

REPUBLIC OF THE PHILIPPINES
Department of Justice
National Prosecution Service
OFFICE OF THE CITY PROSECUTOR
QUEZON CITY

ROLAND G. SIMBULAN,
Complainant,

- versus -

I.S. No. 11E-03792
For: Reckless
Imprudence Resulting in
Homicide (Art. 365 of
the Revised Penal Code)

DANIEL ESPINOSA,
Respondents.

X-----X

SUPPLEMENTAL COMPLAINT-AFFIDAVIT

I, **ROLAND G. SIMBULAN**, of legal age, Filipino and may be served with summons and other notices through my counsel at Sanidad Viterbo Enriquez & Tan Law Firm, 2nd Flr. Eastside Bldg., #77 Malakas St., Brgy. Pinyahan, Diliman Quezon City, after having been sworn in accordance with law, hereby depose and state that:

1. I am the husband of **Lourdes "CHIT" Estella Simbulan**. I am a Full Professor 12 of the University of the Philippines, former Vice Chancellor of U.P., and former Faculty Regent of the U.P. Board of Regents. My wife "CHIT" as she is fondly called, was killed when the taxi she was on board was rammed from behind by a bus on May 13, 2011 along Commonwealth Avenue. A copy of our Marriage Certificate is attached as **Annex "A"** and made an integral part hereof.

2. I am executing this *Supplemental Complaint-Affidavit* to charge **Daniel O. Espinosa**, the driver of the bus, for the **QUALIFIED OFFENSE OF RECKLESS IMPRUDENCE RESULTING IN HOMICIDE**, defined and punished under Article 365 of the Revised Penal Code for the death of **CHIT**. The offense was committed under the circumstances narrated below.

3. This Complaint-Affidavit is supplementary to the complaint that has already been filed by the police authorities or the other offended party before this Honorable Office.

4. Respondent **Daniel O. Espinosa** is employed as a bus driver of **Universal Guiding Star Bus Line Corporation**. The latter is an entity engaged in the business of public transportation and also owns the bus driven by respondent Espinosa which caused the death of my wife.

5. On May 13, 2011, at approximately 6:00 p.m., my wife Lourdes Simbulan was seated on the back passenger seat of a taxi bearing the name Abu Abbey taxi and with plate number TXH 532, which was traveling along Commonwealth Avenue, heading in the direction of the UP-Ayala Technohub, where she had a dinner appointment with her friends. I was suppose to fetch her there at around 9:00 pm that evening.

6. While the Abu Abbey taxi was in the area of the UP-Ayala Technohub, a passenger bus of the Universal Guiding Star Bus Line Corporation with plate number UVC 343, being driven by respondent Daniel Espinosa, with reckless imprudence, rammed into its rear end. I have been informed that photographs of the damage of the taxi were taken by the police investigators to which I have no access to. I reserve the right to present those photographs and others that I may acquire at the proper time.

7. As a result of the collision by the bus on the back of the Abu Abbey taxi, its entire rear trunk was crushed, if not pushed into the rear passenger compartment where CHIT was seated. As a result, CHIT who was seated at the rear passenger seat was pinned there and absorbed the tremendous impact of the collision thereby causing serious injuries that resulted in her death. She was brought to the Malvar Hospital along Commonwealth Avenue where she was pronounced dead on her arrival. A copy of my wife's Death Certificate is attached as **Annex "B"** and made an integral part hereof.

8. After the bus rammed into the taxi, respondent Daniel Espinosa fled the scene without rendering any assistance to my injured wife. A copy of the police Spot Report Dated 13 May 2011 is attached as **Annex "C"** and made an integral part hereof.

9. At the time of CHIT's death she was a full-time professor with the College of Mass Communications at the University of the Philippines and had just been given tenure. She had been previously

a Malacanang and Congressional reporter for the Pahayagang Malaya, the Philippine Daily Inquirer, and had capped her career as Managing Editor and later Editor in Chief of the national daily, The Manila Times, and as Editor in Chief of the Pinoy Times. Attached as **Annex "D"** is a copy of my wife's Notification of Approval of Employment dated 16 June 2009 which is made an integral part hereof. Her new appointment as Assistant Professor II has just been approved. I reserve the right to present a more recent employment record showing her present salary and, income from other sources in her profession as a well-known journalist with a total estimated basic income of at least P400,000. per annum.

