

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ROMULO DE LA MERCED, DEFENDANT AND APPELLANT.***G.R. No. 19145. February 27, 1963*

Ponente: REYES, J.B.L., J.

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This case was forwarded here by the Court of Appeals as involving questions of law exclusively.

Both Romulo de la Merced y Cruz and Jose Almorin were originally charged with the crime of serious physical injuries through reckless imprudence in the Municipal Court of Quezon City by an information dated 4 June 1957. Jose Almorin pleaded guilty, and was sentenced accordingly. Romulo de la Merced y Cruz entered a plea of not guilty, and, upon conviction, appealed to the Court of First Instance of Quezon City. In the latter court, he was likewise found to have driven his bus in a reckless and imprudent manner and sentenced to 2 months and 1 day of arresto mayor. No civil liability was awarded the offended party as the latter reserved his right to file a separate action. From this decision of 21 June 1960 Romulo de la Merced y Cruz appealed to the Court of Appeals.

The findings of fact of the trial court were as follows:

"From the evidence submitted by the prosecution, it appears that the accused Romulo de la Merced was the driver of a De Dios bus on February 16, 1957; that on said date the said bus driven by the said accused was cruising along Quezon Boulevard, near the Jusmag Officers' Open Mess, Quezon City, when it bumped a Flash Taxicab with plate No. 2981 (QC. 1957); that at the time the De Dios bus with plate No. 4508 (Mla. '57) bumped the Flash taxicab, the De Dios bus was coming from behind the said taxicab and it bumped the same at the middle portion of its body in the portion encircled with blue ink in the sketch marked as Exhibit B; that the driver of the Flash Taxicab was then at a stop in front of the Jusmag Officers' Mess, as its passenger, Atty. Eliseo Tenza was to attend a meeting to be held in the said Open Mess; and that as a result of the said accident, the passenger of the taxicab, Atty. Eliseo Tenza, suffered "Concussion, cerebral, mild; contusions, multiple, parietal, ocapular region and lower thigh, right and shoulder and chest, left" (Exh. A), which incapacitated him for about a month.

The accused only offered in evidence Exhibit 1, which is the sentence of the Municipal Court as regards the accused Jose Almorin, and rested his case.

In effect, the accused, in resting his case on the basis of the sentence of the Municipal Court as regards the accused Jose Almorin, argues that by virtue of the plea of guilty of the said accused Jose Almorin, the other accused Romulo de la Merced cannot be held responsible for the crime charged. The Court cannot sustain this stand of the said accused de la Merced. It should be noted that from the evidence for the prosecution, it is obvious that the said accused de la Merced, was the one at fault for the accident. The bus driven by him bumped the Flash taxi-cab behind. Furthermore, the said taxicab was bumped while it was a complete stop. As a matter of fact, the passenger Atty. Tenza was about to alight already when the incident happened (pp. 54 and 55 *tsn*). In the face of these facts as already established which the Court cannot ignore, the Court cannot sustain the theory of the defendant de la Merced. In this particular instance, mention should be made that it seems obvious that the plea of guilty of Jose Almorin is tainted with collusion." (Italics supplied)

Appellant advances the theory that he may not be convicted of the offense charged, or be found to have driven his bus recklessly, after his former co-accused in the collision in question had already pleaded guilty, in the Municipal Court. Obviously, appellant's contention is untenable.

First, there is nothing in the plea of guilty of Jose Almorin which would in any manner imply that he is the only one solely answerable for the collision, thereby exonerating appellant from any criminal responsibility. On the contrary, the information filed alleges clearly that both Almorin and de la Merced drove their respective vehicles in such a careless, reckless, fast, and imprudent manner, that it resulted in injury to complainant Eliseo Tenza. Collisions do happen every day which are caused directly by the gross negligence and recklessness of both chauffeurs involved.

Second, the appellant alone stood trial before the Court of First Instance of Quezon City, and it was entirely de novo, independently of the trial had in the municipal court.

And last, to uphold the argument of appellant would leave at the hands of the one accused, who elects to plead guilty, the automatic exemption of his co-accused from all criminal responsibility. Plainly, this should not be allowed.

Finding this appeal to be without merit, the decision of the Court of First Instance of Quezon City is hereby affirmed, with costs against appellant.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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