

FIRST DIVISION

[G.R. No. 162987, May 21, 2009]

SOFIA M. GUILLANG, REPRESENTED BY SUSAN GUILLANG-CABATBAT, REYNALDO, GERARDO, BIENVENIDO, DAWNA, AND NELLIE, ALL SURNAMED GUILLANG, GENARO GUILLANG, JOSE DIGNADICE, AND ALVIN LLANILLO, PETITIONERS, VS. RODOLFO BEDANIA AND RODOLFO DE SILVA, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

This is a petition for review^[1] of the 3 June 2003 Decision^[2] and the 23 March 2004 Resolution^[3] of the Court of Appeals in CA-G.R. CV No. 69289. The 3 June 2003 Decision set aside the 5 December 2000 Decision^[4] of the Regional Trial Court, Branch 30, Manila (trial court). The 23 March 2004 Resolution denied the motion for reconsideration.

The Facts

On 25 October 1994, at about 5:45 in the afternoon, petitioner Genaro M. Guillang (Genaro) was driving his brand new Toyota Corolla GLI sedan with conduction sticker no. 54-DFT (car) along Emilio Aguinaldo Highway (highway) in Cavite. Genaro, Antero Guillang (Antero), Felipe Jurilla, Jose Dignadice (Dignadice), and Alvin Llanillo (Llanillo) had all just left from Golden City, Dasmariñas, Cavite, and were on their way to Manila. At the other side of the highway, respondent Rodolfo A. Bedania (Bedania) was driving a ten-wheeler Isuzu cargo truck with plate no. CAC-923 (truck) towards Tagaytay City. The truck was owned by respondent Rodolfo de Silva (de Silva).

Along the highway and the road leading to the Orchard Golf Course, Bedania negotiated a U-turn. When the truck entered the opposite lane of the highway, Genaro's car hit the right portion of the truck. The truck dragged Genaro's car some five meters to the right of the road.

As a consequence, all the passengers of the car were rushed to the De La Salle University Medical Center in Dasmariñas, Cavite for treatment. Because of severe injuries, Antero was later transferred to the Philippine General Hospital. However, on 3 November 1994, Antero died due to the injuries he sustained from the collision. The car was a total wreck while the truck sustained minor damage.

On 24 April 1995, petitioners Genaro, Llanillo, Dignadice, and the heirs of Antero^[5] instituted a complaint for damages based on quasi-delict against respondents Bedania and de Silva.

On 5 December 2000, the trial court rendered a decision in favor of petitioners. The trial court found Bedania grossly negligent for recklessly maneuvering the truck by making a sudden U-turn in the highway without due regard to traffic rules and the safety of other motorists. The trial court also declared de Silva grossly negligent in the selection and supervision of his driver, Bedania. The dispositive portion of the decision provides:

WHEREFORE, judgment is hereby rendered ordering defendants Rodolfo A. Bedania and Rodolfo de Silva, jointly and severally, to pay plaintiffs, as follows:

1. The sum of P508,566.03 representing the damage/repair costs of the Toyota to plaintiff Genaro M. Guillang.
2. The sum of P50,000.00 for the death of Antero Guillang plus P185,000.00 for his burial expenses, to the heirs of Antero Guillang.
3. For hospital and medical expenses as reflected in Exhibits E, E-1 to E-30 to plaintiffs Genaro M. Guillang, Jose Dignadice and Alvin Llanillo.
4. The sum of P50,000.00 as moral damages for the heirs of the deceased Antero Guillang.
5. The sum of P50,000.00 as moral damages each to plaintiffs Jose Dignadice, Alvin Llanillo and Genaro Guillang.
6. The sum of P50,000.00 as exemplary damages.
7. The sum of P100,000.00 as and for attorney's fess.
8. The costs of the suit.

SO ORDERED.^[6]

Respondents appealed to the Court of Appeals.

On 3 June 2003, the Court of Appeals rendered its decision in favor of respondents. The dispositive portion of the decision provides:

IN VIEW OF ALL THE FOREGOING, the appealed decision is REVERSED and SET ASIDE. The complaint of the herein appellees in Civil Case No. 95-73666 is DISMISSED, for lack of merit. The appellants' counterclaims in the instant case are likewise DISMISSED. No pronouncement as to cost.

SO ORDERED.^[7]

Petitioners filed a motion for reconsideration. On 23 March 2004, the Court of Appeals denied the motion.

Hence, this petition.

The Ruling of the Regional Trial Court

According to the trial court, there is a presumption that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation.^[8] In this case, the trial court found that the Traffic Accident Investigation Report (report),^[9] corroborated by the testimonies of the witnesses, showed that the truck committed a traffic violation by executing a U-turn without signal lights. The trial court also declared that Bedania violated Sections 45(b),^[10] 48,^[11] and 54^[12] of Republic Act No. 4136^[13] when he executed the sudden U-turn. The trial court added that Bedania violated another traffic rule when he abandoned the victims after the collision.^[14] The trial court concluded that Bedania was grossly negligent in his driving and held him liable for damages.

Moreover, the trial court found that Bedania did not make the U-turn at an intersection. According to the trial court, vehicles trying to maneuver to change directions must seek an intersection where it is safer to maneuver and not recklessly make a U-turn in a highway. The trial court said Bedania should have observed extreme caution in making a U-turn because it was unexpected that a long cargo truck would execute a U-turn along the highway.

