

SATURNINO BAYASEN, PETITIONER, VS. COURT OF APPEALS, RESPONDENT.

G.R. No. L-25785. February 26, 1981

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9ab6e260d536/>

FERNANDEZ, J.:

This is a petition for certiorari to review the decision of the Court of Appeals[1] promulgated on November 17, 1965, in CA-G.R. NO. 05105-CR affirming and modifying the decision of the Court of First Instance of Mountain Province, Second Judicial District, in Criminal Case No. 1056 entitled "People of the Philippines vs. Saturnino Bayasen,"[2] convicting the accused, petitioner herein, of the crime of Homicide Thru Reckless Imprudence.

The records show that the petitioner was charged in December 1963 by the Provincial Fiscal of Mountain Province of the crime of Homicide Thru Reckless Imprudence allegedly committed as follows:

"That on or about the 15th day of August, 1963, at Langtiw, Municipality of Sagada, Province of Mountain, Philippines and within the jurisdiction of this Honorable Court, the said accused, being then the driver and person in charge of Rural Health Unit Jeep bearing Plate No. 5735, Philippines, willfully, unlawfully and feloniously drove, managed and operated the said jeep along Suyo Municipal Road, Sagada, Mountain Province in a negligent, careless and imprudent manner, lack of foresight and skill, without due care and absolute disregard of traffic laws, rules and regulations and other conditions of the road, making it to run in an unreasonable rate of speed, without taking the necessary precaution to prevent accident to persons and damage to property in violation of law, and as a result of which said jeep driven and operated by the herein accused fell over a precipice in the abovementioned place causing thereby the death of Elena Awichen shortly thereafter.

"Contrary to law."[3]

After trial, the petitioner was found guilty of the charge and was sentenced to an indeterminate penalty of Four (4) Months and One (1) Day of arresto mayor as minimum, to One (1) Year, Seven (7) Months and Ten (10) Days of prision correccional, as maximum, to indemnify the heirs of the deceased Elena Awichen the amount of P3,000.00 as compensatory damages and P1,000.00 as fees of the attorney contracted by the said heirs and P1,886.00 for burial expenses of the deceased, and to pay the costs.[4] From this decision, the petitioner appealed to the Court of Appeals[5] which affirmed the decision of the trial court with the following modifications: the indemnity was increased to P6,000.00; the award of attorney's fees was set aside; and the maximum of the prison term was raised to One (1) Year, Seven (7) Months, and Seventeen (17) Days of prision correccional.[6]

The motion for reconsideration of the petitioner was denied by Justices Angeles, Capistrano, Mojica and Soriano. Justice Magno S. Gatmaitan voted to grant the said motion.[7]

From the decision of the respondent Court of Appeals, the petitioner has appealed to this Court assigning the

following errors:[8]

"I

"THE COURT OF APPEALS ERRED IN CONCLUDING THAT THE ACCUSED-PETITIONER SATURNINO BAYASEN WAS NEGLIGENT IN DRIVING HIS JEEP, AFTER TAKING INTO CONSIDERATION ALLEGED PREVIOUS INCIDENTS IN WHICH THE ACCUSED WAS ALLEGEDLY INVOLVED, THEREBY DECIDING A QUESTION OF SUBSTANCE - THAT OF PRESUMED NEGLIGENCE - NOT IN ACCORD WITH LAW OR ESTABLISHED RULES OF EVIDENCE SPECIFICALLY THE RULE OF RES INTER ALIOS ACTA.

"II

"THE COURT OF APPEALS ERRED IN HOLDING THAT THE PROXIMATE CAUSE OF THE DEATH OF AWICHEN WAS THE PETITIONER'S 'NEGLIGENCE IN DRIVING AT AN UNREASONABLE SPEED', WHICH FINDING IS OPENLY CONTRARY TO THE EVIDENCE OF THE PROSECUTION.

"III

"THE COURT OF APPEALS ERRED IN NOT ACQUITTING THE ACCUSED-PETITIONER OF THE CRIME CHARGED."

