

THIRD DIVISION

[G.R. No. 210129, July 05, 2017]

**S/SGT. CORNELIO PAMAN, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

RESOLUTION

REYES, J.:

This is a petition for review on certiorari^[1] under Rule 45 of the Rules of Court seeking to annul and set aside the Decision^[2] dated July 4, 2013 and Resolution^[3] dated October 30, 2013 issued by the Court of Appeals (CA) in CA-G.R. SP No. 04542.

On October 14, 2004, at about 1:20 p.m., Ursicio Arambala (Arambala) was on board a motorcycle traversing Roxas Street, Pagadian City towards the direction of the Southern Mindanao Colleges Main Campus. When he was nearing the intersection of Roxas and Broca Streets in Pagadian City, a multicab driven by S/Sgt. Cornelio Paman (Paman), a military personnel, crossed his path and collided with his motorcycle. Arambala was thrown from his motorcycle thus hitting his head on the road pavement. Emilda Salabit, who was then standing beside the road, saw Arambala being thrown away after the collision; she went to Arambala and hailed a tricycle and rushed him to the hospital.^[4]

A Computed Tomography Scan report shows that Arambala suffered hematoma at the cerebral portion of his brain. After his confinement at the Mercy Community Hospital on October 15, 2004, Arambala was again admitted on October 24, 2004 at the Zamboanga del Sur Provincial Hospital due to erratic blood pressure and slurring speech caused by the hematoma.^[5]

On February 21, 2005, an Information for the crime of reckless imprudence resulting in serious physical injuries, docketed as Criminal Case No. 14034, was filed with the Municipal Trial Court in Cities (MTCC) of Pagadian City against Paman. Paman pleaded not guilty to the offense charged.^[6]

After due proceedings, the MTCC, on February 11, 2010, rendered a Judgment finding Paman guilty beyond reasonable doubt of reckless imprudence resulting in serious physical injuries, *viz.*:

WHEREFORE, [PAMAN], after having been proven guilty beyond reasonable doubt for the crime charged against him in the instant case, the Court hereby CONVICTS [Paman] and after applying the Indeterminate Sentence Law, hereby imposes and sentences him to an imprisonment of ONE (1) MONTH AND ONE (1) DAY TO FOUR (4) MONTHS OF ARRESTO MAYOR IN ITS MINIMUM AND MEDIUM PERIODS, the same [to be] served by the accused at the Pagadian City Jail at

Lenienza, Pagadian City.

With costs against the accused.^[7]

On appeal, however, the Regional Trial Court (RTC) of San Miguel, Zamboanga del Sur, Branch 29 in its Decision^[8] dated July 12, 2011, reversed and set aside the MTCC's Decision dated February 11, 2010, to wit:

WHEREFORE, the foregoing premises considered, the MTCC's judgment of conviction is hereby REVERSED. Consequently, [Paman] is ACQUITTED.

SO ORDERED.^[9]

In acquitting Paman of the offense charged, the RTC pointed out that Arambala was the cause of the collision since he already saw the multicab driven by Paman ahead of time; that he had the opportunity to take precaution to avoid the accident, but he failed to do so.^[10] The City Prosecutor filed a motion for reconsideration, but it was denied by the RTC in its Order^[11] dated August 16, 2011.

The People of the Philippines, through the Office of the Solicitor General (OSG), then filed a petition for *certiorari* with the CA against RTC Presiding Judge Edilberto G. Absin (Judge Absin) and Paman. The OSG claims that Judge Absin committed grave abuse of discretion in ruling that it was Arambala who was at fault and in finding that the prosecution's evidence was insufficient to convict Paman of the offense charged beyond reasonable doubt.

On July 4, 2013, the CA rendered the herein assailed Decision^[12] the decretal portion of which reads:

WHEREFORE, the Petition is GRANTED. The Decision of the [RTC], Branch 29, San Miguel, Zamboanga del Sur, is hereby SET ASIDE, and another one is rendered holding [PAMAN] guilty beyond reasonable doubt of reckless imprudence resulting in serious physical injuries, and sentencing him to suffer an indeterminate penalty of one (1) month and one (1) day of *arresto mayor*, as minimum, to 2 years and 4 months of *prision correccional*, as maximum.

SO ORDERED.^[13]

Paman sought a reconsideration of the Decision dated July 4, 2013, but it was denied by the CA in its Resolution^[14] dated October 30, 2013.

In this petition for review on *certiorari*, Paman insists that Judge Absin did not commit any abuse of discretion in acquitting him of the offense charged. He claims that a petition for *certiorari* is not the proper remedy to assail the RTC's Decision dated July 12, 2011. He likewise maintains that the prosecution's evidence was insufficient to establish his guilt of the offense charged beyond reasonable doubt. He essentially alleges that the collision was the fault of Arambala. He points out that the RTC correctly observed that Arambala, based on his testimony, applied the brakes on his motorcycle when he saw the multicab; that he should have accelerated his speed instead of hitting the brakes to avoid the collision.

Ruling of the Court

The petition is denied.

Contrary to Paman's assertion, a petition for *certiorari* is the proper remedy to assail the RTC's Decision dated July 12, 2011, which acquitted him of the offense charged. A petition for *certiorari* under Rule 65, not appeal, is the remedy to question a verdict of acquittal whether at the trial court or at the appellate level. Indeed, in our jurisdiction, the Court adheres to the finality-of-acquittal doctrine, *i.e.*, a judgment of acquittal is final and unappealable.^[15] The rule barring an appeal from a judgment of acquittal is, however, not absolute. The following are the recognized exceptions thereto: (i) when the prosecution is denied due process of law; and (ii) when the trial court commits grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing a criminal case by granting the accused's demurrer to evidence.^[16]

While *certiorari* may be availed of to correct an erroneous acquittal, the petitioner in such an extraordinary proceeding must clearly demonstrate that the trial court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.^[17] In this case, the OSG was able to clearly establish that the RTC blatantly and gravely abused its authority when it ruled that no liability can be attached to Paman solely based on its finding that it was Arambala who caused the collision. Tersely put, the RTC, in acquitting Paman of the offense charged, completely disregarded the evidence on record.

A perusal of the records of this case clearly shows that it was Paman who was at fault since he was driving at the wrong side of the road when the collision happened. On this point, the CA's observation is *apropos*, thus:

After going over the records of the case, this Court is unable to sustain the findings of fact and conclusion reached by the RTC. The assailed Decision noted that at the time private complainant Arambala was hit by S/Sgt. Parnan's multicab, he was proceeding to SMC Main to log in for his attendance. Public respondent, as a consequence, concluded that Arambala may have been in a hurry so he had to over speed. Also, public respondent correlated the presence of skid marks that Arambala was driving fast.

However, the evidence indubitably shows that before the collision, Arambala's motorcycle was cruising along its rightful lane when S/Sgt. Paman's multicab suddenly crossed his (Arambala) path coming from his left side along Broca Street using the wrong lane to cross the said intersection. The accident would not have happened had S/Sgt. Paman, the multicab driver, stayed on his lane and did not overtake the vehicle of the private complainant Ararnbala. x x x.^[18] (Citations omitted)

Even the position of the multicab driven by Paman after the incident supports the conclusion that Paman was indeed on the wrong side of the road, which eventually caused it to collide with Arambala's motorcycle. The MTCC thus correctly noted that:

Upon perusal and careful scrutiny of the sketch which was prepared by the said witness, the Court even found out that the vehicle of [Paman]