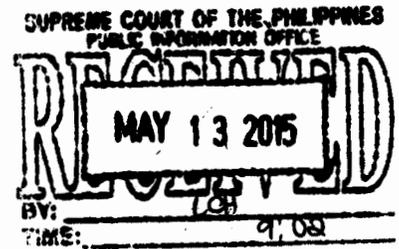




Republic of the Philippines  
Supreme Court  
Baguio City



THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated April 15, 2015, which reads as follows:*

**“G.R. No. 210295 (*People’s General Insurance Corporation vs. Saulog Transit Inc. and Edward Capulong*).** – This is a Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated December 3, 2013 of the Court of Appeals (CA) in CA-G.R. SP No. 123744, which affirmed the Decision<sup>3</sup> dated January 27, 2012 of the Regional Trial Court (RTC) of Manila in Civil Case No. 11-126198. The RTC denied People’s General Insurance Corporation’s (PGIC) appeal from the Decision<sup>4</sup> dated June 16, 2011 of the Metropolitan Trial Court (MeTC) of Manila.

On December 23, 2004, at around 8:10 p.m., a vehicular mishap occurred at the North Luzon Expressway (NLEX), in the vicinity of Sta. Rita, Guiguinto, Bulacan. Smoke from a massive grassfire was obstructing the vision of motorists on NLEX, among them was Narciso Cayabyab (Cayabyab), driver of a Toyota Altis. Cayabyab was on the fast lane of NLEX when he made a complete stop, after the passenger van in front of him slowed down and stopped. Right behind Cayabyab was a Hino passenger bus of the Saulog Transit Inc. (Saulog) driven by Edward Capulong (Capulong) (collectively, respondents). Capulong had already reduced his speed on account of the smoke but he was unable to avoid hitting the stationary Toyota Altis in front of him, whose hazard lights were not turned on. The impact of the collision pushed the Toyota Altis forward and it, too, hit and damaged the van in front of it. The passengers of the Toyota Altis sustained injuries.<sup>5</sup>

<sup>1</sup> *Rollo*, pp. 15-43.

<sup>2</sup> Penned by Associate Justice Florito S. Macalino, with Associate Justices Sesinando E. Villon and Pedro B. Corales concurring; *id.* at 50-57.

<sup>3</sup> Issued by Presiding Judge Reynaldo G. Ros; *id.* at 98-112.

<sup>4</sup> Issued by Acting Judge Juan O. Bermejo, Jr.; *id.* at 88-97.

<sup>5</sup> *Id.* at 51-52.

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Romeo Nuqui (Nuqui), owner of the Toyota Altis, was able to collect ₱737,100.00 in loss claim from his insurer, PGIC; and PGIC in turn was able to sell the damaged Toyota Altis for its salvage value of ₱360,000.00.<sup>6</sup>

PGIC sought reimbursement from the respondents in the amount of ₱377,100.00, the difference between the amount it paid to Nuqui and the salvage value of the Toyota Altis, but its several demands were ignored. Thus, an action for sum of money was filed by PGIC against the respondents before the MeTC, docketed as Civil Case No. 180774-CV.<sup>7</sup>

In their Answer, the respondents contended that the proximate cause of the vehicular accident was the negligence of Cayabyab, driver of the Toyota Altis, who recklessly disregarded the traffic rules when he made a sudden stop on the fast lane of NLEX.<sup>8</sup>

In its Decision dated June 16, 2011, the MeTC dismissed the complaint. The MeTC held that Cayabyab's abrupt stop without the warning lights of the Toyota Altis turned on was a violation of the traffic rules pertaining to the use of the express lane of a national highway such as NLEX. This was admitted by Cayabyab who testified on cross-examination that shortly before the accident, he was running at 100 kilometers per hour on the fast lane when he noticed thick smoke covering the road ahead. He slowed down to 60 kph, and then to a full stop when the van ahead of him made a sudden stop. However, in view of the reduced visibility due to the smoke, aggravated by the fact that it was nighttime, Cayabyab failed to warn the vehicle coming after him when he failed to turn on his tail warning lights. Thus, Capulong, the driver of the Hino passenger bus was afforded no reasonable time to avoid hitting the Toyota Altis ahead of it.<sup>9</sup>

