

**MANUEL LAPUZ, PETITIONER, VS. THE COURT OF APPEALS, ET AL.,
RESPONDENTS.***G.R. No. L-6382. March 30, 1954*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a9e5020d589d/>**PARAS, C.J.:**

A collision between Philippine Rabbit Bus No. 43 and Westlutan bus No. 62 which took place in the barrio of Longos, municipality of Malolos, Province of Bulacan, in the early morning of February 6, 1950, gave rise to two criminal prosecutions filed in the Court of First Instance of Bulacan against Manuel Lapuz the driver of Westlutan bus. In one case Manuel Lapuz was charged with the crime of homicide with serious physical injuries through reckless imprudence, for the death of Pedro Simbillo and for the injuries received by Remigio Barnea and Marcelino Cardenas, all passengers in the Philippine Rabbit bus. In the other case Manuel Lapuz was charged with the crime of damage to property through reckless imprudence, for the destruction caused to the Philippine Rabbit bus. After trial, the court found Manuel Lapuz guilty in both cases and, in first, sentenced him to imprisonment for a period ranging from two to four years, to indemnify the heirs of the deceased Pedro Simbillo in the sum of P4,000, Remigio Barnes in the sum of P600, with subsidiary imprisonment in case of insolvency, plus the costs; and, in the second case, sentenced him to pay a fine of P6,676.88 and to indemnify Florencio P. Buan, owner of Philippine Rabbit Bus No. 43, in the same amount with subsidiary imprisonment in case of insolvency as to both the fine and the indemnity, plus the costs. Manuel Lapuz appealed to the Court of Appeals which, in its decision of October 28, 1952, affirmed in toto the judgment of the Court of First Instance of Bulacan, with costs. The case is now before us upon appeal by certiorari.

In the petitioner's brief counsel has assigned ten errors seven of which have reference to the main question of fact decided adversely to the petitioner, namely, whether under the evidence the petitioner was guilty of reckless imprudence so as to make him answerable for the collision in question and its consequences. These assignments of error need not be discussed, since the findings of fact of the Court of Appeals against the petitioner are conclusive.

The eighth, ninth and tenth assignments of error are devoted to the proposition that petitioner's single negligent act resulting in the death of one person, serious physical injuries to others, and damage to property should carry only one penalty in accordance with article 48 of the Revised Penal Code, and that at most he should be convicted only of the complex crime of homicide with serious physical injuries and damage to property through reckless imprudence.

The information for homicide with serious physical injuries alleged facts sufficient to constitute such crime as that defined and penalized by section 67 (d) of the Revised Motor Vehicle Law, whereas the information for damage to property is under article 365, third paragraph, of the revised Penal Code; and the trial court and the Court of

Appeals convicted the petitioner as thus charged. Except as will hereafter be indicated, the petitioner's two separate convictions were proper, since the provisions of section 67 (d) of the Revised Motor Vehicle Law had

correspondingly superseded article 365 of the Revised Penal Code. (People vs. Moreno, 60 Phil., 712; People vs. Aquino, 85 Phil., 604, 47 Off. Gaz., 4153; Eustaquio vs. Liwag, 86 Phil., 540, 47 Off. Gaz., (Sup.), No. 12, p. 172.) It is to be noted that section 68 of the Revised Motor Vehicle Law specifically provides that conviction thereunder shall not bar prosecution for other offenses under another law.

However, Republic Act No. 587, which took effect on January 1, 1951, amended Act No. 3992, otherwise known as the Motor Vehicle Law, in the sense that section 67 (d) of the latter Act is now to the effect that "if, as the result of negligence or reckless or unreasonably fast driving any accident occurs resulting in death or serious bodily injury to any person, the motor vehicle driver at fault shall, upon conviction be punished under the provisions of the Penal Code." Although Republic Act No. 587 took effect after the accident in question, the same may be applied it being more favorable to the petitioner. Indeed, petitioner's counsel invokes the provisions of the Revised Penal Code. Accordingly, the petitioner should be convicted, in conformity with article 48 of the Revised Penal Code, of the complex crime of homicide with serious physical injuries and damage to property through reckless imprudence under the first and third paragraphs of article 365 of the Revised Penal Code, the penalty prescribed in the first paragraph to be imposed in the maximum period. This penalty (when any person commits by reckless imprudence any act which, had it been intentional, would constitute a grave felony) is *arresto mayor* in its maximum period to *prision correccional* in its maximum period, or from 4 months and 1 day to 2 years and 4 months.

Wherefore, the appealed judgment is hereby modified by sentencing the petitioner to undergo imprisonment for an indeterminate period ranging from 4 months, *arresto mayor*, to 2 years and 4 months *prision correccional*, and to indemnify the heirs of the deceased Pedro Simbillo in the sum of P4,000, Remigio Barnes in the sum of P600, and Florencio P. Buan in the sum of P6,676.88, all with subsidiary imprisonment in case of insolvency, plus the costs. So ordered.

Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador, Concepcion and Diokno, 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.