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3. TO PROVIDE PETITIONER-CLAIMANT WITH SUCH MEDICAL, SURGICAL AND HOSPITAL SERVICES, APPLIANCES AND SUPPLIES AS THE NATURE OF HIS DISABILITY AND THE PROGRESS OF HIS RECOVERY MAY REQUIRE AND THAT WHICH WILL PROMOTE HIS EARLY RESTORATION TO THE MAXIMUM LEVEL OF HIS PHYSICAL CAPACITY;

4. TO PAY ATTORNEY'S FEES IN THE AMOUNT OF SIX HUNDRED PESOS (₱600.00); AND

5. TO PAY AS ADMINISTRATIVE FEE, SIXTY-ONE PESOS (₱61.00).

SO ORDERED.

Teehankee (Chairman), Muñoz Palma, Fernandez, and *Guerrero, JJ.,* concur.

SECOND DIVISION

[G.R. No. L-47772. August 31, 1978]

INOCENCIO TUGADE, *petitioner, vs.* **COURT OF APPEALS, and PEOPLE OF THE PHILIPPINES,** *respondents.*

SYLLABUS

1. POLITICAL LAW; JUDICIARY; DECISIONS OF THE SUPREME COURT FINAL AND AUTHORITATIVE. — "The delicate task of ascertaining the significance that attaches to a constitutional or statutory provision, an executive order, a procedural norm or a municipal ordinance is committed to the judiciary. It discharges a role no less crucial than that appertaining to the other two departments in the maintenance of the rule of the law. To assure stability in legal relations and avoid confusion,

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it has to speak with one voice. It does so with finality and rightly, through the highest judicial organ, the Supreme Court. What it says should be definitive and authoritative, binding on those occupying the lower ranks in the judicial hierarchy. They have to defer and to submit." (citing *Barrera v. Barrera*, L-31589, July 31, 1970).

2. **ID.; ID.; ID.; LOWER COURTS TO ABIDE BY FINAL JUDGMENTS OF THE SUPREME COURT.** — The Supreme Court, by tradition and in our system of judicial administration, has the last word on what the law is; it is the final arbiter of any justiciable controversy. There is only one Supreme Court from whose decisions all other courts should take their bearings.

3. **CIVIL LALW; TORTS AND DAMAGES; FORTUITOUS EVENT; MISHAP CAUSED BY DEFECTIVE BRAKES, NOT FORTUITOUS IN CHARACTER.** — An essential element of a *caso fortuito* is the occurrence of some extraordinary circumstance independent of the will of the obligor, or of his employees. This element is lacking in the present case. It is not suggested that the accident in question was due to an act of God or to adverse road conditions which could not have been foreseen. As far as the record shows, the accident was caused either by defects in the automobile or else through the negligence of its driver. This is not a *caso fortuito* which would call for an acquittal of the driver.

APPEARANCES OF COUNSEL

Manuel M. Camacho for petitioner.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Nathanael P. de Pano, Jr. and *Solicitor Francisco J. Bautista* for respondents.

D E C I S I O N

FERNANDO, *J.*:

There is nothing impressive about this petition seeking to justify a review of a decision of respondent Court of Appeals on the ground that instead of relying on what counsel considers applicable rulings of respondent Court. the judgment was based

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on a case decided by this Tribunal. Moreover, counsel for petitioner ignored earlier doctrines of this Court consistently holding that a mishap caused by defective brakes could not be considered as fortuitous in character and thus called for an acquittal of the driver if subsequently haled to court. This Court, nonetheless, was persuaded to give due course to the petition primarily for clarifying the state of the law and thus hopefully avoid any further lurking doubt on the matter. It is quite evident that a reversal of the decision sought to be reviewed is not justified.

The decision of respondent Court, with Justice Juliano Agrava as *ponente*, set forth the relevant facts thus: "At about 9:15 o'clock in the morning of January 4, 1972, Rodolfo [Rayandayan] was driving a Holden Kingswood car (the [Holden] car), bearing plate No. 52-19V (L-Rizal '71), owned by the Sta. Ines Mining Corp. and assigned for use of its manager, on Ayala Avenue in Makati, Rizal, going northwards. At the intersection of Ayala Avenue and Makati Avenue, [Rayandayan] was going to turn left on Makati Avenue but he stopped to wait for the left turn signal and because a jeep in front of him was also at a stop ***. While in that stop position, the [Holden] car was bumped from behind by Blue Car Taxi, bearing Plate No. 55-71R (TX-QC '71) and driven by Inocencio [Tugade] causing damage to the [Holden] car, the repairs of which cost ₱778.10 ***. [Tugade] was then charged with Reckless Imprudence Resulting in Damage to Property. He pleaded not guilty and while admitting that the collision was caused by faulty brakes of his taxicab, sought to exculpate himself with the explanation that this fault could not and should not be traced to him. After trial, the lower court held: '[Accordingly], the Court finds that accused Inocencio Tugade guilty beyond reasonable doubt of the crime of reckless imprudence resulting in damage to property and hereby sentences him to pay a [fine of one thousand (₱1,000.00) pesos], with subsidiary imprisonment in case of insolvency in accordance with the provisions of Article 39 of the Revised Penal Code, as amended, to indemnify the Sta. Ines Mining Corporation in the amount of ₱778.10 by way of actual damages; and to pay the costs.' While [Tugade] admitted the facts of the case as set out above, he nevertheless, appealed from the judgment

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reiterating that the malfunctioning of the brakes at the time of accident was due to a mechanical defect which even the exercise of due negligence of a good father of a family cannot have prevented.' As the lower court had found: this witness ([Tugade]) testified that after the accident, he admitted that his taxicab bumped the car on his front because the brakes of his vehicle malfunctioned; and that the document, ***, is the handwritten statement he prepared to this effect.'"[1] Respondent Court of Appeals, after stating that upon review of the record, it agreed with trial court, rendered its decision affirming *in toto* the judgment appealed from.

