

SECOND DIVISION

[G.R. No. 214898, June 08, 2020]

**EDISON PRIETO AND FEDERICO RONDAL, JR., PETITIONERS, VS.
ERLINDA CAJIMAT, RESPONDENT.**

D E C I S I O N

HERNANDO, J.:

Challenged in this Petition for Review^[1] is the Decision^[2] dated March 20, 2014 and Resolution^[3] dated September 23, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 97048, which affirmed the Decision^[4] dated February 18, 2011 of the Regional Trial Court (RTC), Branch 18 of Batac, Ilocos Norte, in Civil Case No. 4256-18, ordering petitioners Edison Prieto (Prieto) and Federico Rondal, Jr. (Rondal, Jr.) to pay jointly and solidarily respondent Erlinda Cajimat (Erlinda) the following: (a) P29,000.00 as actual expenses; (b) P50,000.00 as civil indemnity; (c) P50,000.00 as moral damages; (d) P30,000.00 as exemplary damages; (e) P25,000.00 as attorney's fees; and (f) P2,700.00 as cost of suit.

The Antecedents

On January 14, 2003, at around 7:40 in the evening, petitioner Rondal, Jr. was driving a red Yamaha tricycle with plate number BT 9799 along the southbound lane of the national highway of Barangay 2 Garreta, Badoc, Ilocos Norte. Thereafter, petitioner Rondal, Jr. overtook two tricycles in front of him and occupied the northbound lane which resulted in a head-on collision with a black Yamaha "chop-chop" motorcycle which was driven by Narciso Cajimat III (Cajimat III). As a result, Cajimat III suffered a fractured skull which caused his instantaneous death.

A criminal case for Reckless Imprudence resulting in Homicide was filed against petitioner Rondal, Jr. before the Municipal Circuit Trial Court (MCTC) of Badoc-Pinili, Badoc, Ilocos Norte docketed as Criminal Case No. 2730-B. Meanwhile, the mother of deceased Cajimat III, respondent Erlinda, filed a separate civil action for damages before the RTC against petitioners Rondal, Jr. and Prieto, the registered owner of the red Yamaha tricycle.

Respondent Erlinda posited that at the time of the incident, petitioner Rondal, Jr. did not have a driver's license and was intoxicated. She pointed out that the direct, immediate, and proximate cause of the collision was petitioner Rondal, Jr.'s gross negligence in managing, driving, and operating the red Yamaha tricycle. Thus, respondent Erlinda prayed for the payment of the burial and miscellaneous expenses she incurred in the total amount of P200,000.00, attorney's fees, moral damages, and exemplary damages.

On the other hand, petitioners opined that petitioner Rondal, Jr. had been careful and prudent while driving the red Yamaha tricycle at a moderate speed. They further

alleged that petitioner Rondal, Jr. took and drove the said tricycle without petitioner Prieto's consent and authority. They likewise contended that the collision was caused by deceased Cajimat III's own negligence, recklessness, and imprudence by driving an unregistered and unlighted "chop-chop" motorcycle at full speed.

After pre-trial, trial on the merits ensued. Respondent Erlinda presented the testimony of Senior Police Officer 1 Proceso Villa (SPO1 Villa), the responding officer who investigated the vehicular collision. On the other hand, petitioners presented their testimonies as evidence.

Meanwhile, on May 21, 2008, the MCTC rendered a Decision^[5] finding petitioner Rondal, Jr. guilty beyond reasonable doubt of Reckless Imprudence resulting in Homicide, which fact was admitted by both parties.^[6]

Ruling of the RTC

Thereafter, on February 18, 2011, the RTC, applying the principle of *res ipsa loquitur*, rendered a Decision^[7] finding petitioners Rondal, Jr. and Prieto negligent and are therefore civilly liable. In addition, the RTC reasoned that deceased Cajimat III cannot be considered contributorily negligent in the vehicular mishap as there was no evidentiary proof that his motorcycle did not have a headlight at the time of the collision.

As to petitioner Prieto's civil liability under Article 2176 in relation to Article 2180 of the Civil Code, the RTC ruled that as owner of a public utility vehicle, he is solidarily liable as an employer of petitioner Rondal, Jr. Petitioner Prieto's allegations that petitioner Rondal, Jr. was not his employee nor did he ask consent to drive the red Yamaha tricycle were not sufficiently substantiated and therefore, self-serving.

Thus, the RTC ordered petitioners to jointly and solidarily pay respondent Erlinda the following: (a) P29,000.00 as actual expenses; (b) P50,000.00 as civil indemnity; (c) P50,000.00 as moral damages; (d) P30,000.00 as exemplary damages; (e) P25,000.00 as attorney's fees; and (f) P2,700.00 as cost of suit.^[8]

Ruling of the CA

Hence, petitioners filed an appeal before the CA. On March 20, 2014, the CA rendered its Decision^[9] affirming *in toto* the RTC's Decision dated February 18, 2011. It ruled that there is no cogent reason to assume that the deceased Cajimat III's motorcycle had no headlights nor blinkers at the time of the collision. In fact, a disinterested eyewitness testified in Criminal Case No. 2730-B that the motorcycle had its headlights on. Also, considering the impact of the collision, the front portion of the motorcycle was totally damaged. In addition, the fact that the motorcycle was unregistered does not negate petitioners' liability.

As to petitioner Prieto's liability, the CA held that the registered owner of the motor vehicle is considered as the employer of the tortfeasor-driver and is made primarily liable for the tort committed by the latter under Article 2176, in relation to Article 2180, of the Civil Code. Thus, insofar as third persons are concerned, the registered owner of the motor vehicle is the employer of the negligent driver, and the actual employer is considered merely as an agent of such owner.

The CA further ruled that petitioner Prieto's vicarious liability is grounded on his failure to exercise due diligence of a good father of a family to prevent damage and in the selection of his employee.

A motion for reconsideration was filed by petitioners which was subsequently denied by the CA in its Resolution dated September 23, 2014.^[10]

Hence, petitioners filed a Petition for Review on *Certiorari* under Rule 45 before the Supreme Court.

Issue

The lone issue presented by petitioners for resolution by this Court is whether or not the proximate cause of Cajimat III's demise is due to his own negligence.

Petitioners argue that the absence of a license plate, headlight, and blinkers sufficiently proves Cajimat III's negligence in driving his "chop chop" motorcycle which was clearly stated in the report prepared by SPO4 Wilson Calaycay (SPO4 Calaycay) and strengthened by the testimonies of respondent Erlinda and SPO1 Villa. They emphasized that the deceased should not be driving an unlighted motorcycle and without blinkers to the detriment of other people especially during nighttime. Thus, respondent Erlinda has no right to recover damages when the deceased's own negligence was the immediate and proximate cause of his injury.

The Court's Ruling

We find the Petition without merit.

Petitioners are raising a question of fact, that is, whether there were indeed headlights and blinkers in deceased Cajimat III's motorcycle which would allegedly make him negligent in driving his motorcycle in the national highway during nighttime and thus absolve the petitioners from any liability on the injury caused to the deceased. The issue raised by petitioners is clearly a question of fact which requires a review of the evidence presented. It is well-settled that this Court is not a trier of facts, and it is not its function to examine, review, or evaluate the evidence all over again. As a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts.

A petition for review on *certiorari* under Rule 45 of the Rules of Court should cover only questions of law, thus:

Section 1. *Filing of petition with Supreme Court.* - A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. **The petition shall raise only questions of law which must be distinctly set forth.** (Emphasis ours)

For a question to be one of law, it must not involve an examination of the probative value of the evidence presented by any of the litigants. The resolution of