

## FIRST DIVISION

**[ G. R. No. 133056, August 28, 2001 ]**

**FACUNDO T. BAUTISTA, PETITIONER, VS. PUYAT VINYL PRODUCTS, INC., RESPONDENT.**

### DECISION

**PARDO, J. :**

The case is an appeal interposed by petitioner *via* certiorari from the decision of the Court of Appeals<sup>[1]</sup> reversing the decision of the Regional Trial Court, Bataan, Balanga, Branch 4, and dismissing the complaint and counterclaim thereto.

The facts, as found by the Court of the Appeals,<sup>[2]</sup> are as follows:

Facundo T. Bautista owned a farm located at Barangay Mountain View, Mariveles, Bataan, described as Lot No. 326 of the Mariveles Cadastre, containing an area of 165,324 square meters, enclosed with a perimeter fence.

Puyat Vinyl Products, Inc. operated a manufacturing plant on a land adjoining Lot 326, described as Lot No. 336 of the same cadastre.

On April 15, 1994, petitioner Bautista filed with the Regional Trial Court, Bataan, Branch 04, Balanga, a complaint<sup>[3]</sup> against respondent corporation for damages with the prayer that respondent be ordered to pay the sums of P289,720.00 as actual and compulsory damages; P50,000.00 as attorney's fees and litigation expenses; and costs of the suit.

In its answer with compulsory counterclaim, respondent contended that "the grass fire occurred on January 22, 1994, which originated from the land that adjoins defendant's when some people who were then clearing the area presumably preparatory to their occupying the same, lighted up the grass materials they had gathered but which eventually grew and raged uncontrollably and razed a considerably wide area including a portion of the defendant's property."<sup>[4]</sup>

After pre-trial and trial on the merits, on September 29, 1995, the trial court rendered a judgment, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff, Atty. Facundo T. Bautista, and against defendant Puyat Vinyl Products, Inc., sentencing the latter to pay, as follows:

"(1) The sum of P352,000.00 as actual and/or compensatory damages, with legal interest thereon computed from the date of the filing of the complaint;

"(2) The sum of P20,000.00 as and for attorney's fees, including litigation expenses; and

"(3) The costs of suit.

"SO ORDERED."<sup>[5]</sup>

On October 18, 1995, respondent appealed to the Court of Appeals.<sup>[6]</sup>

After due proceedings, on May 30, 1997, the Court of Appeals promulgated its decision, decreeing as follows:

"WHEREFORE, the appealed judgment is REVERSED and SET ASIDE. Another judgment is entered dismissing the complaint. Defendant-appellant's counterclaim is likewise dismissed in the absence of evidence that warrants the same.

"No costs.

"SO ORDERED."<sup>[7]</sup>

Hence, this appeal.<sup>[8]</sup>

The issues raised are: (1) whether the grass fire started in the premises of petitioner's farm adjacent to respondent's factory compound occurred on January 22, 1994 or January 29, 1994; (2) what was the precise origin of the fire? (3) did the fire start from respondent's factory and crossed over to petitioner's farm?<sup>[9]</sup>

The issues raised are factual. In an appeal *via certiorari*, we may not review the findings of fact of the Court of Appeals.<sup>[10]</sup> When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court,<sup>[11]</sup> unless the case falls under any of the exceptions to the rule.<sup>[12]</sup> Petitioner failed to prove that the case falls within the exceptions.<sup>[13]</sup>

The trial court and the Court of Appeals determined that the fire started in the respondent's factory compound and crossed into petitioner's property, and actually occurred in the morning of January 29, 1994, not, as respondent claimed, on January 22, 1994. However, the trial court and the Court of Appeals found no scintilla of evidence to prove that the grass fire was a result of the negligence of respondent. The Supreme Court is not a trier of facts.<sup>[14]</sup> It is not our function to review, examine and evaluate or weigh the probative value of the evidence presented.<sup>[15]</sup> A question of fact would arise in such event.<sup>[16]</sup> Questions of fact cannot be raised in an appeal *via certiorari* before the Supreme Court and are not proper for its consideration. <sup>[17]</sup>