SPP Guiding Case No. 226: Protest Case — Yuan Mousong v. Wen Mouqiang and an Insurance Company (Motor Vehicle Traffic Accident Liability Dispute)

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SPP Guiding Case No. 226 (Procuratorial Example No. 226)

Keywords

Supervision of effective civil judgments; traffic accident dispute; reward for voluntary blood donation; not reducing the tort compensation liability.

Holding

In a tort liability dispute, the reimbursement of blood-use expenses obtained by the injured party as a result of voluntary blood donation constitutes a reward granted by law for voluntary blood donation, which does not arise from the same legal relationship as the tort compensation liability that the tortfeasor should bear. The reimbursement of blood-use expenses lawfully obtained by the injured party cannot offset or reduce the tortfeasor's compensation liability.

Basic Facts

On January 4, 2018, Wen Mouqiang, driving a small ordinary passenger vehicle, was involved in a three-vehicle collision on a certain expressway section, injuring Yuan Mousong and several others. The traffic administrative department determined that Wen Mouqiang bore full responsibility for the accident. The offending vehicle was personally owned by Wen Mouqiang and was insured with an insurance company under compulsory traffic accident liability insurance and third-party liability insurance. From the accident until July 20, 2018, Yuan Mousong was hospitalized for a total of 197 days, incurring medical expenses of RMB 88,774.40, including RMB 5,180 in blood-use expenses. Because Yuan Mousong had previously donated blood voluntarily on multiple occasions, on March 14, 2018, the office of the Guiyang Municipal Citizens' Blood Donation Committee reimbursed the RMB 5,180 in blood-use expenses.

On October 16, 2018, Yuan Mousong filed a lawsuit against Wen Mouqiang and the insurance company with the Meitan County People's Court of Guizhou Province (the court of first instance), requesting that Wen Mouqiang compensate various losses totaling RMB 358,652.98 and that the insurance company compensate those losses within the scope of insurance liability. The court of first instance held that Wen Mouqiang's failure to drive the vehicle in accordance with operating standards was the direct cause of the traffic accident, and he bore full liability. Because there were many injured persons and the compensation far exceeded the limit of compulsory traffic accident liability insurance, the insurance company compensated proportionally within the compulsory insurance limit, with the remainder compensated within the third-party liability insurance limit. Because the RMB 5,180 in blood-use expenses incurred in Yuan Mousong's treatment had been reimbursed by the blood administration department, that amount was not included in Yuan Mousong's medical expense loss. The court determined Yuan Mousong's various losses from the traffic accident to total RMB 354,619.88, and deducted RMB 140,000 advanced by the insurance company. Accordingly, it ordered the insurance company to pay Yuan Mousong RMB 214,619.88 in a lump sum and dismissed the rest of Yuan Mousong's claims.

After the first-instance judgment, Yuan Mousong appealed to the Zunyi Intermediate People's Court (the court of second instance). The court of second instance held that the RMB 5,180 in blood-use expenses reimbursed to Yuan Mousong for his voluntary blood donation did not constitute a loss directly caused by the

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accident, and upheld the first-instance result of not compensating that amount. Re-examining the various losses, it determined Yuan Mousong's total losses to be RMB 388,591.56, revoked the first-instance judgment, and ordered the insurance company to pay Yuan Mousong RMB 248,591.56 (after deducting the RMB 140,000 advanced).

After the second-instance judgment, Yuan Mousong applied for retrial to the Guizhou Provincial High People's Court, which directed the Zunyi Intermediate People's Court to retry the case. On retrial, the court held that the reimbursed RMB 5,180 in blood-use expenses, though a benefit of Yuan Mousong's long-term voluntary blood donation, could not be claimed against the insurance company because the reimbursement meant Yuan Mousong had not incurred that loss. The retrial court re-verified Yuan Mousong's total economic losses at RMB 402,299.56, and ordered the insurance company to pay Yuan Mousong RMB 262,299.56 (after deducting the RMB 140,000 advanced).

