

FIRST DIVISION

[G.R. No. 219510, November 14, 2016]

MARLON CURAMMENG Y PABLO, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari* ^[1] are the Resolutions dated October 20, 2014^[2] and June 30, 2015^[3] of the Court of Appeals (CA) in CA-G.R. CR No. 36802, which dismissed petitioner Marlon Curammeng y Pablo's (Curammeng) petition for review for his failure to attach, *inter alia*, a certification of non-forum shopping.

The Facts

The instant case arose from an Information^[4] filed before the Municipal Trial Court of Bauang, La Union (MTC), charging Curammeng of Reckless Imprudence Resulting in Homicide, defined and penalized under Article 365 of the Revised Penal Code. The prosecution alleged that on the night of September 25, 2006, a Maria De Leon bus going to Laoag, Ilocos Norte being driven by Francisco Franco y Andres (Franco) was traversing the northbound lane of the national highway along Santiago, Bauang, La Union, when its rear left tire blew out and caught fire. This prompted Franco to immediately park the bus on the northbound side of the national highway, and thereafter, unloaded the cargoes from the said bus. At a little past midnight of the next day, an RCJ bus bound for Manila being driven by Curammeng traversed the southbound lane of the road where the stalled bus was parked and hit Franco, resulting in the latter's death.^[5]

In his defense, Curammeng averred that he was driving the RCJ bus bound for Manila and traversing the southbound side of the national highway at less than 60 kilometers per hour (kph) when he saw from afar the stalled Maria De Leon bus at the road's northbound side which was not equipped with any early warning device, thus, prompting him to decelerate. When the RCJ bus was only a few meters away from the stalled Maria De Leon bus, a closed van suddenly appeared from the opposite direction, causing petitioner to steer his bus to the west shoulder, unfortunately hitting Franco and causing the latter's death. Out of fear of reprisal, petitioner surrendered to the Caba Police Station in the next town. Eventually, petitioner was arraigned and pleaded not guilty to the charge.^[6]

The MTC Ruling

In a Decision^[7] dated November 26, 2013, the MTC found Curammeng guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of imprisonment for the indeterminate period of four (4) months and one (1) day of *arresto mayor*, as minimum, to four (4) years and two (2)

months of *prision correccional*, as maximum, and ordered him to pay Franco's heirs the amounts of P100,000.00 as civil indemnity and P200,000.00 as actual damages.
[8]

The MTC found that Curammeng showed an inexcusable lack of precaution in driving his bus while passing through the stalled Maria De Leon bus, which resulted in Franco's death. Moreover, it found untenable Curammeng's assertion that he decreased the speed of his bus when he was nearing the stalled bus, considering that the evidence on record showed that he was still running at around 60 kph when he hit Franco. In this relation, the MTC pointed out that if Curammeng had indeed decelerated as he claimed, then he should have noticed the barangay tanods near the stalled bus who were manning the traffic and signalling the other motorists to slow down.
[9]

Aggrieved, Curammeng appealed to the Regional Trial Court of Bauang, La Union, Branch 33 (RTC).

The RTC Ruling

In a Decision^[10] dated June 3, 2014, the RTC affirmed Curammeng's conviction *in toto*.^[11] It found that as a professional public utility vehicle driver, his primary concern is the safety not only of himself and his passengers but also that of his fellow motorists. However, he failed to exhibit such concern when he did not slow down upon seeing the Maria De Leon bus stalled on the northbound side of the national highway, especially so that the area where the incident happened was hardly illuminated by street lights and that there is a possibility that he might not be able to see oncoming vehicles because his view of the road was partially blocked by the said stalled bus. In view of the foregoing circumstances, the RTC concluded that Curammeng was negligent in driving his bus, and such negligence was the proximate cause of Franco's death. As such, his liability for the crime charged must be upheld.^[12]

Curammeng moved for reconsideration but was denied in an Order^[13] dated July 22, 2014. Dissatisfied, he filed a petition for review ^[14] under Rule 42 of the Rules of Court before the CA.

The CA Ruling

In a Resolution^[15] dated October 20, 2014, the CA dismissed outright Curammeng's petition based on procedural grounds. Specifically, the CA found that Curammeng violated Section 2, Rule 42 of the Rules of Court as he failed to attach a certification of non-forum shopping as well as material portions of the record (e.g., affidavits referred to in the MTC Decision, transcript of stenographic notes of the MTC, documentary evidence of the parties).^[16]

Undaunted, Curammeng filed a Motion for Reconsideration with Compliance^[17] dated November 6, 2014, praying for the relaxation of procedural rules so that his petition will be reinstated and given due course. He explained that the failure to comply with the rules was only due to a plain oversight on the part of his counsel's secretary. To show that such failure was unintentional, he attached his certification of non-forum shopping as well as copies of the pertinent records of the case.^[18]

In a Resolution^[19] dated June 30, 2015, the CA denied Curammeng's motion for lack of merit. It held that Curammeng failed to give any convincing explanation which would constitute a compelling reason for a liberal application of the procedural rules on appeal.^[20]

Hence, this petition.

The Issue Before the Court

The primordial issue for the Court's resolution is whether or not the CA correctly dismissed Curammeng's petition for review based on procedural grounds.

The Court's Ruling

The petition is meritorious.

Appeals of cases decided by the RTCs in the exercise of its appellate jurisdiction are taken by filing a petition for review under Rule 42 of the Rules of Court.^[21] Section 2, thereof, provides that such petitions shall be accompanied by, *inter alia*, material portions of the record which would support the allegations of said petitions as well as a certification of non forum shopping, viz.:

SEC. 2. Form and contents. -The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) **be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.**

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.
(Emphases and underscoring supplied).

It must be stressed that since a petition for review is a form of appeal, non-compliance with the foregoing rule may render the same dismissible. This is in furtherance of the well-settled rule that "the right to appeal is not a natural right or