

CLEMENTE BRIÑAS, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES AND HONORABLE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-30309. November 25, 1983

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e00f5a686059/>

GUTIERREZ, JR., J.:

This is a petition to review the decision of respondent Court of Appeals, now Intermediate Appellate Court, affirming the decision of the Court of First Instance of Quezon, Ninth Judicial District, Branch I, which found the accused Clemente Briñas guilty of the crime of DOUBLE HOMICIDE THRU RECKLESS IMPRUDENCE for the deaths of Martina Bool and Emelita Gesmundo.

The information charged the accused-appellant and others as follows:

"That on or about the 6th day of January, 1957, in the Municipality of Tiaong, Province of Quezon, Philippines, and within the jurisdiction of this Hon. Court, the said accused Victor Milan, Clemente Briñas and Hemogenes Buencamino, being then persons in charge of passenger Train No. 522-6 of the Manila Railroad Company, then running from Tagkawayan to San Pablo City, as engine driver, conductor and assistant conductor, respectively, wilfully and unlawfully drove and operated the same in a negligent, careless and imprudent manner, without due regard to existing laws, regulations and ordinances, that although there were passengers on board the passenger coach, they failed to provide lamps or lights therein, and failed to take the necessary precautions for the safety of passengers and to prevent accident to persons and damage to property, causing by such negligence, carelessness and imprudence, that when said passenger Train No. 522-6 was passing the railroad tracks in the Municipality of Tiaong, Quezon, two of its passengers, Martina Bool, an old woman, and Emelita Gesmundo, a child about three years of age, fell from the passenger coach of the said train, as a result of which, they were over run, causing their instantaneous death."

The facts established by the prosecution and accepted by the respondent court as basis for the decision are summarized as follows:

"The evidence of the prosecution tends to show that in the afternoon of January 6, 1957, Juanita Gesmundo bought a train ticket at the railroad station in Tagkawayan, Quezon for his 55-year old mother Martina Bool and his 3-year old daughter Emelita Gesmundo, who were bound for Barrio Lusacan, Tiaong, same province. At about 2:00 p.m., Train No. 522 left Tagkawayan with the old woman and her granddaughter among the passengers. At Hondagua the train's complement were relieved, with Victor Millan taking over as engineman, Clemente Brinas as conductor, and Hermogenes Buencamino as assistant conductor. Upon approaching Barrio Lagalag in Tiaong at about 8:00 p.m. of that same night, the train slowed down and the conductor shouted 'Lusacan', 'Lusacan'. Thereupon, the old woman walked towards the left front door facing the direction of Tiaong, carrying the child with one hand and holding her baggage with the other. When Martina and Emelita were near the door, the train suddenly picked up speed. As a result the old woman and the child stumbled and they were seen no more. It took three minutes more before the train stopped at the next barrio, Lusacan, and the victims were not among the passengers who disembarked thereat.

"Next morning, the Tiaong police received a report that two corpses were found along the railroad tracks at

Barrio Lagalag. Re-pairing to the scene to investigate, they found the lifeless body of a female child, about 2 feet from the railroad tracks, sprawled to the ground with her belly down, the hand resting on the forehead, and with the back portion of the head crushed. The investigators also found the corpse of an old woman about 2 feet away from the railroad tracks with the head and both legs severed and the left hand missing. The head was located farther west between the rails. An arm was found midway from the body of the child to the body of the old woman. Blood, pieces of scattered brain and pieces of clothes were at the scene. Later, the bodies were identified as those of Martina Bool and Emelita Gesmundo. Among the personal effects found on Martina was a train ticket (Exhibit "B").

On January 7, 1957, the bodies of the deceased were autopsied by Dr. Pastor Huertas, the Municipal Health Officer of Tiaong. Dr. Huertas testified on the cause of death of the victims as follows:

"FISCAL YNGENTE:

"Q What could have caused the death of those women?

"A Shock.

"Q What could have caused that shock?

"A Traumatic injury.

"Q What could have caused traumatic injury?

"A The running over by the wheel of the train.

"Q With those injuries, has a person a chance to survive?

"A No chance to survive.

"Q What would you say death would come?

"A Instantaneous.

"Q How about the girl, the young girl about four years old, what could have caused the death?

"A Shock too.

"Q What could have caused the shock?

