673 Phil. 532

FIRST DIVISION

[G.R. No. 159051, September 21, 2011]

MAGLANA RICE AND CORN MILL, INC., AND RAMON P. DAO, PETITIONERS, VS. ANNIE L. TAN AND HER HUSBAND MANUEL TAN, RESPONDENTS.

D E C I S I O N

BERSAMIN, J.:

This case originated from the Municipal Trial Courts in Cities of Davao City (MTCC), [1] which adjudged the petitioners liable for the material injury valued at P83,750.00 sustained by the vehicle of the respondents arising from the accident involving their respective vehicles, and for attorney's fees and costs of suit. The Regional Trial Court (RTC), Branch 14, in Davao City upheld the judgment of the MTCC.[2] On appeal to the Court of Appeals (CA) by petition for review, the CA affirmed the RTC through its decision promulgated on November 29, 2002.[3] Hence, this further appeal *via* petition for review on *certiorari*.

Antecedents

The vehicular accident, which involved the Fuso truck owned by petitioner Maglana Rice and Corn Mill, Inc., driven by its employee, petitioner Ramon P. Dao, and the Honda Accord sedan owned by the respondents, driven by respondent Manuel Tan, occurred on August 28, 1996 in the Davao-Agusan Road in Lanang, Davao City. The truck hit the car at its rear. Both vehicles sustained damage. The respondents demanded reimbursement of their expenses for the repair of their car, but the petitioners, denying liability, refused the demand. Consequently, the respondents filed a complaint in the MTCC.

The version of the respondents is that their car was travelling along the Davao-Agusan Road, but had to stop upon reaching the All Trac Compound, as did other vehicles, due to the traffic slowdown caused by an earlier collision between a car and a jeep not far ahead. Dao, who was driving the truck, failed to stop and his truck bumped the car at its rear, causing to the car material damage valued at P83,750.00. Their version was corroborated by the traffic accident report and the court testimony of traffic investigator SPO4 Manuel C. Española (SPO4 Española).

The petitioners gave a different version. A few moments before the accident, Dao was on board the truck at about 6:45 p.m. occupying the inner of the two north-bound lanes on the national highway in Lanang, Davao City, observing an approximate distance of three-cars length from the vehicle ahead at a speed of about 30 kilometers/hour. Upon reaching the All Trac Compound, he spotted an accident involving a car and a jeep ahead of his truck, and immediately shifted to second gear to slow down to about 20 kilometers/hour. The driver of the vehicle ahead of the truck also slowed down. As he decelerated preparatory to coming to a

full stop, the respondents' car overtook the truck from the right lane and suddenly cut into his lane at a very unsafe distance. This cutting-in caused the right front portion of the truck to come into contact with the left rear of the respondents' car just when the car was in a diagonal position with about two feet of its rear still on the right lane.

In its decision dated August 14, 2001,[4] the MTCC accorded greater credence to the version of the respondents. It ruled that such version was more plausible and convincing due to its being in accord with the nature of the damage of the car during the collision, among other things; and concluded that the proximate cause of the accident was the lack of foresight and vigilance of Dao. It disposed thus:

> WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendants, Maglana Rice and Corn Mill, Inc. and Ramon Dao, enjoining them to pay jointly and severally the following:
>
> 1. The sum of P83,750.00 as the repair expenses of the Honda car which was damaged during the incident, per Job Order No. 64017 of Kar Asia Inc., dated August 29, 1996;
>
> 2. The sum of P15,000.00 as reasonable amount for and as attorney's fees; and
>
> 3. The costs of suit.
>
> SO ORDERED.[5]

The petitioners appealed, but the RTC upheld the MTCC on December 20, 2001.[6]

Not satisfied, the petitioners further appealed to the CA, which denied their petition for lack of merit, thereby affirming the RTC.[7]

The petitioners' motion for reconsideration proved futile, with the CA denying it.[8]

Hence, this appeal to the Court by petition for review on *certiorari*, whereby the petitioners reiterate that the fault for the vehicular accident was attributable to the respondents.

Ruling

The appeal deserves outright rejection.

I
Appeal under Rule 45 is limited to questions of law; exceptions

The issue this appeal poses concerns the real cause of the vehicular accident, *that is*, whether or not the respondents' car suddenly cut into the lane of the petitioners' truck, and whether or not Dao simply failed to stop on time despite the respondents'

car having already come to a full stop due to traffic congestion along the road. The issue is obviously a factual one because it requires the ascertainment of which driver was negligent. As such, the appeal fails, for a petition for review on *certiorari*, pursuant to Section 1, Rule 45 of the *Rules of Court*, "shall raise only questions of law, which must be distinctly set forth." A question, to be one of law, must not involve an examination of the probative value of the evidence presented by the litigants or any of them. Indeed, there is a question of law in a given case when the doubt or difference arises as to what the law is on certain state of facts; there is a question of fact when the doubt or difference arises as to the truth or falsehood of alleged facts.[9]