PGIC appealed to the RTC which rendered judgment on January 27, 2012. The RTC affirmed the MeTC decision, ruling that the negligence of Cayabyab was the proximate cause of the vehicular accident.<sup>10</sup>

PGIC went up to the CA on petition for review under Rule 42 of the Rules of Court. The case was referred to mediation, but the parties failed to reach a settlement.<sup>11</sup> In its petition, PGIC insisted that the negligence of Capulong, driver of the Saulog bus, was the proximate cause of the accident.<sup>12</sup>

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<sup>6</sup> Id. at 51.  
<sup>7</sup> Id.  
<sup>8</sup> Id.  
<sup>9</sup> Id. at 52.  
<sup>10</sup> Id. at 105.  
<sup>11</sup> Id. at 53.  
<sup>12</sup> Id. at 55-56.

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Citing Article 2179 of the Civil Code,<sup>13</sup> the CA concluded that the proximate cause of the vehicular accident was the negligence of Cayabyab, driver of the Toyota Altis. It agreed with the MeTC and the RTC that Cayabyab was negligent when he stopped his car on the fast lane without turning on its hazard lights, knowing that visibility was very poor because of the thick smoke hovering over the highway. Stopping on NLEX is allowed only in designated areas, and since it was nighttime and many vehicles were traversing NLEX because it was the 23rd of December, Cayabyab should have turned on his hazard lights. Had he just done so while on full stop, Capulong might have been sufficiently warned ahead and avoided bumping the rear of the Toyota Altis.

In this petition, PGIC cites the testimonies of: (1) Leonard Sambile, the Saulog bus coordinator who was in the bus at the time of the accident and admitted that the bus was traveling on the express/innermost lane of NLEX from Balintawak in Quezon City to the point of collision in Sta. Rita, Bulacan;<sup>14</sup> and (2) Senior Police Officer 2 Benigno Mercado (SPO2 Mercado), who investigated the incident and prepared the police report and testified that the bus collided with the Toyota Altis because Capulong was running too fast and failed to stop in time.<sup>15</sup>

Invoking Section 37 of Republic Act No. 4136, PGIC insists that Capulong was negligent because the bus was running too fast and was continuously traversing the inner/fast lane which is only allowed when overtaking. Because of his reckless speed, Capulong failed to push the brakes in time to avoid hitting the Toyota Altis car. Section 37 reads:

SEC. 37. Driving on Right Side of Highway. – Unless a different course of action is required in the interest of the safety and the security of life, person or property, or because of unreasonable difficulty of operation in compliance herewith, every person operating a motor vehicle or an animal-drawn vehicle on a highway shall pass to the right when meeting persons or vehicles coming toward him, and to the left when overtaking persons or vehicles going the same direction, and when turning to the left in going from one highway to another, every vehicle shall be conducted to the right of the center of the intersection of the highway.

The petition is bereft of merit.

“[I]n petitions for review on *certiorari*, only questions of law may be raised by the parties and passed upon by this Court. Factual findings of the [CA] are, as a general rule, binding and conclusive on the parties and upon this Court and will not be reviewed or disturbed on appeal.”<sup>16</sup>

<sup>13</sup> Art. 2179. When the plaintiff's own negligence was the immediate and proximate cause of his injury, he cannot recover damages. But if his negligence was only contributory, the immediate and proximate cause of the injury being the defendant's lack of due care, the plaintiff may recover damages, but the courts shall mitigate the damages to be awarded.

<sup>14</sup> *Rollo*, pp. 23-24.

<sup>15</sup> *Id.* at 27.

<sup>16</sup> *Vicente v. Planters Development Bank*, 444 Phil. 309, 317.