10. She was one of the founders of and current corporate secretary of VERA FILES, a group of investigative journalists, and was completing two book projects for Anvil Publishing. She is also a multi-awarded journalist having received in 2006 the **Developing Asia Journalism Awards**, given by the **Asian Development Bank**. CHIT bested almost 250 other Asian journalists from 60 Asian countries whose works were evaluated for their relevance to Asian development issues. CHIT also received the the Catholic Mass Media Awards for Journalism in 2003.

11. Due to my wife's untimely death, I incurred funeral expenses in the approximate amount of P350,000. pesos, which was spent for food and other related expenses during the six day wake including the 9th day. The said amount includes P75,000, for the columbarium, and Catholic masses. I reserve the opportunity to present the receipts for such expenses at the proper time. The other funeral expenses were shouldered by Universal Guiding Star Bus Line Corporation.

12. CHIT and I were supposed to celebrate our 30th wedding anniversary this year. Not having been blessed with children, CHIT and I for the past 30 years lived for each other as an integral and inseparable whole. The absence of one is unthinkable and may be unbearable. Her sudden, unexpected and violent death has therefore deeply shocked and traumatized me, and caused me great emotional distress.

13. After her death, and since CHIT and I lived alone, I had, and continue to have trouble sleeping. I also experienced, and continue to experience, serious anxiety and great mental anguish she being my sole companion and soulmate. Because of this I have been advised to seek professional help for CHIT's sudden, unexpected and violent demise.

14. Given the extraordinary circumstances of CHIT's violent and sudden death, caused by the reckless imprudence of Daniel O. Espinosa, I intend to claim in the same criminal case any and all possible civil liabilities as provided for in Arts. 100, 102 and 103 of the Revised Penal Code arising from the his criminal act, including but not limited to, actual, moral, and exemplary damages, the exact amounts of which I will prove during trial. I also intend to claim attorney's fees.

15. Accordingly, I am executing this *Supplemental Complaint-Affidavit* for the purpose of attesting to the truth of the foregoing statements and to charge respondent Daniel Espinosa with Reckless Imprudence Resulting in Homicide, qualified by his act of fleeing the scene of his reckless act, thus failing to lend on the spot such help as may be in his hand to give to the injured parties, as provided for in Art. 365 of the Revised Penal Code.

IN WITNESS HEREOF, I hereunto set my hand this 31st day of May 2011 in Quezon City.



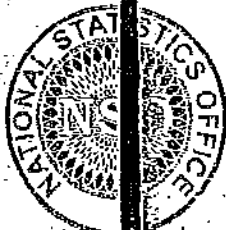
ROLAND G. SIMBULAN
Affiant

SUBSCRIBED AND SWORN to before me this 31st day of May 2011 in Quezon City.



ROLAND TORRIJOS
Assistant City Prosecutor
Quezon City

ANNEX A



(Municipal Form No. 97 - Form No. 13)

REGISTER No. 138 (10/81)

MARRIAGE CONTRACT

City or Municipality of QUEZON CITY Province of PHILIPPINES 138 (10/81)

	HUSBAND	WIFE	
Contracting Parties	ROLAND G. SIMBULAN	LOURDES P. ESTELLA	
(a) Age (Date of birth)	27 April 8, 1954	24 August 19, 1957	27
(b) Nationality	Filipino	Filipino	1
(c) Residence	92 Molave St. Marikina	13 Floridel St. E. Rodriguez Q.C.	
(d) Place of birth	Manila	Manila	7402V
Single, widowed or divorced	Single	Single	
Father	Dante C. Simbulan	Eligio Estella	1
Nationality	Filipino	Filipino	
Mother	Grace Roque	Antonia Panganiban	24
Nationality	Filipino	Filipino	
Witnesses	Ben. Lorenzo E. Talada	Mrs. Carmencita Aguilar	1
Residence	38 13th St. Quezon City	14 Villa Socorro Proj. B Q.C.	7404X
Persons who gave consent or advice	(a) Residence		1
	(b) Relation to contracting party		
	OF 3. 21. AGE		

Place of marriage { Office of the House of Barrio of Church of } The Holy Sacrifice, U.-P. Diliman Quezon City

Date of marriage October 4, 1981

Marriage solemnized by BISHOP ANTONINO NEPOMUCENO

(a) visiting priest (b) 4427 Old Sta. Mesa

THIS IS TO CERTIFY: That I, ROLAND G. SIMBULAN and LOURDES P. ESTELLA on the date and at the place above given, of our own free will and accord, and in the presence of the person solemnizing this marriage and of the two witnesses named below, both of age, take each other as husband and wife.

