

**ELADIA DE LIMA, POTENCIANO REQUIJO, NEMESIO FLORES,
REYNALDO REQUIJO, DOMINADOR REQUIJO AND MARIO REQUIJO,
PETITIONERS, VS. LAGUNA TAYABAS CO., CLARO SAMONTE,
SANTIAGO SYJUCO, I...**

G.R. Nos. L-35697-99. April 15, 1988

Ponente: GANCAYCO, J.

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GANCAYCO, J.

Before Us is a petition for review on certiorari of the decision of the Court of Appeals[1] affirming the decision of the court a quo with modification to include an award of legal interest on the amounts adjudged in favor of the petitioners from the date of the decision of the Court of Appeals to the time of actual payment.

This present action arose from a collision between a passenger bus of the Laguna Tayabas Bus Co. (LTB) and a delivery truck of the Seven-up Bottling Co. of the Philippines which took place on June 3, 1958 resulting in the death of Petra de la Cruz and serious physical injuries of Eladia de Lima and Nemesio Flores, all passengers of the LTB bus. Three civil suits were filed against herein respondents which were consolidated for trial before the Court of First Instance of Laguna (San Pablo City).

On December 27, 1963, the court a quo rendered its decision, the dispositive part of which reads as follows:

"WHEREFORE, in view of all the foregoing considerations, judgment is hereby rendered against the defendants LTB Co. Inc. and Claro Samonte, who are hereby ordered to pay jointly and severally, the respective plaintiffs.

In Civil Case No. SP-239; Plaintiff Eladia de Lima:

1. For loss of money and medical expenses

P 960.00

2. For loss of earnings from June 3, 1958 to November 3, 1958

924.00

3

For expenses of litigation and attorney's fees

1.000.00

TOTAL

P2.884.00

In Civil Case No. SP-240; Plaintiffs Requiños:

1. For the death of Petra de la Cruz including funeral expenses

P3.883.82

2. For money lost during the trip —

800.00

3. Moral damages for mental anguish (of Mercado vs. Lira, et al.)

3,000.00

4. For loss of earning capacity for 5 years

8,000.00

5. For expenses of litigation and attorney's fees

2,500.00

TOTAL

P18.183.82

In Civil Case No. SP-268: To Plaintiff Nemesio Flores:

1.

For loss of earning capacity for 5 years from June 3, 1958 at the rate of P228.00 a month

P13.680.00

2. For expenses of litigation and attorney's fees

1.000:00

TOTAL

P14,680.00"

Plaintiffs in Civil Cases Nos. SP-239 and SP-240 filed a motion for reconsideration of the decision seeking an

award of legal interest on the amounts adjudged in their favor from the date of the said decision but their motion was not acted upon by the court a quo.

All of the plaintiffs voluntarily desisted from appealing the decision by reason of financial necessity and in the hope that the defendants LTB Co. and its driver Claro Samonte will be persuaded to make immediate payment to them as adjudged by the court a quo. Only the said defendants appealed the decision to the Court of Appeals.

In the motion of petitioners dated December 29, 1971 filed with the Court of Appeals,[2] they sought for an immediate decision of the case with a prayer for the granting of legal interest from the date of the decision of the court a quo and for the increase to P12,000.00 of the civil indemnity of P3,000.00 awarded for the death of Petra de la Cruz.

On January 31, 1972, the now disputed decision of the Court of Appeals was promulgated.[3]

Petitioners moved for a reconsideration of this decision[4] seeking its modification so that the legal interest awarded by the Appellate Court will start to run from the date of the decision of the trial court on December 27, 1963 instead of January 31, 1972, the date of the decision of the Court of Appeals. Petitioner Potenciano Requiño as heir of the deceased Petra de la Cruz further sought an increase in the civil indemnity of P3,000.00 to P12,000.00.

The Appellate Court denied the motion for reconsideration holding that since the plaintiffs did not appeal from the failure of the court a quo to award interest on the damages and that the court on its own discretion awarded such interest should not be rolled back to the time the decision of the court a quo was rendered.[5]

Hence, this petition.

