# SPECIAL EIGHTH DIVISION

# [ CA-G.R. SP No. 125077, May 06, 2014 ]

## VINCENT CABARABAN & MCX MOTOR (PHILS.) INC., PETITIONERS, VS. AMRMR TRUCKING CORPORATION & FILIPINAS TRANSPORT INC., RESPONDENTS.

## D E C I S I O N

**INTING, S. B., J.:[*]**

This is a *Petition for Review*[1] under Rule 42 of the Rules of Court seeking to reverse and set aside the Decision[2] dated March 21, 2012 and Order[3] dated May 22, 2012 of the Regional Trial Court (RTC) of San Fernando City, La Union, Branch 26, in Civil Case No. 7786 entitled "AMRMR TRUCKING CORPORATION and FILIPINAS TRANSPORT, INC., represented by SHARON JOYCE A. GALVEZ, *Plaintiff-Appellees* vs. VINCENT T. CABARABAN and MCX MOTOR (PHILS.), INC., *Defendant-Appellants*" which affirmed *in toto* the earlier Decision[4] dated July 6, 2011 rendered by the Municipal Trial Court in Cities of San Fernando City, La Union, Branch II, in Civil Case No. 4483.

### The Facts

Respondent Filipinas Transport, Inc. ("FTI") is the registered owner of the tanker truck with Plate No. AVG 360 while respondent AMRMR Trucking Corporation ("AMRMR") is the actual owner thereof as evidenced by the Deed of Absolute Sale executed in its favor. Said tanker truck was being used by respondent AMRMR in its business of transporting diesel, gasoline, and other petroleum products.[5] On the other hand, petitioner Vincent T. Cabaraban ("CABARABAN") is a mechanic and endurance rider under the employ of his co-petitioner MCX Motor Philippines, Inc. ("MCX").[6]

Sometime in October 23, 2007 at 5:30 o'clock in the afternoon, the tanker truck owned by respondent AMRMR and driven by its duly licensed driver, Elmer Lorenzo ("LORENZO"), was heading north to deliver petroleum products in Bangar, La Union. The tanker truck was on the eastern lane of the national highway and was being tailed by an MCX motorcycle driven by petitioner Cabaraban. Upon passing the curve in Brgy. Ar-arampang, Balaoan, La Union, the tanker was bumped from behind by said motorcycle thus causing the latter to swerve and throwing off the driver on the eastern lane of the highway. Lorenzo immediately reported the incident to the Balaoan Police Station. Cabaraban's companions and co-employees, Alex Demaisip and Christophil Saoit, however, removed the fallen MCX motorcycle in the eastern lane and transferred it to the western lane before the policemen arrived. Lorenzo allegedly tried to caution Cabaraban's companions but they ignored him. As a result of the mishap, the rear portion of the tanker truck was damaged. Respondent AMRMR, being the actual owner, caused the repair of the same which amounted to

P5,100.00 as evidenced by Official Receipt No. 155 dated November 3, 2007 issued by Amlang Motor Works.[7]

Petitioners, meanwhile, claimed that it was the tanker truck which was at fault. They alleged that when petitioner Cabaraban was about to overtake the slow-moving truck, the latter suddenly swerved to the left. Accordingly, petitioner Cabaraban's swift application of the break did not help him as his motorcycle was side swept by the truck causing him to stumble down on the road where he sustained physical injury.[8] On the other hand, petitioners denied having altered the crime scene but offered no evidence to contradict the positive testimony of Lorenzo, which was duly supported by proper documentations.[9]

After proper evaluation of the evidence presented by both parties, the court *a quo* rendered judgment in respondents' favor, the dispositive portion of which reads as follows:

> "**WHEREFORE**, premises considered, judgment is hereby rendered by this Court **in favour of the plaintiffs and against the defendants VINCENT T. CABARABAN and MCX MOTOR (PHILS.) INC.** Accordingly, the latter is ordered to pay jointly and severally the plaintiff herein, **AMRMR TRUCKING CORPORATION** the following amounts, to wit:
>
> i. **Php 5,100.00** as **ACTUAL DAMAGES**;
> ii. **Php 20,000.00** as **ATTORNEY'S FEES**; and
> iii. **Php 1,715.00** as **COSTS OF THE SUIT**.
>
> **SO ORDERED."**[10]

On appeal, the RTC affirmed in *toto* the above decision of the court *a quo* in its Decision dated March 21, 2012. Petitioners then moved for reconsideration[11] of the same but it was denied in an Order dated May 22, 2012. Hence, petitioners now come to Us in this Petition for Review[12].

