SPC Guiding Case No. 142: Liu Minglian, Guo Lili, and Guo Shuangshuang v. Sun Wei and the Xinyang Branch of Henan Lanting Property Management Co., Ltd. (Right to Life Dispute)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Keywords

Civil / right to life / dissuasion / reasonable limits / the person's own illness

Holding

Where a person, in order to protect the lawful rights and interests of a party injured in a collision, dissuades the other party from leaving the scene of the collision and does not exceed reasonable limits, the act is lawful. Where the person being dissuaded dies of sudden death caused by his or her own illness, and his or her close relatives request that the dissuading person bear tort liability, the people's court shall not support the request.

Basic Facts

At around 7:40 p.m. on September 23, 2019, Guo Mou rode a folding bicycle out of the road on the east side of the south gate square of the Boshimingcheng residential community and rode toward the south gate exit, where he collided with a five-year-old child, Luo Mou, causing Luo Mou injury and bleeding on the right side of the jaw and knocking him to the ground. Sun Wei, who was there playing with his own child, saw this, helped Luo Mou up, and contacted Luo Mou's mother Li 1 through the WeChat voice call function, but no one answered. Sun Wei then asked a neighbor nearby to notify Li 1, and asked Guo Mou to wait for Luo Mou's parents to come and handle the matter. Guo Mou claimed that it was Luo Mou who had collided with him, that he had matters to attend to, and that he needed to leave. As a result, Guo Mou and Sun Wei argued. Sun Wei stood in front of the bicycle to block Guo Mou and prevent him from leaving.

The first video of the incident showed that Guo Mou moved the bicycle forward, and Sun Wei stood in front of the bicycle, holding a mobile phone in his left hand and gripping the bicycle handlebars with his right hand; after about 8 seconds, Sun Wei pushed the handlebars twice with his right hand. The main content of the argument between Guo Mou and Sun Wei was as follows: Guo Mou said to Sun Wei, "Are you being reasonable?" Sun Wei said, "How am I not being reasonable? I'm asking you to wait a while." Guo Mou said, "You have nothing to do, but I still have things to do." Sun Wei said, "Am I right? You hit a child." Guo Mou said, "I still have things to do." Sun Wei said, "You hit a child, and I've been telling you for ages." Guo Mou said, "Did I hit the child, or did the child hit me?" The second video showed that Sun Wei, Guo Mou, and the security guards Li 2 and Wu Mou of the Boshimingcheng community were all near the second stone bollard, counting from south to north, at the exit on the east side of the south gate of the community. Sun Wei held a mobile phone in his left hand and placed his right hand on the handlebars of Guo Mou's bicycle for about 5 seconds. Li 2 and Wu Mou urged Guo Mou not to curse; Guo Mou said he would call 110, and at that moment Guo Mou was emotionally agitated and engaged in cursing.

At 7:46 p.m. on September 23, 2019, Sun Wei dialed 110 to report the matter. Guo Mou parked his bicycle and sat on the first stone bollard, counting from south to north, at the exit on the east side of the south gate of the community. Less than two minutes after sitting on the stone bollard, Guo Mou fell to the ground. A 14-second video of the incident submitted by Sun Wei showed Guo Mou lying on the ground trying to get up,

while Sun Wei was operating his mobile phone and reporting the location.

At 7:48 p.m. on September 23, 2019, Sun Wei dialed 120 for emergency medical services. Thereafter, Sun Wei sent his own child home and then returned to the scene. Medical personnel rushed to the scene and immediately carried out rescue efforts on Guo Mou. Guo Mou died of cardiac arrest after rescue efforts proved ineffective.

In addition, on September 4, 2019, Guo Mou had been admitted to the Central Hospital of Xinyang City, Henan Province, with the chief complaint of "unconsciousness accompanied by limb convulsions for one hour," and was later diagnosed with "right cerebral infarction, secondary epilepsy, grade 3 hypertension (extremely high risk), type 2 diabetes, cerebrovascular malformation, and paroxysmal atrial fibrillation." The Central Hospital of Xinyang City issued a critical illness notice for Guo Mou's condition, which stated that "although the medical staff are actively treating the patient, the patient's condition is currently critical and may further deteriorate, endangering the patient's life at any time." During Guo Mou's treatment, the Central Hospital of Xinyang City recorded in the communication record the risks and complications that Guo Mou might experience, including: progression of cerebral infarction and aggravation of symptoms; brain herniation with respiratory and cardiac arrest; nausea, arrhythmia, and sudden death; and so on. The course-of-illness record for Guo Mou dated September 16, 2019 recorded that Guo Mou and his family requested discharge, and after consulting a superior physician, the discharge was processed.

