

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ELEUTERIO BELTRAN Y ANGELES, DEFENDANT AND APPELLANT.

G.R. No. L-11797. April 27, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

Eleuterio Beltran y Angeles was charged in the Municipal Court of Manila with a violation of Rule IX, paragraph 2, Ordinance No. 2646, known as the Traffic Code (jaywalking) in an information couched in the following words:

The undersigned accuses Eleuterio Beltran y Angeles of a violation of Rule IX-2 of Ordinance 2646, committed as follows:

That on or about the 24th day of May, 1956, in the City of Manila, Philippines, the said accused did then and there willfully and unlawfully jaywalk along the South approach of Jones Bridge, in said city, by then and there crossing the street at said place outside of the pedestrian lane designated thereat, in violation of said ordinance. (Crim. case No. X-9263.)

After trial, the Municipal Court found him guilty as charged and sentenced him to pay a fine of P15 and costs, with subsidiary imprisonment in case of insolvency. The defendant appealed to the Court of First Instance of Manila, and there the appeal was docketed as crim. case No. 36853. Upon arraignment in the latter court the defendant entered a plea of not guilty. After the prosecution had rested its case, counsel for the defendant prayed that he be granted five days within which to submit a motion to dismiss. The Court granted the motion with the understanding that should the motion be denied, the case would be deemed submitted for decision on the question of law.

On 12 December 1956 the Court rendered judgment holding "that the act complained of and admitted by the accused constitutes a violation of Rule IX, paragraph 2, in relation with the second part of paragraph 3 of Ordinance No. 2646," and sentencing "him to pay a fine of P15.00, with subsidiary imprisonment in case of insolvency, and to pay the costs." The defendant has appealed to this Court.

The trial Court found—

* * * that at about 6 o'clock in the afternoon of May 24, 1956, the accused Eleuterio Beltran, who came from the Southern approach of the Jones Bridge, crossed Magallanes Street from point Exhibit 1 of the aforesaid approach to point Exhibit 2 of Island No. 2 on the sketch Exhibit A, a path not marked as a pedestrian lane. It is admitted that there were no sign-posts in the vicinity of the two points. The evidence further shows that right in front of the pedestrian lane across the street to Island No. 1 in the sketch Exhibit A, and that between the Post Office Building and the Southern approach there is likewise a properly marked pedestrian lane.

Rule IX, Municipal Ordinance No. 2646, of the City of Manila, otherwise known as the Traffic Code, provides:

PAR. 2. Pedestrians should cross the streets as nearly as possible at right angles preferably at the regular

crossings, or at places designated and marked by the police department in order to insure their own safety, facilitate the movement of traffic and make it easier for the drivers to stop.

PAR 3. Crossing at intersections and safety zones, Duty of the Police Department to mark safety zones. It shall be unlawful for any person to cross the Escolta, Rosario, Plaza Goiti, Plaza Moraga, Rizal Avenue from Echague to Lope de Vega, Carriedo, Echague from Plaza Goiti to Norzagaray, Taft Avenue and all sections of streets bordering" public markets where safety zones are marked and signposted; Provided, That persons crossing at these places shall follow safety lines marked thereat. Vehicles when stopped on the street on account of congestion of traffic or for other purposes shall stop in such a manner so as not to block any safety zone marked for the use of pedestrians.

It shall be the duty of the police department to mark safety zones at street intersections and other places where need for the convenience and safety of pedestrians: Provided, however, That until such safety zones have been properly marked and signposted as in this paragraph provided, no prosecutions shall be instituted against any one for violation of the provisions of this paragraph.

As the safety zone marked on Magallanes Street in front of the Post Office Building is 45 meters away from the end of the southeastern approach of the Jones Bridge where the appellant started to cross the Magallanes Street towards the nearest point of Island 2 on the sketch Exhibit A, according to the brief of the prosecution, or 75 meters as written in ink on the sketch Exhibit A, and the crossing by pedestrians of Magallanes Street as nearly as possible at right angle is allowed, as provided for in paragraph 2 of the Municipal Ordinance under which the appellant is charged, because the Magallanes Street is not among the streets named in the first part of paragraph 3 of the Municipal Ordinance, the crossing of which by pedestrians is prohibited or made unlawful, the judgment finding the appellant guilty of violation of the Municipal Ordinance for crossing Magallanes Street, alleged in the information, cannot be sustained and upheld.

The judgment appealed from is reversed and the appellant acquitted, with cost de oficio.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera, and Gutierrez David, JJ., concur.

Montemayor, J., did not take part.

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