The Court agrees with the respondents that the issues raised by the petitioner are essentially questions of fact, which are not proper in a petition for review on *certiorari*. Under Section 1 of Rule 45 of the Rules of Court, only questions of law may be raised on appeal by *certiorari*. The principle is long settled that this Court is not a trier of facts and it is neither our function to analyze nor weigh the evidence of the parties all over again.<sup>17</sup> Thus, factual findings of the trial court when confirmed by the CA are generally held to be final and conclusive,<sup>18</sup> subject to certain exceptions, such as: (a) when the findings of fact of the appellate court are at variance with those of the trial court; (b) when the CA manifestly overlooked certain relevant facts not disputed by the parties which, if properly considered, would justify a different conclusion; and (c) when the judgment itself is based on a misapprehension of facts.<sup>19</sup> The Court finds none of the above exceptions present in the case at bar.

As found by the MeTC and affirmed on appeal by the RTC and on review by the CA, the failure of Cayabyab to turn on the car's hazard lights when he slowed down and stopped, because the vehicle in front of him had stopped, was the proximate cause of the collision. Granting that Capulong had been reckless and negligent in keeping to the inner lane at a fast clip from Balintawak to Kilometer 38, it stands to reason that because of the thick smoke enveloping the highway some distance before the point of the mishap, cars necessarily had to slow down; and still more needful, to turn on their hazard lights to warn the vehicles following them, it being also nighttime. This, the driver of the Toyota Altis failed to do.

That PGIC was able to salvage half the cost of the Toyota Altis car it paid to Nuqui clearly suggests that the impact was not such as could have totally wrecked the Toyota Altis car and rendered it unsalvageable. Moments before the impact, the bus had already considerably slowed down in view of the poor visibility in the highway; so that, it is rather conceivable that Capulong could have completely avoided colliding with the Toyota Altis car had its hazard lights been turned on. As it happened, the Toyota Altis hit the van ahead of it, and its bumper fell off.<sup>20</sup> SPO2 Mercado, the traffic accident investigator, knew that it was unsafe to stop at any time on the left lane of NLEX,<sup>21</sup> because it is for overtaking by fast vehicles, although it must also be stated that concerning the speed of the Saulog bus at the time of the collision, SPO2 Mercado's testimony was just hearsay.

<sup>17</sup> *Nicolas v. Court of Appeals*, 238 Phil. 622, 630 (1987).

<sup>18</sup> *See Oropesa v. Oropesa*, G.R. No. 184528, April 25, 2012, 671 SCRA 174, 184.

<sup>19</sup> *See Alcazar v. Arante*, G.R. No. 177042, December 10, 2012, 687 SCRA 507, 516-517.

<sup>20</sup> *Rollo*, p. 127.

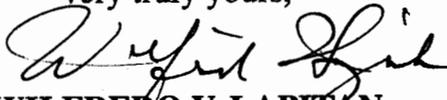
<sup>21</sup> *Id.* at 125.

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As the insurer of Nuqui, owner of the Toyota Altis, PGIC merely stepped into the shoes of Nuqui's driver, Cayabyab, whose negligence was the proximate cause<sup>22</sup> of the accident, defined as that cause, which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred. The vicarious liability of Nuqui as employer under Article 2180 of the Civil Code finds no application.

**WHEREFORE**, premises considered, the petition for review on *certiorari* is **DENIED.**" (Villarama, J., on sabbatical leave; Mendoza, J., designated additional Member per Special Order No. 1966 dated March 30, 2015.)

Very truly yours,

  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court

Atty. Arteme Mae L. Libardo  
 Counsel for Petitioner  
 JABLA BRIGOLA BAGAS & SAMPIOR  
 LAW OFFICES  
 Unit 906, Richmonde Plaza  
 San Miguel cor. Lourdes Avenue  
 Ortigas Center, 1605 Pasig City

COURT OF APPEALS  
 CA G.R. SP No. 123744  
 1000 Manila

Atty. Anelyn C. Ciudadano  
 Atty. Homer Elford M. Garong  
 Counsel for Respondents  
 c/o Saulog Transit, Inc.  
 No. 36 New York Avenue cor. Denver St.  
 Brgy. Pinagkaisahan, Cubao  
 1109 Quezon City

The Presiding Judge  
 REGIONAL TRIAL COURT  
 Branch 33, 1000 Manila  
 (Civil Case No. 11-126198)

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<sup>22</sup> *Government Service Insurance System v. Pacific Airways Corporation*, G.R. No. 170414, August 25, 2010, 629 SCRA 219, 234-235.