

JUAN BERNARDO, PLAINTIFF AND APPELLANT, VS. M. B. LEGASPI, DEFENDANT AND APPELLEE.

G.R. No. 9308. December 23, 1914

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the city of Manila dismissing the complaint on the merits filed in an action to recover damages for injuries sustained by plaintiff's automobile by reason of defendant's negligence in causing a collision between his automobile and that of plaintiff. The court in its judgment also dismissed a cross-complaint filed by the defendant, praying for damages against the plaintiff on the ground that the injuries sustained by defendant's automobile in the collision referred to, as well as those to plaintiff's machine, were caused by the negligence of the plaintiff in handling his automobile.

The court found upon the evidence that both the plaintiff and the defendant were negligent in handling their automobiles and that said negligence was of such a character and extent on the part of both as to prevent either from recovering.

Upon the facts, as they appear of record, the judgment must be affirmed, as the evidence clearly supports the decision of the trial court. The law applicable to the facts also requires an affirmance of the judgment appealed from. Where the plaintiff in a negligence action, by his own carelessness contributes to the principal occurrence, that is, to the accident, as one of the determining causes thereof, he cannot recover. This is equally true of the defendant; and as both of them, by their negligent acts, contributed to the determining cause of the accident, neither can recover.

The judgment appealed from is affirmed, with costs against the appellant.

Arellano, C. J., Torres, Johnson, Carson, Trent, and Araullo, JJ., concur.

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