"A Compound fracture of the skull and going out of the brain.

"Q What could have caused the fracture of the skull and the going out of the brain?

"A That is the impact against a steel object."

(TSN., pp. 81-82, July 1, 1959)

The Court of First Instance of Quezon convicted defendant-appellant Clemente Briñas for double homicide thru reckless imprudence but acquitted Hermogenes Buencamino and Victor Millan. The dispositive portion of the decision reads:

"WHEREFORE, the court finds the defendant Clemente Briñas guilty beyond doubt of the crime of double homicide thru reckless imprudence, defined and punished under Article 305 in connection with Article 249 of the Revised Penal Code, and sentences him to suffer six (6) months and one (1) day of prision correccional, to indemnify the heirs of the deceased Martina Bool and Emelita Gesmundo in the amounts of P6,000 and P3,000, respectively, with subsidiary imprisonment in case of insolvency not to exceed one-third of the principal penalty, and to pay the costs.

"For lack of sufficient evidence against the defendant Hermogenes Buencamino and on the ground of reason-able doubt in the case of defendant Victor Millan, the court hereby acquits them of the crime charged in the information and their bail bonds declared cancelled.

"As to the responsibility of the Manila Railroad Company in this case, this will be the subject of court determination in another proceeding."

On appeal, the respondent Court of Appeals affirmed the judgment of the lower court.

During the pendency of the criminal prosecution in the Court of First Instance of Quezon, the heirs of the deceased victims filed with the same court a separate civil action for damages against the Manila Railroad Company entitled "Civil Case No. 5978, Manaleyo Gesmundo, et al., v. Manila Railroad Company". The separate civil action was filed for the recovery of P30,350.00 from the Manila Railroad Company as damages resulting from the accident.

The accused-appellant alleges that the Court of Appeals made the following errors in its decision:

I

THE HONORABLE COURT OF APPEALS ERRED IN CONVICTING PETITIONER-APPELLANT UNDER THE FACTS AS FOUND BY SAID COURT; and

II

THE HONORABLE COURT OF APPEALS ERRED IN INCLUDING THE PAYMENT OF DEATH INDEMNITY BY THE PETITIONER-APPELLANT, WITH SUBSIDIARY IMPRISONMENT IN CASE OF INSOLVENCY, AFTER THE HEIRS OF THE DECEASED HAVE ALREADY COMMENCED A SEPARATE CIVIL ACTION FOR DAMAGES AGAINST THE RAILROAD COMPANY ARISING FROM THE SAME MISHAP.

We see no error in the factual findings of the respondent court and in the conclusion drawn from those findings.

It is undisputed that the victims were on board the second coach where the petitioner-appellant was assigned as conductor and that when the train slackened its speed and the conductor shouted "Lusacan, Lusacan", they stood up and proceeded to the nearest exit. It is also undisputed that the train unexpectedly resumed its regular speed and as a result "the old woman and the child stumbled and they were seen no more."

In finding petitioner-appellant negligent, respondent Court of Appeals ruled that:

xxx xxx xxx

"The appellant's announcement was premature and erroneous, for it took a full three minutes more before the next barrio of Lusacan was reached. In making the erroneous and premature announcement, appellant was negligent. He ought to have known that train passengers invariably prepare to alight upon notice from the conductor that the destination was reached and that the train was about to stop. Upon the facts, it was the appellant's negligent act which led the victims to the door. Said acts virtually exposed the victims to peril, for had not the appellant mistakenly made the announcement, the victims would be safely ensconced in their seats when the train jerked while picking up speed. Although it might be argued that the negligent act of the appellant was not the immediate cause of, or the cause nearest in time to, the injury, for the train jerked before the victims stumbled, yet in legal contemplation appellant's negligent act was the proximate cause of the injury. As this Court held in *Tucker v. Milan*, CA-G.R. No. 7059-R, June 3, 1953: "The proximate cause of the injury is not necessarily the immediate cause of, or the cause nearest in time to, the injury. It is only when the causes are independent of each other that the nearest is to be charged with the disaster. So long as there is a natural,

direct and continuous sequence between the negligent act the injury (sic) that it can reasonably be said that but for the act the injury could not have occurred, such negligent act is the proximate cause of the injury, and whoever is responsible therefore is liable for damages resulting there-from. One who negligently creates a dangerous condition cannot escape liability for the natural and probable consequences thereof, although the act of a third person, or an act of God for which he is not responsible intervenes to precipitate the loss."