Judgment

Acceptance and review. Yuan Mousong, dissatisfied with the retrial judgment, applied for supervision to the Zunyi Municipal People's Procuratorate. Upon review, the Zunyi Municipal People's Procuratorate found that Yuan Mousong had voluntarily donated blood eight times totaling 2,800 ml between 1999 and 2006, qualifying as a voluntary blood donor entitled to reimbursement of blood-use expenses under the Blood Donation Law of the People's Republic of China. It considered that the retrial judgment's reduction of the tortfeasor's compensation liability on the ground that Yuan Mousong's blood-use expenses had been reimbursed by the blood administration department lacked legal basis, and requested the Guizhou Provincial People's Procuratorate to lodge a protest.

Supervision opinions. On July 22, 2021, the Guizhou Provincial People's Procuratorate lodged a protest with the Guizhou Provincial High People's Court. It argued, first, that the Blood Donation Law of the People's Republic of China grants voluntary blood donors the statutory right to exemption or reduction of blood-use expenses, and the Regulations of Guizhou Province on Blood Donation provide that voluntary blood donors with cumulative donations of 400 ml or more may enjoy free access to required blood for life without limit. The right of voluntary blood donors to exemption or reduction of blood-use expenses should be recognized as a reward established by legislation to encourage voluntary blood donation; it arises from a different cause than the tort debt and does not belong to the same type of legal relationship, cannot be conflated, and the tortfeasor's liability should not be reduced because the injured party obtained reimbursement of blood-use expenses. In this case, Yuan Mousong had donated blood voluntarily many times before the injury, and his blood-use expenses incurred due to the traffic accident constituted actual losses caused by the tort. Although the blood administration department reimbursed those expenses, this should not offset the tort debt, and the tortfeasor should still pay that portion of blood-use expenses. The retrial judgment confused legal relationships by equating the reimbursement of a voluntary blood donor's blood-use expenses with the tortfeasor's tort compensation, which was an erroneous application of law. Second, voluntary blood donation is a form of social mutual assistance protected by law and an important embodiment of the humanitarian spirit. If voluntary blood donors were deemed unable to claim blood-use expenses from tortfeasors, this would not only reduce the tortfeasor's compensation liability but also turn the reward that should be given to voluntary blood donors into an excuse for the tortfeasor to reduce liability, contrary to socialist core values.

Result of supervision. On September 25, 2023, the Guizhou Provincial High People's Court adopted the procuratorial protest opinions and rendered a retrial judgment: the insurance company shall pay Yuan Mousong RMB 267,479.56 in a lump sum (including Yuan Mousong's RMB 5,180 in blood-use expenses).

Reasoning

In a tort liability dispute, the reward of exemption or reduction of blood-use expenses lawfully obtained by the injured party through voluntary blood donation and the tort compensation liability do not arise from the same legal relationship and cannot offset or reduce the tortfeasor's compensation liability. The Blood Donation Law

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of the People's Republic of China establishes the system of exemption or reduction of blood-use expenses for voluntary blood donors in order to affirm and promote the dedication of voluntary blood donors and encourage more members of the public to care about and participate in voluntary blood donation; it is a reward granted to voluntary blood donors. A voluntary blood donor who suffers a tort leading to clinical blood use shall both enjoy the state's reward of exemption or reduction of blood-use expenses and receive corresponding tort damages; the two arise from different legal relationships and are not mutually exclusive. In judicial practice, when determining the amount of losses suffered by the injured party, different legal relationships shall be accurately distinguished; the reimbursement obtained by the injured party based on a statutory reward cannot be equated with the tort damages due to the injured party, and the tortfeasor's compensation liability may not be offset or reduced on the ground of expense reimbursement.

Relevant Legal Provisions

Article 14 of the Blood Donation Law of the People's Republic of China.

Articles 200, 208 and 209 of the Civil Procedure Law of the People's Republic of China (as amended in 2017, applicable to this case; now Articles 211, 219 and 220 of the 2023 amendment).

Article 91 of the Rules for Civil Litigation Supervision by People's Procuratorates (for Trial Implementation) (effective 2013, applicable to this case; now Article 90 of the Rules for Civil Litigation Supervision by People's Procuratorates effective 2021).

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