

## **THIRD DIVISION**

**[ G.R. No. 235573, November 09, 2020 ]**

**REYNALDO VALENCIA Y VIBAR, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### **DECISION**

**LEONEN, J.:**

The prosecution must show the direct causal connection between a motorist's negligence and the injuries sustained to substantiate a charge for reckless imprudence resulting to homicide. Further, mere negligence will not suffice because it is the motorist's willful and wanton act done in utter disregard of the consequence of his or her action, which criminalizes an imprudent or negligent act.

This resolves an appeal from the Court of Appeals Decision<sup>[1]</sup> affirming the Regional Trial Court Judgment<sup>[2]</sup> convicting Reynaldo V. Valencia (Valencia) of reckless imprudence resulting to homicide.

An Information for reckless imprudence resulting to homicide was filed against Valencia, the pertinent portions of which read:

The undersigned Associate City Prosecutor, City of Legazpi hereby accuses REYNALDO VALENCIA y VIBAR, of the crime of RECKLESS IMPRUDENCE RESULTING IN HOMICIDE defined and penalized under Article 365 of the Revised Penal Code, committed as follows:

That on or about the 25<sup>th</sup> day of November 2011, in the City of Legazpi, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously drive and operate a passenger jeepney in a reckless and imprudent manner without taking the necessary precaution to prevent and/or avoid accident and without regard to traffic rules and regulations, causing as a result of his recklessness and imprudence the said vehicle he was driving to bump one CELEDONIO JAQUILMO y LACEDA thereby causing his untimely death and that the said accused after bumping the said CELEDONIO JAQUILMO y LACEDA failed to lend him on the spot assistance, to the damage and prejudice of his heirs.

CONTRARY TO LAW.<sup>[3]</sup>

Valencia was arrested but posted bail. Upon arraignment, he pleaded not guilty to the crime charged.<sup>[4]</sup>

The prosecution evidence showed that on November 25, 2011, Valencia was driving a passenger jeepney at around 4:30 a.m. While he was traversing Sagumayon Bridge, the jeepney suddenly shook and the passengers at the back of the jeepney,

namely Reymer Añonuevo (Añonuevo) and Richard Nicerio (Nicerio), heard a loud thud, as if the jeep hit something solid.<sup>[5]</sup>

The jeepney stopped, and when Añonuevo and Nicerio looked out towards the road, they saw a person lying face down. They informed Valencia that he hit a man; but instead of helping, Valencia backed the jeepney up, continued driving, and told his passengers that he would tell the police about the incident.<sup>[6]</sup>

Añonuevo noted down the jeepney's plate number when he alighted and reported the incident to the police.<sup>[7]</sup>

Another prosecution witness, Aurelio Macinas, Jr. (Macinas) testified that he was near the Department of Interior and Local Government office when he heard a loud thud and heard someone inside a jeepney shout "may nabangga[!]" Macinas further testified that he saw the jeepney stop and backtrack, leaving the victim lying on the road. He also claimed that he had a good look at the jeepney driver.<sup>[8]</sup>

Senior Police Officer 1 Gary Amaranto (SPO1 Amaranto), PO1 Jaime Puto and SPO3 Ramon Reolo were part of the investigating team dispatched to the scene of the crime. They testified that when they arrived at Sagumayon Bridge, they found Celedonio Jaquilmo (Jaquilmo) lying near the pavement with bloodstains around him. SPO1 Amaranto then called for an ambulance to bring Jaquilmo to the hospital.<sup>[9]</sup>

Moises Jaquilmo (Moises), the victim's son, testified that he met with Valencia at the police station about two weeks after Jaquilmo's death<sup>[10]</sup> due to "severe traumatic head injury secondary to [a] vehicular accident."<sup>[11]</sup>