## The Issue

> WHETHER OR NOT THE RTC VIS-À-VIS THE SET OF FACTS STATED IN THE ASSAILED DECISION, ERRED IN UPHOLDING THE COURT A QUO'S FINDING THAT PETITIONER CABARABAN WAS NEGLIGENT UNDER ARTICLE 2185 OF THE CIVIL CODE AND IN ORDERING PETITIONERS CABARABAN AND MCX TO JOINTLY AND SEVERALLY PAY DAMAGES TO RESPONDENT AMRMR.

## The Court's Ruling

We shall first resolve the petitioners' contention that the case should be outrightly dismissed for lack of cause of action. According to petitioners, respondent AMRMR has no legal standing to file the instant complaint for damages against them considering that it is not the registered owner of the damaged tanker truck.

We disagree. Basic in procedural law is the rule that every action must be prosecuted or defended in the name of the real party in interest.[13] A real party in interest is the party who stands to be benefited or injured by the judgment in the

suit, or the party entitled to the avails of the suit.[14] In *Ralla vs. Ralla*[15], the Supreme Court defined interest as "material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest". As a general rule, one having no right or interest to protect cannot invoke the jurisdiction of the court as a party-plaintiff in an action. In the case at bar, it is evident that respondent AMRMR, being the actual owner of the tanker truck as evidenced by Deed of Absolute Sale executed in its favor, is the real party in interest who will be benefited or injured by the judgment of the court in this case. Moreover, as correctly found by the RTC, the amendment of the complaint already cured the defect of the original complaint filed by respondent AMRMR.

Coming now to the merits of the case, We find no compelling reason to disturb the lower courts' factual conclusions as they are consistent with the law and the evidence on record. Well-settled is the rule that factual findings of the lower courts are not to be disturbed on appeal and are entitled to great weight and respect.[16]

We note that the court *a quo* found that the proximate cause of the accident was the gross recklessness and imprudence of petitioner Cabaraban in driving the MCX motorcycle, thereby creating the presumption of negligence on the part of his employer, petitioner MCX, in supervising its employees. Under Article 2185 of the New Civil Code, unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation. The records show that petitioner Cabaraban violated two traffic rules under the Land Transportation and Traffic Code. *First*, he did not have a driver's license at the time of the mishap.[17] *Second*, he failed to maintain a safe speed to avoid the accident.[18] The court *a quo* found out that petitioner Cabaraban was driving his motorcycle in a very fast speed while in the curve portion of the highway and despite the fact that it was raining at that time and the road was slippery. These violations create the presumption that petitioner Cabaraban was the one negligent and should therefore be responsible for the damages caused by the accident. At any rate, even apart from statutory regulations, a motorist is nevertheless expected to exercise ordinary care and drive at a reasonable rate of speed commensurate with all the conditions encountered which will enable him to keep the vehicle under control and, whenever necessary, to put the vehicle to a full stop to avoid injury to others using the highway.[19]

Having established that petitioner Cabaraban was at fault, We hold that petitioner MCX should be solidarily liable for the damages caused by the former. Under Article 2180[20] of the Civil Code, employers are liable for the damages caused by their employees acting within the scope of their assigned tasks. The liability arises due to the presumed negligence of the employers in supervising their employees unless they prove that they observed all the diligence of a good father of a family to prevent the damage. Such presumption, however, was not rebutted at all by petitioner MCX. As aptly stated by the RTC, the petitioners failed to submit any evidence in their behalf despite ample opportunity given to them. Instead, they relied too much on the "Best Evidence Rule" which is obviously not applicable in the present case. Verily, the Best Evidence Rule applies only when the terms of a writing are in issue. When the evidence sought to be introduced concerns external facts, such as the existence, execution or delivery of the writing, without reference to its terms, the Best Evidence Rule cannot be invoked. In such a case, secondary evidence may be admitted even without accounting for the original.[21]