The assignment of errors raised the following issues, to wit:

1)

Whether or not the Court of Appeals erred in granting legal interest on damages to start only from the date of its decision instead of from the date of the trial court's decision; and.

2)

Whether or not the Court of Appeals erred in not increasing the indemnity for the death of Petra de la Cruz (in Civil Case No. SP-240)' from P3,000.00 to P12,000.00.

We find merit in the petition.

Under the first issue, petitioners contend that the ruling of the Appellate Court departs from the consistent rulings of this Court that the award of the legal rate of interest should be computed from the promulgation of the decision of the trial court.

Respondents counter that petitioners having failed to appeal from the lower court's decision they are now precluded from questioning the ruling of the Court of Appeals.

It is true that the rule is well-settled that a party cannot impugn the correctness of a judgment not appealed from by him, and while he may make counter assignment of errors, he can do so only to sustain the judgment on other grounds but not to seek modification or reversal thereof,[6] for in such case he must appeal.[7] A party who does not appeal from the decision may not obtain any affirmative relief from the appellate court other than what he has obtained from the lower court, if any, whose decision is brought up on appeal.[8]

However, respondents failed to note that the legal interest was awarded by the Appellate Court in its discretion based on equitable grounds which is duly sanctioned by Art. 2210 of the Civil Code which provides —

"Interest may, in the discretion of the court, be allowed upon damages awarded for breach of contract."

Thus, the Appellate Court pointed out —

"A further examination of the record will also show that the plaintiffs in Civil Cases Nos. SP-239 and SP-240 moved for the reconsideration of the decision appealed from to include the award of legal interest on the amounts adjudicated from the date of the decision, but said motion was not acted upon by the court a quo. Although said plaintiffs failed to appeal on this issue, and did not file their brief to reiterate their claim for interest thereon, the plaintiff in Civil Case No. SP-268, Nemesio Flores, filed his brief and prayed for the imposition of interest from the date of the decision. We are not left without discretion to resolve this issue, considering the provision of Article 2210, New Civil Code, stating that 'Interest may, in the discretion of the court, be allowed upon damages awarded for breach of contract.' There is no doubt that the damages awarded in these civil cases arise from the breach of a contractual obligation on the part of the defendants-appellants. But to grant the imposition of interest on the amounts awarded to and as prayed for by one of the plaintiffs and deny the same to the others considering that the cases arose from one single incident would be, to Our mind, unfair and inequitable. In the light, therefore, not only of the provision of the Civil Code above referred to, but also the facts and circumstances obtaining in these cases, We believe that on equitable grounds legal interest, should be allowed on the amounts adjudged in favor of the plaintiffs from the date of this decision up to the time of actual payment thereof."

Also noteworthy is the case of *Fores v. Miranda*[9] where this Court upheld the granting by the Court of Appeals of attorney's fees even if the respondent, a jeepney passenger injured in a vehicular accident, did not appeal from the decision of the trial court. The Appellate Court found the award to be justified because the respondent asked for damages in his answer and the said court considered the attorney's fees as included in the concept of damages which can be awarded whenever the court deems it just and equitable (Art. 2208, Civil Code of the Philippines).

At any rate, this Court is inclined to adopt a liberal stance in this case as We have done in previous decisions where We have held that litigations should, as much as possible be decided on their merits and not on technicality.[10]

We take note of the fact that petitioners are litigating as paupers. Although they may not have appealed, they had filed their motion for reconsideration with the court a quo which unfortunately did not act on it. By reason of their indigence, they failed to appeal but petitioners De Lima and Requiyo had filed their manifestation making reference to the law and jurisprudence upon which they base their prayer for relief while petitioner Flores filed his brief.

Pleadings as well as remedial laws should be construed liberally in order that the litigants may have ample opportunity to pursue their respective claims and that a possible denial of substantial justice due to legal technicalities may be avoided.[11]

Moreover, under the circumstances of this case where the heirs of the victim in the traffic accident chose not to appeal in the hope that the transportation company will pay the damages awarded by the lower court but unfortunately said company still appealed to the Court of Appeals, which step was obviously dilatory and oppressive of the rights of the said claimants; that the case had been pending in court for about 30 years from the date of the accident in 1958 so that as an exception to the general rule aforestated, the said heirs who did not appeal the judgment, should be afforded equitable relief by the courts as it must be vigilant for their protection.[12] The claim for legal interest and increase in the indemnity should be entertained in spite of the failure of the claimants to appeal the judgment.

