

FIRST DIVISION

[G.R. NO. 137447, January 31, 2005]

ROBERT VENERACION, PETITIONER VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

AZCUNA, J.:

Before us is a petition for review on *certiorari* of the Decision^[1] of the Court of Appeals in CA-G.R. No. 14512, dated August 31, 1998, in favor of the People of the Philippines, against herein petitioner Robert Veneracion, and its Resolution, dated February 1, 1999, denying the motion for reconsideration.

The Information against petitioner Veneracion reads:

That on or about the 10th day of December, 1989 in Kaloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, being then the driver and person in-charge of a Tractor Trailer bearing Plate No. CVC-137 owned and registered in the name of Rock Component Phil. Inc. of San Rafael, Bulacan, did then and there wilfully, unlawfully and feloniously drive, manage and operate said vehicle along E. delos Santos Avenue corner B. Serrano St., this city, in a reckless, negligent and imprudent manner, without taking the necessary precautions against accident to persons and damage to property, causing by such recklessness, negligence and imprudence, said vehicle then being driven by the herein accused to hit and bump a private car Toyota bearing Plate No. L-NME-429 owned and driven at the time by Dr. Conrado Triguero y Valeriano, thereby causing damage to the said private car in the amount of P27,080.00, to the damage and prejudice of the said complainant, in the aforementioned amount of P27,080.00.

Contrary to Law.^[2]

As stated by the Court of Appeals (CA), the facts are as follows:

Records show that immediately prior to the incident in question, accused-appellant Robert Veneracion was driving a trailer-truck bearing Plate No. CVC-137, owned by Rock Components Philippines, Inc. and Lenet Castro. The trailer-truck had just exited the North Expressway and was traveling west along E. delos Santos Avenue (EDSA) towards Kalookan City, intending to make a left turn on B. Serrano Street. Meanwhile, further down the road, a two-door Toyota Corolla, Model 1981 with Plate No. NME-429 owned and driven by Dr. Conrado Triguero was at a full stop position at the center of the intersection of EDSA and B. Serrano Street, Kalookan City. The car was negotiating a left turn towards B. Serrano Street when the right front fender of the trailer truck bumped the left

center portion of the car towards the driver's seat.

As a result of the impact, the front and middle doors including the glass windows and side mirror of the car sustained damages in the total amount of P24,900.00 which Dr. Triguero paid (Exhibit "T", Official Receipt) to Accurate Motor Works.

After due proceedings, the court a quo rendered its Decision dated February 26, 1993, the decretal portion [of which] reads:

"WHEREFORE, in view of all the foregoing considerations, judgment is hereby rendered finding accused ROBERT VENERACION guilty beyond reasonable doubt of the crime of Damage to Property thru Reckless Imprudence, defined and penalized under Art. 365, third paragraph, of the Revised Penal Code, and hereby sentences him to pay a fine of TWENTY FOUR THOUSAND NINE HUNDRED PESOS (P24,900.00).

"No indemnity is provided herein because the offended party, DR. CONRADO TRIGUERO, has filed a separate civil action against the accused and the latter's employer, ROCK COMPONENT PHILIPPINE[S] INC., which is still pending before this Court.

"With cost[s] against the accused.

"SO ORDERED." [3]

The CA affirmed *in toto* the RTC Decision.

Petitioner now contends that:

I

THE RESPONDENT COURT ERRED IN PRESUMING NEGLIGENCE ON THE PART OF THE PETITIONER, AND MERELY RELYING IN CONJECTURE, SURMISE AND SPECULATION THEREBY DIRECTLY CONTRAVENING THE FINDINGS OF FACT OF THE TRIAL COURT.

II

THE RESPONDENT COURT ERRED IN NOT RESOLVING THE DOUBT IN FAVOR OF THE PETITIONER.

III

THE RESPONDENT COURT ERRED IN NOT DECLARING THAT PETITIONER IS NOT LIABLE TO PAY THE FINE OF P24,900.00. [4]

On the first assigned error, petitioner cites the findings of fact of the CA and alleges that the same was "in direct contravention to the findings of fact of the trial court." He then cites certain portions of the trial court's Decision to show the supposed disparity. Upon scrutiny, however, this Court notes that the said quoted portion of the RTC Decision, which was purportedly contravened by the CA, was nothing more

than the portion of the RTC Decision which merely narrates the accused's version of the incident. A reading of the RTC Decision shows that the RTC first narrated the version of the prosecution, and thereafter did the same with the version of the defense. Ultimately, however, the trial court did find that the prosecution's version was worthy of credence, as amply supported by the evidence submitted.

The RTC found:

After a thorough and careful evaluation of the foregoing evidence of the prosecution and the defense and after going over the transcripts of stenographic notes, . . . the Court finds that the prosecution, by the streng[th] of its own evidence, has established beyond reasonable doubt the guilt of the accused ROBERT VENERACION of the offense of reckless imprudence resulting in damage to property charged against him.

. . .

. . . [T]he Court is convinced that the evidence of the prosecution clearly and beyond doubt established that on December 10, 1989 at about 10:45 a.m., Dr. Conrado Triguero was driving his two-door Toyota Corolla car, model 1981 with Certificate of Registration No. 05248901 of the Land Transportation Office (Exh. "A") and O.R. No. 33405884 dated October 12, 1990 (Exh. "B") along EDSA and turning left to B. Serrano St., Kalookan City. He exhibited his driver's license (Exh. "D") during the trial.

In contrast, the accused during his entire testimony never so much as produced his driver's license. All he did was to state that it has never been confiscated.

The pictures (Exhs. "E" to "M") introduced by the prosecution were all admitted by the accused to be true and correct pictures of the traffic accident. Not one of those pictures ever showed that the trailer-truck being driven by the accused was ahead of the car being driven by Dr. Triguero. On the contrary, those pictures depicted that the car of Dr. Triguero was the one ahead even at the time of impact. These pictures also substantiated the testimony of Dr. Triguero that his car was ahead of, and was being followed by[,] the trailer truck. That fact was seen by him through his side mirror. Moreover, those pictures tended to substantiate, the truth of Dr. Triguero's testimony that when he was already at full stop and thereafter making the left turn to B. Serrano St., the trailer truck was still about ten (10) meters away from his truck.

As the saying goes, a picture is worth a thousand words. Accused could say his version of the accident in so many words as testified to by him in his defense, but the prosecution's Exh[s.] "E" to "M" would belie these words.

Also duly proved by said pictures was the fact that the trailer truck was not making a left turn to B. Serrano St., prior to the time of impact. It was Dr. Triguero's car which was already making a left turn but while doing so, the trailer truck bumped its left side.