

PANAY AUTOBUS COMPANY, INC., PETITIONER, VS. CRISANTA PASTOR ET AL., RESPONDENTS.*G.R. No. 47933. July 29, 1942*

Ponente: MORAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-47933/>**MORAN, J.:**

Early in the morning of February 11, 1938, the deceased, Concepcion Gallopin, with her daughter-in-law, Carmen Areda, left Estancia, Iloilo, for the City of Iloilo on truck No. 408 of the petitioner, Panay Autobus Company, Inc., driven by one Felicisimo Tilos. Gallopin and Areda were seated at the extreme right of the second bench behind the driver's seat. In the course of transit, Gallopin stretched her right arm beyond the railing of the bus, apparently pointing; to her companion the rice fields yonder. This arm was caught and broken by another truck driven by one Francisco Yap coming closely from the opposite direction. Whether Gallopin stretched her right arm at the precise moment that the two busses were about to cross each other or sometime prior thereto, and how close the two busses were to each other, the record does not disclose. Her wrist bled profusely and notwithstanding medical treatment at the Maternity Hospital at Sara and Mission Hospital at Jaro, Iloilo, where she was brought after the accident, she died the following day, undoubtedly as a result of hemorrhage and severe shock. Crisanta, Salome, and Jose, all surnamed Pastor, as heirs of the deceased, instituted in the court below an action against the petitioner as owner of truck No. 408, seeking to recover damages in the sum of P8,200 for the death of their mother. Petitioner having been absolved of the complaint, plaintiffs below appealed to the Court of Appeals where the judgment of the trial court was reversed and another entered in their favor awarding them damages in the sum of P2,000. Hence, this appeal by certiorari by the petitioner.

The Court of Appeals rested its decision upon a finding of negligence on the part of petitioner's chauffeur in not having driven the bus in the proper place on the road, it having been found that the bus was driven "almost in the middle of a 6-meter road, the space between the right edge of the ditch on the left side of the road and the left side of the bus being two meters." And, on the basis of this finding, the appellate court held petitioner guilty of breach of contractual duty to carry the deceased safely to her destination.

We are unable to agree with this view. Driving at an appropriate speed, almost at the middle of a six-meter highway which, at the time of the accident, was without traffic, is not, in our opinion, negligence. Independently of the act of the deceased in stretching her right arm beyond the railing of the bus, the manner the bus was driven could not have produced the injury. Petitioner's driver at the time that the other bus was passing closely from the opposite direction, did not know that the deceased's arm was extended beyond the railing of the bus. He has the right to assume that all his passengers are taking the usual precaution for their own safety. If, without such knowledge of the position of the deceased and on the assurance of such assumption, the chauffeur drives his bus at a reasonably safe distance from that coming from the opposite direction, and one of his passengers suffers an injury, the negligence cannot be attributed to him. In other words, the act performed by the deceased at the time the accident occurred must be regarded as the proximate cause of the injury.

Judgment is reversed and petitioner is hereby absolved of the complaint, without costs.

Yulo, C. J., Ozaeta, Paras and Bocobo, 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.