As noted at the outset, petitioner is not entitled to acquittal. His plea for the reversal of the decision reached by respondent Court is not impressed with merit. At the most, as was likewise previously mentioned, the fine imposed could be reduced.

1. Counsel for petitioner vigorously contends that respondent Court of Appeals ought not to have applied the pronouncement in *La Mallorca and Pampanga Bus Co. vs. De Jesus*[2] on the ground that it was *obiter dictum*. That is not the case at all. A little more time and attention in the study of the above decision could have resulted in its correct appraisal. I would have realized then that respondent Court acted correctly. This Tribunal passed squarely on the specific issue raise. The opinion penned by the then Justice, later Chief Justice Makalintal, is categorical: "Petitioner maintains that a tire blow-out is a fortuitous event and gives rise to no liability for negligence, citing the rulings of the Court of Appeals in *Rodriguez v. Red Line Transportation Co.*, CA-GR No. 8136, December 29, 1954, and *People v. Palapal*, CA-GR No. 18480, June 27, 1958. These rulings, however, not only are not binding on this Court but were based on considerations quite different from those that obtain in the case at bar."[3] The above doctrine is controlling. The reference

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[1] Decision, Record on Appeal, 16-17.

[2] L-21486, May 14, 1966, 17 SCRA 23.

[3] *Ibid.*, 24.

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to the Court of appeals decisions is of no moment.[4] It may be printed out that they were not ignored in the opinion of Justice Agrava, six of its nine pages being devoted to distinguishing them. Even without the La Mallorca ruling then, the decision of respondent Court sought to be reviewed can stand the test of strict scrutiny. It is this Tribunal, not respondent Court of Appeals, that speaks authoritatively.

2. Respondent Court of Appeals really was devoid of any choice at all. It could not have ruled in any other way on the legal question raised. This Tribunal having spoken, its duty was to obey. It is as simple as that. There is relevance to this excerpt from *Barrera v. Barrera*:[5] "The delicate task of ascertaining the significance that attaches to a constitutional or statutory provision, an executive order, a procedural norm or a municipal ordinance is committed to the judiciary. It thus discharges a role no less crucial than that appertaining to the other two departments in the maintenance of the rule of law. To assure stability in legal relations and avoid confusion, it has to speak with one voice. It does so with finality, logically and rightly, through the highest judicial organ, this Court. What it says then should be definitive and authoritative, binding on those occupying the lower ranks in the judicial hierarchy. They have to defer and to submit."[6] The ensuing paragraph of the opinion in Barrera further emphasizes the point: "Such a thought was reiterated in an opinion of Justice J.B.L. Reyes and further emphasized in these words: 'Judge Gaudencio Cloribel need not be reminded that the Supreme Court, by tradition and in our system of judicial administration, has the last word on what the law is; it is the

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[4] The cases follow: *People v. Hatton*, CA-GR No. 8310-R, Feb. 11, 1953; *People v. Oligan*, CA-GR No. 05583-Cr., Aug. 17, 1967; *People v. Palapal*, CA-GR No. 18480-Cr., June 27, 1958; *People v. Bandonil*, CA-GR No. 25513-R, May 25, 1959; *People v. Aralar*, CA-GR No. 01451-Cr., November 29, 1963; and *People v. Buenaventura*, CA-GR No. 00626-Cr., April 30, 1964.

[5] L-31589, July 31, 1970, 34 SCRA 98.

[6] *Ibid.*, 107. The opinion of *Justice Laurel in People v. Vera*, 65 Phil. 56 (1937) was cited.

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final arbiter of any justifiable controversy. There is only one Supreme Court from whose decisions all other courts should take their bearings.'"[7]

3. The lack of merit in this petition becomes even more obvious when it is recalled that the La Mallorca decision did not enunciate a new principle. As far back as *Lasam v. Smith,*[8] promulgated more than half a century ago, in 1924 to be exact, this Court has been committed to such a doctrine. Thus; "As will be seen, these authorities agree that some extraordinary circumstance independent of the will of the obligor, or of his employees, is an essential element of a *caso fortuito*. Turning to the present case, it is at once apparent that this element is lacking. It is not suggested that the accident in question was due to an act of God or to adverse road conditions which could not have been foreseen. As far as the record shows, the accident was caused either by defects in the automobile or else through the negligence of its driver. That is not a *caso fortuito*. [9] Lasam was cited with approval in the two subsequent cases of *Son v. Cebu Autobus Co.*[10] and *Necesito v. Paras.*[11]

WHEREFORE, The decision of respondent Court of Appeals of December 15, 1977 is affirmed. No costs.

Barredo, Antonio, Aquino, Concepcion Jr., and *Santos, JJ.*, concur.

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[7] *Ibid.* Justice J.B.L. Reyes spoke thus in *Albert v. Court of First Instance of Manila (Br. VI)*, L-26364, May 29, 1968, 23 SCRA 948, 961.

[8] 45 Phil. 657.

[9] *Ibid.*, 661-662.

[10] 94 Phil. 892 (1954).

[11] 104 Phil. 75 (1958).