

ENRIQUE LAYDA, PETITIONER, VS. THE HON. COURT OF APPEALS AND ALFREDO BRILLANTES, RESPONDENTS.

G.R. No. L-4487. January 29, 1952

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f11a0f326f61/>

BAUTISTA ANGELO, J.:

This is an appeal by way of certiorari from a decision of the Court of Appeals which orders the defendant to pay to the plaintiff the amount of P495.55 as material damages and the amount of P500 as moral damages.

On November 25, 1948, Enrique Layda boarded a passenger truck at barrio San Fernando, municipality of Barotac Viejo, province of Iloilo. The truck was owned by Alfredo Brillantes and was driven by Jesus Bayona. While the truck was proceeding to its destination, carrying several passengers, it collided with the side of the mountain, and as a consequence some passengers were thrown to the ground and suffered serious injuries. One of those injured is Enrique Layda. Enrique Layda filed an action for damages against Alfredo Brillantes in the Court of First Instance of Iloilo where, after trial, Alfredo Brillantes was found guilty of negligence and sentenced to pay to Enrique Layda P4,000 as moral damages and P915 as actual damages.

On appeal, the Court of Appeals affirmed the judgment of the court a quo with the modification that the moral damages were reduced from P4,000 to P500, and the actual damages from P915 to P495.55. Not satisfied with this modification, Enrique Layda brought the case before this Court.

The evidence shows that as a result of the collision which the truck driven by Jesus Bayona had with the side of the mountain because of reckless driving, Enrique Layda was thrown out and fell to the road unconscious. He was taken for first aid treatment to the clinic of Dr. Tad-y in Barotac Viejo, and later was transferred to the provincial hospital; from there he was removed to the Mission Hospital on the following day. He was treated by Dr. Celso Hofileña. Testifying on the condition of the patient, Dr. Hofileña gave the following diagnosis: He was suffering from pain on the right chest, aggravated by bleeding and coughing. On the head and neck there were several bruises. The breathing sounds on the left side of the lungs were markedly increased while the breathing sounds on the right were diminished. The X-Ray photograph shows dark shadows on the right lung from the fifth rib downward to the twelfth, which shadows indicate the presence of blood. These shadows were caused by traumatism of the chest. Traumatism means that some blood vessels of the lungs were ruptured, by a strong force thereby producing hemorrhage.

After fourteen days of confinement in the hospital, Enrique Layda was released, but as he was not yet feeling well, he decided to submit to another X-Ray examination by Dr. Daniel Ledesma, who found a greenstick fracture on the 8th and 9th ribs. These ribs have to be put in cast which took three months to solidify the bones and put them back to their normal condition. At the trial, Layda had not fully recovered and frequently spat blood and coughed in the night and in the morning. Since the accident occurred Layda could not work, and suffered pains for nearly six (6) months.

Enrique Layda contends that considering the nature of the injuries he suffered as a result of the negligent act of

the driver of the defendant which have affected his ribs and his two lungs producing hemorrhage and disabling him from his work for some time plus the mental anguish resulting from his apprehension that he may never return to his former physical usefulness, the moral damages awarded him by the Court of Appeals are most unfair and should be modified, inviting the attention of this Court to several cases of similar nature wherein a commensurate compensation for their moral suffering was awarded to the victims.

The first case referred to is *Castro vs. Acro Taxicab Co., Inc.*, 82 Phil., 359. The facts of this case are: "Ruedas drove the cab so fast that when he had to turn it to the right or east of Zurbaran, it collided with another taxicab No. 936 owned by the same corporation coming from the north. Both cars were heavily damaged, and the first hit the fire hydrant that was on the sidewalk, east of Rizal Ave. and south east of Calle Zurbaran. Without losing time Castro boarded another car and directed the driver to take him to the Philippine General Hospital, and upon reaching Calle Carriedo in front of Tom's Dixie, he ordered the driver to stop and requested patrolman Jose Lomboy to accompany him to the hospital. Upon arriving there Dr. Eriberto Aguilar asked him to undress, looked over his body, and applied ointment to aching parts and told him to go home. The following day, as he was still suffering from acute pains on the left side of the chest, difficult breathing fever, and coughs, he called Dr. Herrera who prescribed some palliative medicines, and on the 17th, Dr. Herrera advised him to go to a hospital because it was a case for a surgeon. On July 18, he entered St. Luke's Hospital and was treated there by Dr. Fores who advised him to have an X-ray taken. Dr. Paulino J. Garcia took an X-ray picture (Exhibits A—1 and A—2) and this revealed five left ribs were fractured. After three days stay in the hospital charges were rather heavy, and was told by Dr. Fores that he would continue treating him at the house (pp. 23-25, t.s.n., July, 1940). Twice a week for two consecutive weeks and once in the third week after his discharge from the hospital (p. 48 t.s.n., Sept. 3, 1940), or three or four times, he was visited in his house and treated by Dr. Fores (p. 19, t.s.n., July 15), and after one month he was told to report to the Surgeon once every two weeks (p. 20, t.s.n., July 15), and reported twice (p. 48, t.s.n., Sept. 3). The Honorarium of Dr. Herrera is P100; on Dr. Fores, P150; and the hospital bill was P40." Castro was awarded P1,000 for actual expenses, and P3,000 as adequate compensation for pains and disability to work.