We take exception to the ruling of the Appellate Court as to the date when the legal interest should commence to run. In view of the consistent rulings of this Court, We hold that the legal interest of six percent (6%)[13] on the amounts adjudged in favor of petitioners should start from the time of the rendition of the trial court's decision on December 27, 1963 instead of January 31, 1972, the promulgation of the decision of the Court of Appeals.[14]

As to the second issue, civil indemnity for the death of Petra de la Cruz was properly awarded by virtue of Art. 1764 in relation to Art. 2206 of the Civil Code of the Philippines which allows a minimum indemnity of P3,000.00 for the death of a passenger caused by the breach of contract by a common carrier. In accordance with prevailing jurisprudence the indemnity of P3,000.00 should be increased to P30,000.00 and not P2,000.00 as prayed for by petitioner.

If the transportation company had only accepted the judgment of the trial court and paid its just awards instead of appealing the same to the Court of Appeals, no further delay would have been occasioned on the simple issue of interest and indemnity. To mitigate the impact of such a great delay in this case the Court finds ample justification in the aforesaid award for interest and indemnity. We hope this relief is not too late.

WHEREFORE, the petition is hereby GRANTED, the subject decision is modified in that the legal interest on the damages awarded to petitioners commences from the date of the decision of the court a quo until actual payment while the civil indemnity for the death of Petra de la Cruz is increased to P30,000.00. This judgment is immediately executory and no motion for extension of time to file motion for reconsideration shall be entertained.

SO ORDERED.

Teehankee (C.J.), Narvasa, Cruz, and Griño-Aquino, JJ., concur.

[1] Penned by Mr. Justice Juan O. Reyes, concurred in by Messrs. Justices Juan P. Enriquez, Andres Reyes, Mateo Canonoy with Mr. Justice Ruberto Martin, dissenting, January 31, 1972.

[2] Page 52, Rollo.

[3] Page 18, Rollo.

[4] Pages 54-60, Rollo.

[5] Page 33, Rollo.

[6] *Itoyon-Suyoc Mines, Inc. v. NLRC*, 117 SCRA 523 citing *Liang Lumber Co. v. Liang Timber Co., Inc.*, 76 SCRA 197; *David v. de la Cruz*, 103 Phil. 380; *Aparri v. Court of Appeals*, 13 SCRA 611.

[7] *Ibid.*, citing *Bunge Corporation and Universal Commercial Agencies v. Elena Camenforle & Co.*, 91 Phil. 861; *Gorospa v. Penaflores*, 101 Phil. 886.

[8] *Go v. Court of Appeals*, 100 SCRA 549; *Zamboanga Transportation v. Court of Appeals*, 30 SCRA 717; *Dy v. Kuizon*, 3 SCRA 617; *Rabies vs. Hon. Delfin F. Batacan*, G.R. No. L-46978. October 12, 1987.

[9] 105 Phil. 266, cited in *Enecilla v. Magsaysay*, 17 SCR A 125.

[10] *A-one Feeds, Inc. vs. CA*, 100 SCRA 590; *Mercader vs. Bonto*, 92 SCRA 665; *Trans World Airline vs. CA*, 106 SCR A 566; *Concepcion, et al. vs. The Payatas Estate Improvement Co., Inc.*, 103 Phil. 1016; *Soco vs. Militante*, 123 SCRA 160.

[11] *Concepcion, et al. vs. The Payatas Estate Improvement Co., Inc.*, *Supra*; *Soco vs. Militante*, *Supra*.

[12] Article 24, Civil Code.

[13] Reformina vs. Tomol, Jr., 139 SCRA 260.

[14] Imperial vs. Ziga, 19 SCRA 726, Lopez, et al. vs. Pan American World Airways, 16 SCRA 431; Rivera vs. Matute, 98 Phil. 576; Soberano vs. Manila Railroad Company. 18 SCRA 732, Villa Rey Transit, Inc. vs. CA, 31 SCRA 511.

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