The trial court also said that Bedania's gross negligence raised the legal presumption that de Silva, as Bedania's employer, was negligent in the selection and supervision of his employees. The trial court said that, under Articles 2176^[15] and 2180^[16] of the Civil Code, de Silva's liability was based on *culpa aquiliana* which holds the employer primarily liable for tortious acts of his employees, subject to the defense that he exercised all the diligence of a good father of a family in the selection and supervision of his employees. The trial court ruled that de Silva failed to prove this defense and, consequently, held him liable for damages.

The Ruling of the Court of Appeals

The Court of Appeals reversed the trial court's decision and said that the trial court overlooked substantial facts and circumstances which, if properly considered, would justify a different conclusion and alter the results of the case.

The Court of Appeals dismissed the testimonies of the witnesses and declared that they were "contrary to human observation, knowledge and experience." The Court of Appeals also said that the following were the physical evidences in the case:

1. It was not yet dark when the incident transpired;
2. The four-lane highway the appellees were cruising on was wide, straight, dry, relatively plain and with no obstructions to the driver's vision;
3. The point of impact of the collision is on the lane where the car was cruising and the car hit the gas tank of the truck located at its right middle portion, which indicates that the truck had already properly positioned itself and had already executed the U-turn before the

impact occurred;

4. Genaro Guillang was not able to stop the car in time and the car's front portion was totally wrecked. This negates appellees' contention that they were traveling at a moderate speed; and
5. The sheer size of the truck makes it improbable for the said vehicle to negotiate a U-turn at a sudden and fast speed - as appellees vigorously suggest - without toppling over on its side.^[17] (Citations omitted)

The Court of Appeals concluded that the collision was caused by Genaro's negligence. The Court of Appeals declared that the truck arrived at the intersection way ahead of the car and had already executed the U-turn when the car, traveling at a fast speed, hit the truck's side. The Court of Appeals added that considering the time and the favorable visibility of the road and the road conditions, Genaro, if he was alert, had ample time to react to the changing conditions of the road. The Court of Appeals found no reason for Genaro not to be prudent because he was approaching an intersection and there was a great possibility that vehicles would be traversing the intersection either going to or from Orchard Golf Course. The Court of Appeals said Genaro should have slowed down upon reaching the intersection. The Court of Appeals concluded that Genaro's failure to observe the necessary precautions was the proximate cause of Antero's death and the injuries of the petitioners.

The Court of Appeals also relied on the testimony of Police Traffic Investigator Efren Videna (Videna) that the car was running at a fast speed and overtook another vehicle just before the collision occurred.^[18] The Court of Appeals concluded that Genaro did not see the truck as the other vehicle temporarily blocked his view of the intersection. The Court of Appeals also gave weight to Videna's testimony that it was normal for a ten-wheeler truck to make a U-turn on that part of the highway because the entrance to Orchard Golf Course was spacious.^[19]

The Issues

Petitioners raise the following issues:

1. Did the Court of Appeals decide a question of substance in this case in a way probably not in accord with law or with the applicable decisions of the Honorable Supreme Court?
2. Did the Court of Appeals depart from the accepted and usual course of judicial proceedings particularly when it revised, and recast the findings of facts of the trial court pertaining to credibility of witnesses of which the trial court was at the vantage point to evaluate?
3. Did the Court of Appeals act with grave abuse of discretion amounting to lack of jurisdiction when it rendered the palpably questionable Court of Appeals' Decision that tampered with the findings of fact of the trial court for no justifiable reason?

4. Is the Court of Appeals' judgment and resolution reversing the decision of the trial court supported by the evidence and the law and jurisprudence applicable?^[20]

The issue in this case is who is liable for the damages suffered by petitioners. The trial court held Bedania and de Silva, as Bedania's employer, liable because the proximate cause of the collision was the sudden U-turn executed by Bedania without any signal lights. On the other hand, the Court of Appeals reversed the trial court's decision and held Genaro liable because the proximate cause of the collision was Genaro's failure to stop the car despite seeing that Bedania was making a U-turn.

The Ruling of the Court

The principle is well-established that this Court is not a trier of facts. Therefore, in an appeal by *certiorari* under Rule 45 of the Rules of Court, only questions of law may be raised. The resolution of factual issues is the function of the lower courts whose findings on these matters are received with respect and are, as a rule, binding on this Court.^[21]

However, this rule is subject to certain exceptions. One of these is when the findings of the appellate court are contrary to those of the trial court.^[22] Findings of fact of the trial court and the Court of Appeals may also be set aside when such findings are not supported by the evidence or where the lower courts' conclusions are based on a misapprehension of facts.^[23] Such is the situation in this case and we shall re-examine the facts and evidence presented before the lower courts.

Article 2176 of the Civil Code provides that whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relations between the parties, is called a quasi-delict. To sustain a claim based on quasi-delict, the following requisites must concur: (a) damage suffered by the plaintiff; (b) fault or negligence of defendant; and (c) connection of cause and effect between the fault or negligence of defendant and the damage incurred by the plaintiff.^[24]

There is no dispute that petitioners suffered damages because of the collision. However, the issues on negligence and proximate cause are disputed.

On the Presumption of Negligence and Proximate Cause

Negligence is defined as the failure to observe for the protection of the interest of another person that degree of care, precaution, and vigilance which the circumstances justly demand, whereby such other person suffers injury. In *Picart v. Smith*,^[25] we held that the test of negligence is whether the defendant in doing the alleged negligent act used that reasonable care and caution which an ordinary person would have used in the same situation.

The conclusion of the Court of Appeals that Genaro was negligent is not supported by the evidence on record. In ruling that Genaro was negligent, the Court of Appeals gave weight and credence to Videna's testimony. However, we find that Videna's testimony was inconsistent with the police records and report that he made on the day of the collision. First, Videna testified that the car was running fast and