The facts, as found by the Court of Appeals, are:

"On the morning of August 15, 1963, Saturnino Bayasen, the Rural Health Physician in Sagada, Mountain Province, went to barrio Ambasing to visit a patient. Two nurses from the Saint Theodore's Hospital in Sagada, viz., Elena Awichen and Dolores Balcita, rode with him in the jeep assigned for the use of the Rural Health Unit as they had requested for a ride to Ambasing. Later, at Ambasing, the girls, who wanted to gather flowers, again asked if they could ride with him up to a certain place on the way to barrio Suyu which he intended to visit anyway. Dr. Bayasen again allowed them to ride, Elena sitting herself between him and Dolores. On the way, at barrio Langtiw, the jeep went over a precipice. About 8 feet below the road, it was blocked by a pine tree. The three were thrown out of the jeep. Elena was found lying in a creek further below. Among other injuries, she suffered a skull fracture which caused her death."[9]

The Court of Appeals concluded:

"It is not therefore improbable that due to lack of sufficient skill and confidence in driving, he lost his nerve when confronted by an emergency due to his negligence in driving at an unreasonable speed on a narrow and slippery road and was at a loss what to do - indeed, at no time did he step on the brakes - he failed to control the jeep after it skidded. On the whole, we are satisfied that the fatal and unfortunate accident was due to appellant's failure to exercise due diligence under the circumstances."[10]

The main issue raised by the petitioner is whether or not he is entitled to acquittal on the ground that the finding of the Court of Appeals that the proximate cause of the death of Awichen was the petitioner's "negligence in driving at an unreasonable speed" is openly contrary to the evidence of the prosecution.

The majority opinion of the Court of Appeals is that the accused-petitioner was negligent in driving his jeep because he was driving at "an unreasonable speed".

A careful examination of the evidence introduced by the prosecution shows no "legally sufficient" proof that the accused was negligent in driving his jeep. The star witness of the prosecution, Dolores Balcita, who was one of the passengers in the jeep, testified that the accused-petitioner, Saturnino Bayasen, was driving his jeep moderately just before the accident and categorically stated that she did not know what caused the jeep to fall into the precipice.

The pertinent portions of her testimony are:

"ATTY. GOMEZ;

Q From Ambasing to the place where the jeep fell over the precipice, was the driver running fast or slow?

A He was with moderate speed, sir."[11]

In the course of the cross-examination, the Court asked the witness the following:

"COURT: (to the witness)

Q Could you inform this Court as to what caused the jeep to fall into the embankment?

A I do not know, sir."[12]

When asked whether the jeep hit anything before it fell into the precipice, the witness answered that she did not feel any bump or jolt. Her testimony on this point reads:

"COURT (to the witness)

.

Q Did the jeep hit anything before it fell into the embankment?

A I did not feel any bump, sir.

Q Going to Suyo you were passing by a mountain, is that right?

A Yes, sir.

Q On what side was that mountain?

A On the left side.

Q And while the jeep was going toward Suyo, how far was it from the mountain along the left side?

A I do not know, sir.

Q Where was the jeep nearer to while it was on the way to Suyo - to the embankment or the mountain?

A I do not know, sir. I was not aware of that.

Q During the time that the jeep was traversing toward Suyo, was there any conversation transpiring?

A Just before the accident, I did not hear anything, sir."[13]

It is clear from the last part of the testimony of the witness, Dolores Balcita, that there was no conversation between the passengers in the jeep that could have distracted the attention of the accused while driving the jeep. As to the condition of the jeep itself, the same witness testified that she "did not notice anything wrong"[14] with it from the time they drove from Sagada to Ambasing, and from there to the place where the jeep fell off the road. Regarding the road, she said that it was fair enough to drive on, but that it was moist or wet, and the weather was fair, too.[15] As to whether the accused-petitioner was under the influence of liquor at the time of the accident, she testified that he was not.[16] In the light of the testimony of Dolores Balcita, the eyewitness of the accident presented by the prosecution, there is absolutely no evidence on record to show that the accused was negligent in driving his jeep.

The petitioner testified that before reaching the portion of the road where the jeep fell, he noticed that the rear wheel skidded, while driving from 8 to 10 kilometers per hour; that as a precautionary measure, he directed the jeep towards the side of the mountain, along the side of the mountain, but not touching the mountain; that while doing so, the late Elena Awichen suddenly held the steering wheel and he felt that her foot stepped on his right foot which was pressed then on the accelerator; and that immediately after, the jeep suddenly swerved to the right and went off.[17]

In rebuttal to this testimony, Dolores Balcita, testified thus:

"COURT

Witness may answer.

A When I said I was [not] looking at him, I did not see and with the space of time that I was still conscious, I did not feel any movement from my side.

COURT

Your answer is not responsive. Is it true what the accused said?