And I, BISHOP ANTONINO S. NEPOMUCENO 4427 Old Sta. Mesa CERTIFY: That on the date and at the place above written the aforesaid ROLAND G. SIMBULAN and LOURDES P. ESTELLA were with their mutual consent lawfully joined together in holy matrimony by me in the presence of said witnesses, both of age; and I further certify that the Marriage License No. 6360925 issued at Quezon City September 7, 1981 in favor of said parties, was exhibited to me or no marriage licence was exhibited to me, this marriage being of an exceptional character performed under Art. xx of Rep. Act. 386, and that consent or advise to such marriage was duly given, as required by law, by the person or persons above mentioned.

IN WITNESS WHEREOF, we signed, (or marked with our fingerprint) this certificate in triplicate this 4th day of October 1981

Roland G. Simbulan
(Contracting Party)
ROLAND G. SIMBULAN

Loures P. Estella
(Contracting Party)
LOURDES P. ESTELLA

Bishop Antonino S. Nepomuceno
(Judge, Justice of the Peace, Mayor, Priest, Minister, etc.)
BISHOP ANTONINO NEPOMUCENO

Ben. Lorenzo E. Talada
MR. LORENZO E. TALADA

Authorization No. _____
My faculty expires on _____
WITNESSES:

Col. Honorio Balanch
COL. HONORIO BALANCH

Col. Benito Balabanero
COL. BENITO BALABANERO

Jr. Gerardo P. Brillantes
JR. GERARDO P. BRILLANTES

(See back)

Mrs. Carmencita P. Aguilar
MRS. CARMENCITA AGUILAR

Mrs. Francisca Roque
MRS. FRANCISCA ROQUE

Mrs. Lourdes Y. Medina
MRS. LOURDES Y. MEDINA

Mrs. Divina E. Edra
MRS. DIVINA E. EDRA

01938-55-003KPG-02811-MI001

BEST POSSIBLE IMAGE



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7 BR004R705A

Carmelita N. Ericta

CARMELITA N. ERICTA

Administrator and Civil Registrar General

National Statistics Office

Municipal Form No. 103 (Revised January 1993) (To be accomplished in quadruplicate)

Republic of the Philippines
 OFFICE OF THE CIVIL REGISTRAR GENERAL
CERTIFICATE OF DEATH

(Fill out completely, accurately and legibly. Use ink or typewriter.
 Place X before the appropriate answer in items 2, 9, 13, 15, 16, 18, 19, 21 and 23.)

Province N.C.R. City/Municipality Quezon City Registry No. _____

NAME LOUDES ESTRELLA SEMBLAN

SEX 1 MALE 2 FEMALE

3. RELIGION Catholic

4. AGE a. 1 YEAR OR ABOVE Completed years 54 b. UNDER 1 YEAR Months 1 Days 0 c. UNDER 1 DAY Hrs/Mn/Sec _____

5. PLACE OF DEATH (Name of Hospital/Clinic/Institution) (City/Municipality) (Province)
Along Commonwealth Avenue (in front of AYALA LANDS), Q.C.

6. DATE OF DEATH 13th May 2011 7. CITIZENSHIP PHILIPINO

8. RESIDENCE (House No. Street, Highway) (City/Municipality) (Province)
315 B Evergreen Drive, Capitol Green Vll, Tandang Sora, Q.C.

9. CIVIL STATUS 1 Single 2 Married 3 Widowed 4 Others 5 Unknown 10. OCCUPATION Professor

MEDICAL CERTIFICATE
 (For ages 4 to 7 days, accomplish items 11-17 at the back)

7. CAUSES OF DEATH I. Immediate cause: a. MEDICO-LEGAL CASE Interval Between Onset and Death _____
VEHICULAR ACCIDENT
see POST-MORTEM EXAMINATION conducted by the
MD-IVOT Division at the back
 Underlying cause: c. N/A-434

II. Other significant conditions contributing to death: _____

8. DEATH BY NON-NATURAL CAUSES a. Manner of Death 1 Homicide 2 Suicide 3 Accident 4 Others (Specify) _____
 b. Place of Occurrence (e.g. home, farm, factory, street, sea, etc.) _____

9. ATTENDANT 1 Private Physician 4 None From _____ To _____
 2 Public Health Officer 5 Others (Specify) _____
 3 Hospital Authority If attended, state duration: _____

10. CERTIFICATION OF DEATH
 I hereby certify that the foregoing particulars are correct as near as same can be ascertained and I further certify that I
 have not attended the deceased
 have attended the deceased and that death occurred at _____ on the date indicated above.

