

**AMPANG (MORO), AMSIA (MORA) AND LUMPITAN (MORO),
PLAINTIFFS AND APPELLANTS, VS. GUINOO TRANSPORTATION CO.
AND VICENTE GUINOO, DEFENDANTS AND APPELLEES.**

G.R. No. L-5044. April 30, 1953

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9293ca0f035a/>

PARAS, C.J.:

On March 21, 1948, Moros Lambayong and Amsia were paid passengers in bus No. 24, bearing TPU plate No. 7629, and belonging to the Guinoo Transportation Company, on its return trip from Digos to Davao City. When said bus came to kilometer 44, it capsized on the road, as a result of which Lambayong died and Amsia suffered physical injuries. Amsia, Ampang and Lumpitan instituted the present action in the Court of First Instance of Davao, to recover from the Guinoo Transportation Company and its manager, Vicente Guinoo, P2,000.00 as damages for the death of Lambayong and P1,000.00 as damages suffered by Amsia for the physical injuries. After hearing, the court dismissed the complaint on the following grounds: "Sin embargo, del contenido de la declaracion jurada suscrita por Amsia Puna y Lumpitan Dumingay se infiere claramente, que el accidente que causo la muerte de Lambayong, las lesiones causadas en la persona de Amsia, y la imposibilidad de los pasajeros de llegar a su destino, se debio' a un caso forfuito que estaba fuera del alcance de los demandados y del chofer Quirino Piezas." The plaintiffs have appealed.

It appears that the case was submitted for decision practically on the pleadings and the meager stipulation of facts entered into by the parties in open court, without any attempt on the part of the plaintiffs to show by proper evidence that the accident in question was due to any fault of the defendants' driver, and not to a fortuitous event. Upon the other hand, the records show that, as a result of the accident, a criminal case was filed in the Justice of the Peace Court of Sta. Cruz against the driver, Quirino Piezas, but said case was dismissed upon the joint affidavit of Amsia and Lumpitan. This affidavit was presented in evidence and the lower court based its decision mainly thereon. In said affidavit Amsia and Lumpitan declared as follows:

"That as the HABACCO bus No. 39 was overtaking the QUITRANCO bus we felt that the HABACCO bus struck the QUITRANCO bus somewhere on its left side, thus suddenly pushing the said QUITRANCO bus toward the canal on the right side of the road, and the driver of the QUITRANCO bus swerved the truck to the left in order to prevent the truck from falling into the canal, and striking a tree standing on the side of the road, and the HABACCO bus which was running very fast proceeded on its way.

"Then when the driver of the truck of the QUITRANCO suddenly swerved the truck to the left in order to prevent it from falling to the canal and striking a tree on the side of the road, the truck skidded, thereby turning the truck upside down and as a result of which we suffered injuries including Lamayong Mantuching who later died because of the injuries she received."

It is obvious from these statements that the accident could not be attributed in any manner to any fault or omission of the defendants' driver. Of course, it is now pretended by counsel for the appellants that "After investigation made by the PC officers and policemen in charge of the case, the negligence imputed to the driver of the

HABACCO truck No. 39 was found not true, because no sign or mark of any collision was found on said two trucks and the driver of the Habacco truck and the passengers of said two trucks denied that any such collision has ever taken place." However, this allegation cannot be given any weight, there being nothing in the record to sustain it. Upon the other hand, the affidavit of Amsia and Lumpitan was introduced at the hearing without any objection from counsel for appellants.

It is urged for the appellants that the appellees are liable under their contract as transport safely passengers Lambayong and Amsia to their destination, regardless of any fault or negligence that cause the accident, reliance being placed on the case of Lasam vs. Smith, 45 Phil. 657. This authority, however, comes to the aid of the appellees, because the carrier is thereunder excused from liability if the accident is due to a fortuitous event, and this was the ruling in the appealed decision. This Court, in interpreting "fortuitous event", stated that "As will be seen, these authorities agree that some extraordinary circumstance independent of the will of the obligor, or of his employees, is an essential element of a caso fortuito." From the facts of the case at bar it is clear that the defendants' bus which carried Lambayong and Amsia capsized after being bumped on the left side by Habacco bus No. 39, which caused the defendants' driver to swerve his bus to the left so as to prevent it from falling into the canal and striking a tree, a maneuver which led the bus to skid and capsize. This, in our opinion, resulted from the extraordinary circumstance of being resulted from the extraordinary circumstance of being struck by the Habacco bus, independent of the will of, and unforeseen by the defendants' driver, in the absence of any showing to the contrary.

Wherefore, the appealed decision is affirmed, and it is so ordered without costs.

Feria, Bengzon, Pablo, Tuason, Montemayor, Reyes, Bautista Angelo, and Labrador, JJ., concur.

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.