Guo Mou's wife Liu Minglian and his daughters Guo Lili and Guo Shuangshuang brought a lawsuit, requesting that Sun Wei bear tort liability for compensation, and that Henan Lanting Property Management Co., Ltd. Xinyang Branch bear compensation liability for inadequate management.

Judgment

On December 30, 2019, the Pingqiao District People's Court of Xinyang City, Henan Province, rendered Civil Judgment (2019) Yu 1503 Min Chu No. 8878: dismissing the claims of plaintiffs Liu Minglian, Guo Lili, and Guo Shuangshuang. After the judgment was pronounced, none of the parties appealed. The first-instance judgment has become legally effective.

Reasoning

The court in its effective judgment held that the focal issues in this case were whether defendant Sun Wei committed an infringing act; whether there was a causal relationship between Sun Wei's act of blocking Guo Mou from leaving and Guo Mou's death; and whether Sun Wei was at fault.

First, after Guo Mou collided with the young Luo Mou while riding a bicycle, Luo Mou was injured and bleeding on the right side of the jaw and fell to the ground. As a party to the accident, Guo Mou did not actively and rationally handle the matter and insisted on leaving. Any organization or individual has the right to stop, or to report to the relevant department, acts that are detrimental to the health of children and infringe upon the lawful rights and interests of children. As a minor, Luo Mou had relatively weak self-protection ability and required special protection from adults. After seeing Guo Mou collide with Luo Mou, Sun Wei, in order to protect Luo Mou's interests, asked Guo Mou to wait for Luo Mou's mother to come and handle the collision, which was consistent with common sense. Based on evidence such as the time the video was sent in the chat records of the Boshimingcheng owners' group on the night of the incident and the records of Sun Wei's calls to 110 and 120, it could be confirmed that Sun Wei blocked Guo Mou for about 8 minutes. During the blocking, although Sun Wei and Guo Mou argued verbally, Sun Wei's words were not excessive. Sun Wei placed his hand on Guo Mou's bicycle handlebars, and the two had no physical conflict. Both the manner and content of Sun Wei's blocking were within normal limits. Therefore, Sun Wei's act of dissuasion was lawful, did not exceed reasonable limits, and was not unlawful, and should be affirmed and supported.

Second, Guo Mou suffered from cerebral infarction, hypertension, heart disease, diabetes, secondary epilepsy, and other illnesses, had sought medical treatment in the month of the incident, and had been

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discharged one week before the incident at the request of himself and his family. Sun Wei blocked Guo Mou from leaving; Guo Mou sat on the stone bollard and, after falling to the ground, unfortunately died of cardiac arrest. Guo Mou's death was regrettable. As the close relatives of the deceased Guo Mou, Liu Minglian, Guo Lili, and Guo Shuangshuang felt grief and brought this lawsuit, which was understandable. Sun Wei's act of blocking would not by itself have caused Guo Mou's death; the actual cause of Guo Mou's death was cardiac arrest. Therefore, there was no legally recognized causal relationship between Sun Wei's act of blocking and the consequence of Guo Mou's death.

Third, although Sun Wei's blocking of Guo Mou from leaving triggered Guo Mou's emotional agitation, Sun Wei and Guo Mou had not known each other before the incident, and Sun Wei did not know that Guo Mou suffered from multiple dangerous illnesses. The purpose of Sun Wei's act of blocking Guo Mou was to protect the interests of the child, and there was no intent or negligence to infringe upon Guo Mou. After Guo Mou fell to the ground, Sun Wei dialed 120 to seek help. From this it can be seen that Sun Wei could not foresee Guo Mou's death, and he was not at fault for the consequence of Guo Mou's death.

Relevant Legal Provisions

Article 6 of the Tort Liability Law of the People's Republic of China.

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