Signature _____
 Name in Print _____
 Title or Position _____
 Address _____
 Date _____

REVIEWED BY:
 Signature over printed name of Health Officer _____
 Date _____

11. CORPSE DISPOSAL 1 Burial 2 Cremation 3 Others (Specify) _____

22. BURIAL/CREMATION PERMIT Number _____ Date Issued _____

23. AUTOPSY 1 Yes 2 No

14. NAME AND ADDRESS OF CEMETERY OR CREMATORY
Arlington Crematory, Quezon City

15. INFORMANT Signature Gil P. Estrella
 Name in Print Gil P. Estrella Address B2 L18 San Lorenzo Main Square
 Relationship to the deceased Brother City/Municipality Commonwealth, Quezon City
 Date May 13, 2011

16. PREPARED BY Signature _____

27. RECEIVED AT THE OFFICE OF THE CIVIL REGISTRAR

REMARKS/ANNOTATION	
FOR OCRG USE ONLY: Population Reference No. _____	
TO BE FILLED UP AT THE OFFICE OF THE CIVIL REGISTRAR	
40	41
42	43
44	45
46	47
48	49
50	51
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86	87
88	89
90	91

MEDICAL CERTIFICATE

11. CAUSES OF DEATH

- a. Main disease/condition of infant _____
- b. Other diseases/conditions of infant _____
- c. Main maternal disease/condition affecting infant _____
- d. Other maternal disease/condition affecting infant _____
- e. Other relevant circumstances _____

CONTINUE TO FILL UP ITEM 18

POSTMORTEM CERTIFICATE OF DEATH

I HEREBY CERTIFY that I have this _____ day of _____, _____ performed an autopsy upon the body of the deceased and that the cause of death was as follows: _____

Signature _____
Name in Print _____

Title/Designation _____
Address _____

CERTIFICATION OF EMBALMER

I HEREBY CERTIFY that I have embalmed LOUISES E. SIMBULAN after having followed all the regulations prescribed by the Department of Health.

Signature _____
Name in Print ROLANDO LOPEZ
Address C/O Prince Funeral Service
200 Commonwealth Ave. C.C.

Title/Designation Lic. Embalmer
License No. 1010
Issued on 9/29/06 at Manila
Expiry Date Nov. 2011

Republic of the Philippines _____)
Province of _____) S.S.
City/Municipality of _____)

AFFIDAVIT FOR DELAYED REGISTRATION OF DEATH

I, _____, of legal age, single/married, after being duly sworn to in accordance with law, do hereby depose and say:

1. That _____ died on _____ in _____ and was buried/cremated in _____ on _____
2. That the deceased was/was not attended to at the time of his death.
3. That the reason for the delay in registering this death was due to _____

(Signature of affiant)

Community Tax No. _____
Date Issued _____
Place Issued _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, Philippines.

(Signature of Administering Officer)

(Title/Designation)

(Name in Print)

(Address)



ANNEX C



Republic of the Philippines
 National Police Commission
 Philippine National Police
 National Capital Regional Police Office
QUEZON CITY POLICE DISTRICT
QUEZON CITY DISTRICT TRAFFIC ENFORCEMENT UNIT
TRAFFIC SECTOR 5
 007 Don Jose Commonwealth, Q.C.
 430-08-07

MEMORANDUM

F O R : Chief, DTEU
 SUBJECT : Spot Report Re: One Female Person dead
 D A T E : 13 May 2011

1. This pertains to a case of RECKLESS IMPRUDENCE RESULTING IN HOMICIDE with DAMAGE TO PROPERTY, That transpired on or about 6:00 P M, May 13, 2011, along Commonwealth Avenue, fronting UP Technohub Ayalaland, Diliman, Q C. Involving the following to wit:

VICTIM / DECEASED

LOURDES SIMBULAN y ESTELLA, 53 yrs old, married, up prof, native of Quezon City, residing at no.31-B Evergreen Drive Capitol, Green Vill, Tandang Sora, Quezon City. Passenger of taxi.

