



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**EDISON PRIETO and FEDERICO
 RONDAL, JR.,**

Petitioners,

G.R. No. 214898

Present:

PERLAS-BERNABE, *SAJ.*,
 Chairperson,
 HERNANDO,
 INTING,
 DELOS SANTOS, and
 GAERLAN* *JJ.*

-versus-

ERLINDA CAJIMAT,

Respondent.

Promulgated:

08 JUN 2020

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DECISION

HERNANDO, J.:

Challenged in this Petition for Review¹ is the Decision² dated March 20, 2014 and Resolution³ dated September 23, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 97048, which affirmed the Decision⁴ dated February 18, 2011 of the Regional Trial Court (RTC), Branch 18 of Batac, Ilocos Norte, in Civil Case No. 4256-18, ordering petitioners Edison Prieto (Prieto) and Federico Rondal, Jr. (Rondal, Jr.) to pay jointly and solidarily respondent Erlinda Cajimat (Erlinda) the following: (a) ₱29,000.00 as actual expenses; (b) ₱50,000.00 as civil indemnity; (c) ₱50,000.00 as moral damages; (d) ₱30,000.00 as exemplary damages; (e) ₱25,000.00 as attorney's fees; and (f) ₱2,700.00 as cost of suit.

*Designated Additional Member of the Second Division per Special Order No. 2780 dated May 11, 2020.

¹ *Rollo*, pp. 11-29.

² *Id.* at 31-40; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Rebecca De Guia-Salvador and Ramon R. Garcia.

³ *Id.* at 42-43.

⁴ *Id.* at 82-100; penned by Judge Isidoro T. Pobre.

The Antecedents

On January 14, 2003, at around 7:40 in the evening, petitioner Rondal, Jr. was driving a red Yamaha tricycle with plate number BT 9799 along the southbound lane of the national highway of Barangay 2 Garreta, Badoc, Ilocos Norte. Thereafter, petitioner Rondal, Jr. overtook two tricycles in front of him and occupied the northbound lane which resulted in a head-on collision with a black Yamaha “chop-chop” motorcycle which was driven by Narciso Cajimat III (Cajimat III). As a result, Cajimat III suffered a fractured skull which caused his instantaneous death.

A criminal case for Reckless Imprudence resulting in Homicide was filed against petitioner Rondal, Jr. before the Municipal Circuit Trial Court (MCTC) of Badoc-Pinili, Badoc, Ilocos Norte docketed as Criminal Case No. 2730-B. Meanwhile, the mother of deceased Cajimat III, respondent Erlinda, filed a separate civil action for damages before the RTC against petitioners Rondal, Jr. and Prieto, the registered owner of the red Yamaha tricycle.

Respondent Erlinda posited that at the time of the incident, petitioner Rondal, Jr. did not have a driver’s license and was intoxicated. She pointed out that the direct, immediate, and proximate cause of the collision was petitioner Rondal, Jr.’s gross negligence in managing, driving, and operating the red Yamaha tricycle. Thus, respondent Erlinda prayed for the payment of the burial and miscellaneous expenses she incurred in the total amount of ₱200,000.00, attorney’s fees, moral damages, and exemplary damages.

On the other hand, petitioners opined that petitioner Rondal, Jr. had been careful and prudent while driving the red Yamaha tricycle at a moderate speed. They further alleged that petitioner Rondal, Jr. took and drove the said tricycle without petitioner Prieto’s consent and authority. They likewise contended that the collision was caused by deceased Cajimat III’s own negligence, recklessness, and imprudence by driving an unregistered and unlighted “chop-chop” motorcycle at full speed.

After pre-trial, trial on the merits ensued. Respondent Erlinda presented the testimony of Senior Police Officer 1 Proceso Villa (SPO1 Villa), the responding officer who investigated the vehicular collision. On the other hand, petitioners presented their testimonies as evidence.

Meanwhile, on May 21, 2008, the MCTC rendered a Decision⁵ finding petitioner Rondal, Jr. guilty beyond reasonable doubt of Reckless Imprudence resulting in Homicide, which fact was admitted by both parties.⁶

⁵ Records, pp. 153-168; penned by Judge Ligaya V. Sulicipan.

⁶ CA *rollo*, p. 87.

