment rendered in this case.

Considering that our decision simply increased the compensatory damages from P10,490 to P25,000, without providing that the "increased" shall also draw interest at the same rate as the original amount and considering further that after increasing the amount awarded as compensatory damages, we affirmed the lower court's decision in all other respects, our decision shall be construed as awarding no interest on the amount by which the compensatory damages were increased. Consequently, such interest shall be exclusively on the sum of P10,

290.00 as provided in the decision of the lower court.

Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, Barrera, Paredes, and De Leon, JJ., concur.

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