A I did not see, sir."[18]

From the foregoing testimony of Dolores Balcita, it is apparent that she "did not see" what Elena. Awichen suddenly did, and she "did not feel any movement from (her) side". These answers of Dolores Balcita are all in the negative and equivocal. They do not deny or preclude the truth of the positive testimony of the accused. As held by this Court:

"The testimony of a credible witness that he saw or heard at a particular time and place is more reliable than that of an equally credible witness who with the same opportunities, testifies that he did not see or hear the same thing at the same time and place."[19]

Hence, as to the relative weight to be given to the positive and consistent testimony of the accused and to the negative and equivocal answers of Dolores Balcita, the former is more worthy of credence.

Furthermore, the statement of Dolores Balcita that the accused was driving at moderate speed and not "an unreasonable speed" is bolstered by the testimony of Pablo Lizardo, then mayor of Sagada, Mountain Province, who found the jeep at second gear when he examined it not long after the incident.[20] Such fact shows that the accused-petitioner could not have been driving the jeep at a fast rate of speed.

Mr. Justice Gatmaitan, in voting to grant the motion for reconsideration, said:

"x x x but that statement of the Majority would most clearly show that its position is that appellant's negligence, the proximate cause of the tragedy, was appellant's unreasonable speed which has been refuted by the very evidence of prosecution, for here, it can hardly be debated that the proximate cause was the skidding of the rear wheels, - there is nothing, absolutely nothing in the entire record which would pin upon him the fault for that, prosecution witnesses concede that he was driving moderately, - the skidding of the rear wheels was to my mind, undisputably an unforeseen cause, because of this, I cannot rest easy on conviction and therefore register my final vote for acquittal."[21]

It is obvious that the proximate cause of the tragedy was the skidding of the rear wheels of the jeep and not the "unreasonable speed" of the petitioner because there is no evidence on record to prove or support the finding that the petitioner was driving at "an unreasonable speed".

It is a well known physical fact that cars may skid on greasy or slippery roads, as in the instant case, without fault on account of the manner of handling the car. Skidding means partial or complete loss of control of the car under circumstances not necessarily implying negligence. It may occur without fault.

No negligence as a matter of law can, therefore, be charged to the petitioner. In fact, the moment he felt that the rear wheels of the jeep skidded, he promptly drove it to the left hand side of the road, parallel to the slope of the mountain, because as he said, he wanted to play safe and avoid the embankment.[22]

Under the particular circumstances of the instant case, the petitioner-driver who skidded could not be regarded as negligent, the skidding being an unforeseen event, so that the petitioner had a valid excuse for his departure from his regular course.

The negligence of the petitioner not having been sufficiently established, his guilt of the crime charged has not been proven beyond reasonable doubt. He is, therefore, entitled to acquittal.

WHEREFORE, the decision of the Court of Appeals sought to be reviewed is hereby set aside and the petitioner is ACQUITTED of the crime charged in the information in Criminal Case No. 1056 of the Court of First Instance of Mountain Province, with costs de oficio.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero and Melencio-Herrera, JJ., concur.

[1] CA Decision, Annex "A", Petition, Rollo, p. 16. Written by Justice Eugenio Angeles and concurred in by Justice Carmelino G. Alvendia and Justice Magno S. Gatmaitan.

[2] Record of Criminal Case No. 1056, pp. 167-197.

[3] Ibid., p. 27.

[4] Ibid., p. 197.

[5] Ibid., p. 199.

[6] CA Decision, p. 8, Annex "A", Petition, Rollo, p. 23.

[7] Rollo, pp. 27-29.

[8] Brief for the Petitioner, pp. 6-7, Rollo, p. 59.

[9] CA Decision, Annex "A", pp. 1-2, Rollo, p. 16.

[10] CA Decision, pp. 6-7, Annex "A", Petition, Rollo, p. 16.

[11] Tsn., p. 38.

[12] Ibid., p. 44.

[13] Ibid., pp. 44-45.

[14] Ibid., pp. 35, 41.

[15] Ibid., pp. 38, 43.

[16] Ibid., p. 40.

[17] Ibid., pp. 191-195.

[18] Ibid., pp. 335-336.

[19] People vs. Gonzales, et al., 76 Phil. 473.

[20] Tsn., p. 103.

[21] Resolution on Motion for Reconsideration, Rollo, pp. 42-43.

[22] Tsn., pp. 218-220.

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.