Furthermore, Moises testified that Valencia offered to give their family the proceeds of the jeepney insurance to prevent litigation. Moises and his siblings refused the offer.<sup>[12]</sup> Police Inspector Anthony Mark Ferwelo corroborated his testimony of Valencia's attempt at a settlement. The police officer also testified that Valencia offered him part of the insurance proceeds on the condition that no criminal case would be filed.<sup>[13]</sup>

For the defense, Valencia admitted driving a jeepney and passing through Sagumayon Bridge, but denied running over Jaquilmo. He claimed that the loud thud heard by his passengers came from a manhole that the jeepney drove over.<sup>[14]</sup>

Valencia also admitted seeing a person lying on the road, but claimed that he did not stop to help because there were people milling around the body and he had passengers aboard his jeepney.<sup>[15]</sup>

Moreover, Valencia testified that he did have a confrontation with Jaquilmo's heirs at the police station, but denied that he offered to settle the case with them.<sup>[16]</sup>

Lorenzo Mirandilla (Mirandilla), the passenger seated beside Valencia in front of the jeepney, corroborated Valencia's testimony that a man was already lying on the road near Sagumayon Bridge, when Valencia's jeepney passed by on its way to Legazpi City.<sup>[17]</sup>

Police Officer 2 Jonell Abinon (PO2 Abinon) testified that while he was overseeing the flow of traffic at the rotonda on Quezon Avenue Extension, Valencia, who was then driving a jeepney, drove up to him to report a vehicular accident near Saint Agnes. PO2 Abinon asked Valencia to accompany him to report the incident, but Valencia refused because he still had passengers on board the jeepney.<sup>[18]</sup>

The Regional Trial Court found the testimonies of the prosecution witnesses to be categorical and straightforward in pointing to Valencia as the person driving the jeepney that hit Jaquilmo, eventually leading to his death.<sup>[19]</sup>

On the other hand, the Regional Trial Court found defense witness Mirandilla to be an unreliable witness. The Regional Trial Court stated that Mirandilla's testimony is unworthy of belief, as he was "glib in his testimony persistently embellishing his answers to the questions with impertinent and irrelevant matters not called for by the questions propounded by the defense counsel[.]"<sup>[20]</sup>

In discussing the elements of reckless imprudence resulting to homicide, the Regional Trial Court pointed out that as the driver of a passenger jeepney, a common carrier, Valencia was tasked to observe extraordinary diligence, both in driving his jeepney and in dealing with his passengers. It concluded that Valencia failed to see the victim walking in front of or beside the jeepney because the accident happened very early in the morning and Valencia had probably just woken up, making him not yet fully alert and ready to drive a passenger jeepney.<sup>[21]</sup>

The Regional Trial Court likewise appreciated the qualifying circumstance of failing to lend assistance to the victim against Valencia.<sup>[22]</sup>

The dispositive of the Regional Trial Court June 1, 2015 Judgment<sup>[23]</sup> read:

WHEREFORE, in the [sic] light of the foregoing ratiocinations, the Court hereby renders judgment finding the accused-Reynaldo Valencia y Vibar **GUILTY** beyond reasonable doubt of the culpable felony of **RECKLESS IMPRUDENCE RESULTING IN HOMICIDE** defined and penalized under Article 365 of the Revised Penal Code qualified by failing to lend on the spot to the victim such help as may be in the hands of the accused to give. Consequently, accused Reynaldo Valencia y Vibar is hereby sentenced to undergo an indeterminate prison sentence of **FOUR (4) YEARS[,] TWO (2) MONTHS and ONE (1) DAY as the MINIMUM to SIX (6) YEARS, ONE (1) MONTH AND ELEVEN (11) DAYS as the MAXIMUM[.]**

As civil liability, the accused Reynaldo Valencia y Vibar is hereby ordered to pay the heirs of Celedonio Jaquilmo the following amounts, to wit:

- (1) **[P]50,000.00** as civil indemnity;
- (2) **[P]58,000.00** as actual/compensatory damages/burial expenses;
- (3) **[P]168,394.64** for loss of earning capacity; and
- (4) **[P]50,000.00** for moral and exemplary damages.