Ruling of the RTC

Thereafter, on February 18, 2011, the RTC, applying the principle of *res ipsa loquitur*, rendered a Decision⁷ finding petitioners Rondal, Jr. and Prieto negligent and are therefore civilly liable. In addition, the RTC reasoned that deceased Cajimat III cannot be considered contributorily negligent in the vehicular mishap as there was no evidentiary proof that his motorcycle did not have a headlight at the time of the collision.

As to petitioner Prieto's civil liability under Article 2176 in relation to Article 2180 of the Civil Code, the RTC ruled that as owner of a public utility vehicle, he is solidarily liable as an employer of petitioner Rondal, Jr. Petitioner Prieto's allegations that petitioner Rondal, Jr. was not his employee nor did he ask consent to drive the red Yamaha tricycle were not sufficiently substantiated and therefore, self-serving.

Thus, the RTC ordered petitioners to jointly and solidarily pay respondent Erlinda the following: (a) ₱29,000.00 as actual expenses; (b) ₱50,000.00 as civil indemnity; (c) ₱50,000.00 as moral damages; (d) ₱30,000.00 as exemplary damages; (e) ₱25,000.00 as attorney's fees; and (f) ₱2,700.00 as cost of suit.⁸

Ruling of the CA

Hence, petitioners filed an appeal before the CA. On March 20, 2014, the CA rendered its Decision⁹ affirming *in toto* the RTC's Decision dated February 18, 2011. It ruled that there is no cogent reason to assume that the deceased Cajimat III's motorcycle had no headlights nor blinkers at the time of the collision. In fact, a disinterested eyewitness testified in Criminal Case No. 2730-B that the motorcycle had its headlights on. Also, considering the impact of the collision, the front portion of the motorcycle was totally damaged. In addition, the fact that the motorcycle was unregistered does not negate petitioners' liability.

As to petitioner Prieto's liability, the CA held that the registered owner of the motor vehicle is considered as the employer of the tortfeasor-driver and is made primarily liable for the tort committed by the latter under Article 2176, in relation to Article 2180, of the Civil Code. Thus, insofar as third persons are concerned, the registered owner of the motor vehicle is the employer of the negligent driver, and the actual employer is considered merely as an agent of such owner.

⁷ *Rollo*, pp. 82-100.

⁸ *Id.* at 100.

⁹ *Id.* at 31-40.

The CA further ruled that petitioner Prieto's vicarious liability is grounded on his failure to exercise due diligence of a good father of a family to prevent damage and in the selection of his employee.

A motion for reconsideration was filed by petitioners which was subsequently denied by the CA in its Resolution dated September 23, 2014.¹⁰

Hence, petitioners filed a Petition for Review on *Certiorari* under Rule 45 before the Supreme Court.

Issue

The lone issue presented by petitioners for resolution by this Court is whether or not the proximate cause of Cajimat III's demise is due to his own negligence.

Petitioners argue that the absence of a license plate, headlight, and blinkers sufficiently proves Cajimat III's negligence in driving his "chop-chop" motorcycle which was clearly stated in the report prepared by SPO4 Wilson Calaycay (SPO4 Calaycay) and strengthened by the testimonies of respondent Erlinda and SPO1 Villa. They emphasized that the deceased should not be driving an unlighted motorcycle and without blinkers to the detriment of other people especially during nighttime. Thus, respondent Erlinda has no right to recover damages when the deceased's own negligence was the immediate and proximate cause of his injury.

The Court's Ruling

We find the Petition without merit.

Petitioners are raising a question of fact, that is, whether there were indeed headlights and blinkers in deceased Cajimat III's motorcycle which would allegedly make him negligent in driving his motorcycle in the national highway during nighttime and thus absolve the petitioners from any liability on the injury caused to the deceased. The issue raised by petitioners is clearly a question of fact which requires a review of the evidence presented. It is well-settled that this Court is not a trier of facts, and it is not its function to examine, review, or evaluate the evidence all over again. As a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts.

A petition for review on *certiorari* under Rule 45 of the Rules of Court should cover only questions of law, thus:

¹⁰ Id. at 103-104.

