

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE BUAN, ACCUSED-APPELLANT.

G.R. No. L-25366. March 29, 1968

Ponente: REYES, J. B. L., Acting C.J.

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REYES, J. B. L., Acting C.J.:

Direct appeal by the accused from an order of the Court of First Instance of Bulacan, in its Criminal Case No. 5243 (for serious physical injuries and damage to property through reckless imprudence), overruling a motion to quash on the ground of double jeopardy.

Stripped to essentials, the case arose in this wise:

The accused was driving a passenger bus of the La Mallorca Company on July 23, 1962, along the MacArthur Highway in the municipality of Guiguinto, Bulacan. Allegedly because of his negligence and recklessness, the vehicle driven by him struck and collided with the passenger jeep of Sergio Lumidao, damaging said jeep and causing it to turn turtle, and injuring its passengers. Six of the latter suffered slight physical injuries requiring medical attendance for 5 to 9 days; three other riders came out with serious bodily injuries that needed medical attention for 30 to 45 days; while the jeep was damaged to the extent of P1,395.00.

A charge was filed against the accused-appellant, one for slight physical injuries through reckless imprudence, in the Justice of the Peace Court of Guiguinto, for which he was tried and acquitted on December 16, 1963. Prior to this acquittal, however, the Provincial Fiscal of Bulacan filed in the Court of First Instance the information in the case now before us, for serious physical injuries, and damage to property through reckless imprudence. Admittedly, both charges referred to the same highway collision.

When the accused was arraigned in the Court of First Instance, his counsel moved to quash the charges on the ground that he had already been acquitted of the same offense by the Justice of the Peace Court. The prosecution opposed the motion and the Court denied the motion to quash. Unable to secure reconsideration, the accused appealed to this Court.

Sole issue before us, therefore, is whether the second case placed the appellant twice in jeopardy for the same offense, and is barred by the previous acquittal.

We agree with the appellant that the Court below erred in not dismissing the information for "serious physical injuries and damage to property through reckless imprudence," in view of the appellant's previous acquittal by the Justice of the Peace Court of Guiguinto, Bulacan, for the same imprudence.

Reason and precedent both coincide in that once convicted or acquitted of a specific act of reckless imprudence, the accused may not be prosecuted again for that same act. For the essence of the quasi offense of criminal negligence under article 365 of the Revised Penal Code lies in the execution of an imprudent or negligent act that, if intentionally done, would be punishable as a felony. The law penalizes thus the negligent or careless act, not the result thereof. The gravity of the consequence is only taken into account to determine the penalty; it does

not qualify the substance of the offense. And, as the careless act is single, whether the injurious result should affect one person or several persons, the offense (criminal negligence) remains one and the same, and can not be split into different crimes and prosecutions. This has been the constant ruling of the Spanish Supreme Court, and is also that of this Court in its most recent decisions on the matter.

Thus, in *People vs. Silva*, G.R. No. L-15974, January 30, 1962, where as a result of the same vehicular accident one man died, two persons were seriously injured while another three suffered only slight physical injuries, we ruled that the acquittal at a charge of slight physical injuries through reckless imprudence, was a bar to another Prosecution for homicide through reckless imprudence. In *People vs. Diaz*, G.R. No. L-6518, March 30, 1954, the ruling was that the dismissal by the Municipal Court of a charge of reckless driving barred a second information of Damage to Property Through Reckless Imprudence based on the same negligent act of the accused. In *People vs. Belga*, 100 Phil. 996, dismissal of an information for physical injuries through reckless imprudence as a result of a collision between two automobiles was declared to block two other prosecutions, one for damage to property through reckless imprudence and another for multiple physical injuries arising from the same collision. The same doctrine was reasserted in *Yap vs. Lutero et al.*, G.R. No. L-12669, April 30, 1959. In none of the cases cited did the Supreme Court regard as material that the various offenses charged for the same occurrence were triable in Courts of differing category, or that the complainants were not the same individuals.

As for the Spanish jurisprudence, Cuello Calon, in his *Derecho Penal* (12th Ed.), Vol. I, p. 439, has this to say:

"Aun cuando de un solo hecho imprudente se originen males diversos, como el hecho culposo es uno solo, existe un solo delito de imprudencia. Esta es jurisprudencia constante del Tribunal Supremo. De acuerdo con esta doctrina el automovilista imprudente que atropella y cause lesiones a dos personas y además daños, no responderá de dos delitos de lesiones y uno de daños por imprudencia, sino de un solo delito culposo."

The said author cites in support of the text the following decisions of the Supreme Court of Spain (footnotes 2 and 3):

"8 octubre 1887, 18 octubre 1927."

"Si con el hecho imprudente se causa la muerte de una persona y además se ocasionan daños, existe un solo hecho punible, pues uno solo fue el acto, aun cuando deben apreciarse dos en orden a la responsabilidad civil, 14 diciembre 1931; si a consecuencia de un solo acto imprudente se produjeron tres delitos, dos de homicidio y uno de daños como todos son consecuencia de un solo acto culposo, no cabe penarlos por separado, 2 abril 1932."

The Solicitor General stresses in his brief that the charge for slight physical injuries through reckless imprudence could not be joined with the accusation for serious physical injuries through reckless imprudence, because Article 48 of the Revised Penal Code allows only the complexing of grave or less grave felonies. This same argument was considered and rejected by this Court in the case of *People vs. Diaz*, *supra*:

"x x x. The prosecution's contention might be true. But neither was the prosecution obliged to first prosecute the accused for slight physical injuries through reckless imprudence before pressing the more serious charge of homicide with serious physical injuries through reckless imprudence. Having first prosecuted the defendant for the lesser offense in the Justice of the Peace Court of Meycauayan, Bulacan, which acquitted the defendant, the prosecuting attorney is not now in a position to press in this case the more serious charge of homicide with serious physical injuries through reckless imprudence which arose out of the same alleged reckless imprudence of which the defendant has been previously cleared by the inferior court."

In view of the foregoing, we must perforce rule that the exoneration of this appellant, Jose Buan, by the Justice of the Peace (now Municipal) Court of Guiguinto, Bulacan, of the charge of slight physical injuries through

reckless imprudence, prevents his being prosecuted for serious physical injuries through reckless imprudence in the Court of First Instance of the province, where both charges are derived from the consequences of one and the same vehicular accident, because the second accusation places the appellant in second jeopardy for the same offense.

WHEREFORE, the order appealed from is reversed, and the Court of First Instance of Bulacan is directed to quash and dismiss the charge in its Criminal Case No. 5243. No costs.

SO ORDERED.

Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Ruiz Castro, J., did not take part.

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