Whether certain items of evidence should be accorded probative value or weight, or should be rejected as feeble or spurious; or whether or not the proofs on one side or the other are clear and convincing and adequate to establish a proposition in issue; whether or not the body of proofs presented by a party, weighed and analyzed in relation to contrary evidence submitted by adverse party, may be said to be strong, clear and convincing; whether or not certain documents presented by one side should be accorded full faith and credit in the face of protests as to their spurious character by the other side; whether or not inconsistencies in the body of proofs of a party are of such gravity as to justify refusing to give said proofs weight - all these are issues of fact. Questions like these are not reviewable by the Supreme Court whose review of cases decided by the CA is confined only to questions of law raised in the petition and therein distinctly set forth.[10]

That an appeal by *certiorari* should raise only questions of law is not properly to be doubted. The limitation exists, because the Supreme Court is not a trier of facts that undertakes the re-examination and re-assessment of the evidence presented by the contending parties during the trial. The appreciation and resolution of factual issues are the functions of the lower courts, whose resulting findings are then received with respect and are binding on the Supreme Court subject to certain exceptions.[11]

Although the Court has recognized several exceptions to the limitation of an appeal by *certiorari* to only questions of law, including: (*a*) when the findings are grounded entirely on speculation, surmises or conjectures; (*b*) when the inference made is manifestly mistaken, absurd or impossible; (*c*) when there is grave abuse of discretion; (*d*) when the judgment is based on a misapprehension of facts; (*e*) when the findings of facts are conflicting; (*f*) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (*g*) when the findings are contrary to those of the trial court; (*h*) when the findings are conclusions without citation of specific evidence on which they are based; (*i*) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (*j*) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (*k*) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion,[12] this appeal does not come under the exceptions.

II
Appeal to the Court is frivolous;
Petitioners are liable for treble costs of suit

In the CA, the petitioners specified the errors committed by the RTC thuswise:

> I. THE COURT A QUO GRAVELY ERRED IN NOT HOLDING THAT PLAINTIFF DR. MANUEL TAN VIOLATED TRAFFIC RULES (SEC. 39, RA 4136) AT THE TIME OF THE ACCIDENT AND PURSUANT TO ARTICLE 2185 OF THE CIVIL CODE AND THE RULING OF THE SUPREME COURT (MCKEE VS. IAC, 211 SCRA 517) HE WAS THE ONE NEGLIGENT AT THE TIME OF THE MISHAP.
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> II. THE COURT A QUO GRAVELY ERRED IN NOT HOLDING THAT MANUEL TAN WAS TRYING TO COVER UP HIS MISDEEDS BECAUSE AT THE TIME OF THE ACCIDENT THE INSURANCE OF HIS WIFE'S CAR ALREADY EXPIRED AND HE WANTED THE INSURANCE OF THE DEFENDANT'S TRUCK [TO] SHOULDER EXPENSES FOR THE DAMAGE.
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> III. THE COURT A QUO GRAVELY ERRED IN NOT HOLDING THAT THE POLICE REPORT WAS ERRONEOUS AND LOADED IN FAVOR OF THE PLAINTIFFS AS PERCEIVED BY THE PRESIDING JUDGE OF MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, WHO ORIGINALLY HEARD THIS CASE BUT HE RETIRED BEFORE HE COULD RENDER HIS DECISION ON THIS CASE.
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> IV. THE COURT A QUO GRAVELY ERRED IN ITS APPRECIATION OF THE EVIDENCE PRESENTED BY BOTH PARTIES, AND COROLLARILY, IT ARRIVED AT A WRONG CONCLUSION.[13]

As stated, the CA rejected the petitioners' submissions.

The rejection by the CA unerringly indicated that three lower courts with the legal capacity and official function to resolve issues of fact, namely, the MTCC, the RTC, and the CA, all found and declared that the police report respecting the accident was unbiased and worthy of belief; that the truck had been travelling behind the respondents' car; and that the accident had occurred because Dao did not stop after the car had come to a full stop despite his having a clear view of the road ahead. They noted that the pictorial evidence revealed no scraping marks or even a dent on the left side of the car, but instead showed a solitary material damage sustained on the left rear portion of car, proof that only one collision had occurred between the two vehicles.[14] They concluded that the version of the respondents was the more credible one.

In this recourse, the petitioners have presented no ground sufficient to persuade the Court to treat their appeal as coming under any of the aforementioned exceptions as to warrant the review of the uniform findings of fact and conclusions made by the MTCC, RTC and CA. After the CA upheld the appellate judgment of the RTC, they should have desisted on their own volition from coming to the Court, seeing that the only issues that they would be raising were plainly factual in nature. They did not desist despite their attorney being surely aware of the limitation to questions of law of any appeal to the Court on account of its not being a trier of facts. Under such circumstances, their appeal was made notwithstanding its being patently frivolous.