XXX XXX XXX

It is a matter of common knowledge and experience about common carriers like trains and buses that before reaching a station or flagstop they slow down and the conductor announces the name of the place. It is also a matter of common experience that as the train or bus slackens its speed, some passengers usually stand and proceed to the nearest exit, ready to disembark as the train or bus comes to a full stop. This is especially true of a train because passengers feel that if the train resumes its run before they are able to disembark, there is no way to stop it as a bus may be stopped.

It was negligence on the conductor's part to announce the next flag stop when said stop was still a full three minutes ahead. As the respondent Court of Appeals correctly observed, "the appellant's announcement was premature and erroneous."

That the announcement was premature and erroneous is shown by the fact that immediately after the train slowed down, it unexpectedly accelerated to full speed. Petitioner-appellant failed to show any reason why the train suddenly resumed its regular speed. The announcement was made while the train was still at Barrio Lagalag.

The proximate cause of the death of the victims was the premature and erroneous announcement of petitioner-appellant Briñas. This announcement prompted the two victims to stand and proceed to the nearest exit. Without said announcement, the victims would have been safely seated in their respective seats when the train jerked as it picked up speed. The connection between the premature and erroneous announcement of petitioner-appellant and the deaths of the victims is direct and natural, unbroken by any intervening efficient causes.

Petitioner-appellant also argues that it was negligence per se for Martina Bool to go to the door of the coach while the train was still in motion and that it was this negligence that was the proximate cause of their deaths.

We have carefully examined the records and we agree with the respondent court that the negligence of petitioner-appellant in prematurely and erroneously announcing the next flag stop was the proximate cause of the deaths of Martina Bool and Emelita Gasmundo. Any negligence of the victims was at most contributory and does not exculpate the accused from criminal liability.

With respect to the second assignment of error, the petitioner argues that after the heirs of Martina Bool and Emelita Gasmundo had actually commenced the separate civil action for damages in the same trial court during the pendency of the criminal action, the said court had no more power to include any civil liability in its judgment of conviction.

The source of the obligation sought to be enforced in Civil Case No. 5978 is culpa contractual, not an act or omission punishable by law. We also note from the appellant's arguments and from the title of the civil case that the party defendant is the Manila Railroad Company and not petitioner-appellant Briñas. Culpa contractual and an act or omission punishable by law are two distinct sources of obligation.

The petitioner-appellant argues that since the information did not allege the existence of any kind of damages whatsoever coupled by the fact that no private prosecutors appeared and the prosecution witnesses were not interrogated on the issue of damages, the trial court erred in awarding death indemnity in its judgment of

conviction.

A perusal of the records clearly shows that the complainants in the criminal action for double homicide thru reckless imprudence did not only reserve their right to file an independent civil action but in fact filed a separate civil action against the Manila Railroad Company.

The trial court acted within its jurisdiction when, despite the filing with it of the separate civil action against the Manila Railroad Company, it still awarded death indemnity in the judgment of conviction against the petitioner-appellant.

It is well-settled that when death occurs as a result of the commission of a crime, the following items of damages may be recovered: (1) an indemnity for the death of the victim; (2) an indemnity for loss of earning capacity of the deceased; (3) moral damages; (4) exemplary damages; (5) attorney's fees and expenses of litigation, and (6) interest in proper cases.

The indemnity for loss of earning capacity, moral damages, exemplary damages, attorney's fees, and interests are recoverable separately from and in addition to the fixed sum of P12,000.00 corresponding to the indemnity for the sole fact of death. This indemnity arising from the fact of death due to a crime is fixed whereas the others are still subject to the determination of the court based on the evidence presented. The fact that the witnesses were not interrogated on the issue of damages is of no moment because the death indemnity fixed for death is separate and distinct from the other forms of indemnity for damages.

WHEREFORE, the judgment appealed from is modified in that the award for death indemnity is increased to P12,000.00 for the death of Martina Bool instead of P6,000.00 and P12,000.00 for the death of Emelita Gesmundo instead of P3,000.00, but deleting the subsidiary imprisonment in case of insolvency imposed by the lower court. The judgment is AFFIRMED in all other respects.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, and Relova, 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.