The two other cases referred to are the *Lilius* case (*Lilius vs. Manila Railroad*, 59 Phil. 758), and the *Gutierrez* case (*Gutierrez vs. Gutierrez*, 56 Phil. 177). In the first case this Court, in awarding an indemnity of P10,000 and P5,000 respectively to each of the plaintiffs, said: "an indemnity of P10,000 for permanent deformity on the face and on the left leg suffered by a young and beautiful woman is not excessive; and "an indemnity of P5,000 for a permanent deformity on the face and legs of a four-year old girl belonging to a well-to-do family is not excessive". In the *Gutierrez* case, the defendants were sentenced to indemnify the plaintiff in the sum of P5,000 as moral damages in spite of the fact that said plaintiff "was neither young nor good-looking", nor had he suffered any facial deformity, nor did he have the social standing that the herein plaintiff-appellant *Sonya Maria Lilius* enjoys".

As we have seen, the court a quo awarded the petitioner P4,000 as moral damages and P915 as actual damages, but the Court of Appeals reduced this indemnity to P500, and P495.55 respectively. Petitioner now contends that the reduction made by the Court of Appeals is unfair and not justified in the light of the evidence and precedents we had discussed earlier in this decision.

With regard to moral damages, we believe that the contention deserves consideration. In the *Acro Taxicab* case, the offended party suffered less physical suffering than the petitioner in the case at bar. In this case petitioner was thrown out of the truck and fell unconscious with blood streaming from his nose and mouth. He had internal hemorrhage and pains on the right chest which were aggravated by bleeding and coughing. He developed traumatism of the chest which means that some blood vessels of the lungs had been ruptured thereby causing hemorrhage. He had three fractured ribs, and suffered pains for nearly six months. In the *Acro Taxicab* case, the

plaintiff did not fall from the taxi. He never lost consciousness, and had no internal or external hemorrhage. He looked so well that he only stayed in the hospital for a few days.

It is true that petitioner is a mere farm laborer, while the plaintiff in the Acro Taxicab case was a general utility man, but this difference in their position or earning capacity cannot be considered of significance for the reason that in the determination of moral damages the human value and the dignity of man are of paramount consideration. There is a marked parallelism in the facts of the two cases, with some incidents weighing more in favor of the condition of the petitioner. If Castro was awarded P3,000 for his moral and physical suffering, no valid reason exists for not awarding a similar if not bigger indemnity to the petitioner. His case is further bolstered up by the precedent set in the cases of Lilius and Gutierrez already adverted to.

Moral damages, under our new civil code, "include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation and similar injury" (Article 2217, Republic Act No. 386). Most of these damages affect petitioner's moral feeling and personal pride and should be weighed in the determination of the indemnity. Another important consideration is the fact that the respondent is a public utility operator whose commitment is to serve the public carefully, prudently and diligently so that the passengers may be brought by his men with safety to their place of destination. In assuming his public trust he vouches that he would only employ good and reliable equipment and competent personnel, and in accepting passengers he agrees that he will bring them safely to the place of destination. Here he violated his trust and breached his contractual obligation to the public. There is need of imposing a stern and commensurate indemnity to the victim to serve as an exemplary measure and as a warning to all similarly situated to put a stop to the rampant and seemingly ever increasing accidents and mishaps caused by a flagrant, disregard of traffic laws and regulations, in this respect, the award of P4,000 given by the court a quo to petitioner is reasonable.

As regards actual damages, the only testimony of petitioner refers to corn land. He said he had a tenancy contract with one Eliseo Vencer to work on two hectares of corn land; that one hectare produces 12 bultos of corn; and that the price of each bulito is P25, He said that he also planted maiz, camote and rice, but did not elaborate. In the absence of a clear evidence on the matter, we are not in a position to accurately estimate the actual damages sustained by petitioner resulting from his failure to work. Moreover, this is a question of fact which devolves upon the Court of Appeals to determine. We cannot disturb its finding on this matter.

Wherefore, with the modification that respondent Alfredo Brillantes should pay to the petitioner the amount of P4,000 as moral damages, the judgment appealed from should be affirmed in all other respects, with costs against said respondent.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Jugo, 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.