Section 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. **The petition shall raise only questions of law which must be distinctly set forth.** (Emphasis ours)

For a question to be one of law, it must not involve an examination of the probative value of the evidence presented by any of the litigants. The resolution of the issue must solely depend on what the law provides on the given set of circumstances. Once it is obvious that the issue invites a review of the evidence presented, the question posed is one of fact.¹¹

However, the rule admits of exceptions, which includes, but not limited to: (1) where the conclusion is a finding grounded entirely on speculation, surmises, and conjectures; (2) where the inference made is manifestly mistaken; (3) where there is grave abuse of discretion; (4) where the judgment is based on misapprehension of facts; and (5) the findings of fact are premised on the absence of evidence and are contradicted by evidence on record.¹² Petitioners failed to show that this case falls under any of the exceptions. Hence, this Court finds no justifiable reason to deviate from the findings of the RTC and the CA that no sufficient evidence was presented by petitioners to prove that indeed Cajimat III's motorcycle had no headlight and blinkers during the mishap.

In fact, even the report prepared by SPO4 Calaycay which stated that the motorcycle of the deceased had no headlights and blinkers on its front and rear portions was belied and uncorroborated by the testimony of the investigating officer, SPO1 Villa, who testified that:

Q: x x x And you have inspected that there is no headlight, isn't it?

A: I am not sure, sir because as I said it was in a sliding position and when Federico Rondal [Jr.] surfaced, I immediately took Federico Rondal [Jr.] to the police station and we immediately proceeded to the Corpuz Clinic to check the condition of the victim, sir.¹³

Contrary to the contention of the petitioners, there is nothing in the above-quoted testimony of SPO1 Villa, the investigating officer who responded to the subject vehicular accident, to show that he confirmed that indeed the deceased's motorcycle had no headlights during the incident.

¹¹ *Century Iron Works, Inc. v. Bañas*, 711 Phil. 576, 586 (2013).

¹² *Uyboco v. People*, 749 Phil. 987, 992 (2014).

¹³ TSN, October 4, 2006, p. 11.

Simply put, the party who alleges a fact has the burden of proving it. Section 1, Rule 131 of the Rules of Court provides that the burden of proof is the duty of a party to prove the truth of his/her claim or defense, or any fact in issue by the amount of evidence required by law. In this case, the burden of proof rests upon the petitioners, who are required to establish their case by a preponderance of evidence. However, aside from petitioners' allegations, no other evidence was presented to prove that indeed the deceased was negligent in driving his motorcycle.

Finally, the findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise affect the results of the case, those findings should not simply be ignored. Absent any clear showing of abuse, arbitrariness, or capriciousness committed on the part of the lower court, its findings of facts are binding and conclusive upon the Court.¹⁴

The monetary awards of (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; (c) ₱25,000.00 as attorney's fees; and (d) ₱2,700.00 as cost of suit are correct and in accord with recent jurisprudence.¹⁵ However, We deem it necessary to delete the actual damages in the amount of ₱29,000.00 and award ₱50,000.00 as temperate damages in lieu thereof in conformity with prevailing jurisprudence¹⁶ that when the actual damages is less than the sum allowed by the Court as temperate damages, now pegged at ₱50,000.00, the award of temperate damages is justified in lieu of actual damages. We likewise modify the award of exemplary damages into ₱50,000.00 to recognize the reckless and imprudent manner in which petitioners Prieto and Rondal, Jr. acted during the incident. These monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this judgment until fully paid.

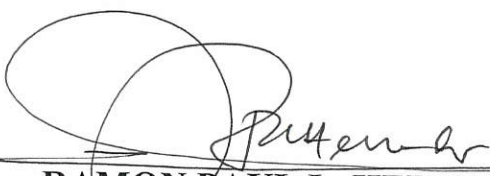
WHEREFORE there being no reversible error on the part of the Court of Appeals, the Petition is **DENIED**. Accordingly, the Decision dated March 20, 2014 and Resolution dated September 23, 2014, rendered by the Court of Appeals in CA-G.R. CV No. 97048, are hereby **AFFIRMED** with the following **MODIFICATIONS**: (a) the amount of ₱29,000.00 as actual damages is deleted; and (b) the amounts of ₱50,000.00 as temperate damages in lieu of actual damages and ₱50,000.00 as exemplary damages are awarded to respondent Erlinda Cajimat. All monetary award shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this judgment until fully paid.

¹⁴ *Uyboco v. People*, supra at 992.

¹⁵ *People v. Jugueta*, 783 Phil. 806 (2016).


¹⁶ *People v. Racal*, 817 Phil. 665, 685-686 (2017).

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

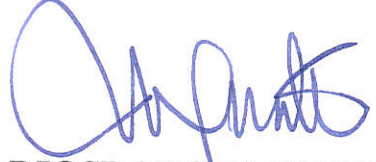
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Chief Justice