PARTIES INVOLVED

- a) VITO JUGUNOS y TAMPOY, 33 yrs old, married, driver native of Bohol, residing at no.38 Galvary Hills, New Manila, Quezon City. Driver of Toyota Vios Taxi, with plate no. TXH - 5 3 2, registered to Delfin Llagas of no. 4644 Pagkakaiba st, V. Mapa Sta Mesa, Manila.
- b) An Unidentified driver of a Daewoo Passenger Bus (Universal Guiding Star Bus Line) with plate no. U V C - 3 4 3, owned by Universal Guiding Star Bus Line Corp. of no. Blk-5 Lot-12 Don Mariano Marcos Avenue, North Fairview, Quezon City.

2. FACTS OF THE CASE

Initial investigation conducted disclosed that at stated TDPO herein Toyota Vios (Abu Abbey Taxi) driven by Vito Jugunos together with victim/deceased as his passenger and herein Daewoo Passenger Bus (Universal Guiding Star Bus Line) driven by an unidentified driver were travelling along Commonwealth Avenue coming from Tandang Sora Avenue heading towards Philcoa. Fronting U.P. Ayaland Technohub, Diliman, this City, allegedly the taxicab right side portion was hit/sideswiped by a Passenger Bus with unknown plate No. Seconds later, the rear end portion of same Abu Abbey Taxi was hit/bumped by the left front end portion of the Universal Guiding Star Bus. Due, to the strong impact victim/deceased was pinned inside the taxicab who was then sitting at the backseat. As a result thereof, victim sustained fatal injuries on her person. She was rushed at Gen Malvar Hospital but she was pronounced DOA by Dr Monette Dulay of said institution. Likewise damaged to the Taxi&Bus.

On the otherhand, the driver of Universal Guiding Star Bus Line fled on foot after the accident leaving behind his Bus. While the Passenger Bus with unknown plate No. immediately after hitting the taxicab sped away.

- 3. Disposition : Under Investigation and Follow Up.
- 4. On Case : SPO4 Nelson B Apostol

PSI-MAXIMO SABIO
 Chief, Traffic Sector 5

RECEIVED
 PA Srav. S. Patino
 RCPD/DTEU
 DATE: 05/14/11
 TIME: 7:31 A.M.

ANNEX D

OFFICE OF THE VICE-CHANCELLOR FOR ACADEMIC AFFAIRS

NOTIFICATION OF APPROVAL OF APPOINTMENT

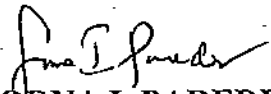
Ms. Lourdes E. Simbulan
College of Mass Communication

Thru: Dean Roland B. Tolentino

COLLEGE OF MASS COMMUNICATION
RECEIVED
DATE: June 25, 2009
TIME: _____

By authority of the Board of Regents and the Chancellor, I hereby approve the renewal of your appointment as Instructor 7 (Salary Grade 17-3), with temporary status in the College of Mass Communication, with a salary of Two Hundred Twenty-Seven Thousand Nine Hundred Sixty-Four Pesos (P227,964.00) per annum, effective 1 June 2009 until 31 May 2010 unless sooner terminated, subject to pertinent University rules and regulations.

Done at Quezon City, Philippines, this 16th day of June 2009.


LORNA I. PAREDES
Vice-Chancellor for Academic Affairs


15.080.010.10
1828 PSI 1994; PROF1-47-2006

Employee No. 191703850

In case of non-renewal of a temporary appointment, the person concerned shall be so informed in writing by the Dean at least sixty days before the expiration date. Payment of salaries prior to or beyond the approved appointment period shall be the personal responsibility of the Head of the unit or the person who requested the appointee to report for work outside of the period of the approved appointment.

Source: Sec. 5.4.5 U.P. Diliman Faculty Manual, p. 25, 1989
Sec. 11, CSC Rule V Appointment, p. 17, 1992
OC Memo No. 98-123 on Appointments, March 9, 1998
OC Memo No. 98-141 to HRDO Director, March 26, 1998
/am

Noted:


Roland B. Tolentino, Ph.D
Dean
20 June 09