Finally, the Branch Clerk of Court is directed to issue the necessary MITIMUS for the immediate commitment of the accused to the National Penitentiary, Bureau of Corrections, Muntinlupa City.

Costs against the accused.

SO ORDERED.<sup>[24]</sup>

Valencia appealed<sup>[25]</sup> the judgment against him, but on February 17, 2017, the Court of Appeals<sup>[26]</sup> denied his appeal and affirmed the Regional Trial Court's Decision with modifications.

The Court of Appeals stated that the prosecution duly proved Valencia's negligence in driving the jeepney, since two (2) of the prosecution witnesses testified that they had to inform Valencia that he hit a person when the jeepney shook and a loud thud was heard. The Court of Appeals also concluded that Valencia must have been driving at high speed before hitting the victim.<sup>[27]</sup>

The dispositive of the Court of Appeals Decision read:

**WHEREFORE**, the instant appeal is **DENIED**. The June 1, 2015 Judgment of the Regional Trial Court, Branch 6, Legazpi City in Crim. Case No. 12251 is hereby **AFFIRMED** with the following **MODIFICATIONS**: (1) accused-appellant Reynaldo Valencia y Vibar is sentenced to suffer the indeterminate penalty of two (2) years and four (4) months of *prision correccional* as minimum to six (6) years of *prision correccional* as maximum; (2) the award for loss of earning capacity is increased to P170,193.99; (3) the moral and exemplary damages should be P50,000.00 each; and (4) all monetary awards in favor of the Heirs of Celedonio Jaquilmo shall earn 6% interest *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.<sup>[28]</sup>

In his Petition for Review on Certiorari,<sup>[29]</sup> petitioner maintains that his guilt was not proven beyond reasonable doubt because the prosecution failed to prove all the elements of the crime charged. He insists that none of the prosecution witnesses testified to seeing the jeepney he was driving actually run over the victim and that their testimonies are circumstantial at best.<sup>[30]</sup>

Petitioner also points out that SPO1 Amaranto's testimony—that the bloodstain was in the middle of the road—further supports his assertions of innocence, since the jeepney he was driving was traversing the right lane of the road going to Legaspi. Hence, if he did hit the victim, the bloodstain should have been on the right lane as well.<sup>[31]</sup>

Petitioner then emphasizes that Mirandilla corroborated his testimony that Jaquilmo was already lying on the ground when the jeepney traversed the bridge.<sup>[32]</sup>

In its Comment,<sup>[33]</sup> respondent People of the Philippines asserts that the Court of Appeals did not err in affirming petitioner's conviction for reckless imprudence resulting in homicide.<sup>[34]</sup> Respondent opines that petitioner's reckless and negligent act of talking to a passenger while driving his jeepney was the proximate cause of Jaquilmo's death, as petitioner failed to pay attention to the road which led to him hitting and running over Jaquilmo.<sup>[35]</sup>

In his Reply,<sup>[36]</sup> petitioner reiterates that respondent failed to prove that his negligence led to Jaquilmo's death and that it only managed to prove that he was driving a jeepney. He underscores that the prosecution witnesses failed to testify that they saw the jeepney hit the victim. Further, Mirandilla, a disinterested witness, confirmed that Jaquilmo was already lying prostrate on the ground even before the jeepney passed the bridge.<sup>[37]</sup>

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in upholding petitioner's guilt for the crime of reckless imprudence resulting to homicide.

Review of appeals filed before the Court is "not a matter of right, but of sound judicial discretion[.]"<sup>[38]</sup> Only questions of law may be raised in a Rule 45 petition<sup>[39]</sup> as this Court is not a trier of facts, and factual findings are "final, binding, or conclusive on the parties and upon this court when supported by substantial evidence."<sup>[40]</sup> However, exceptions to the general rule exist and the Court may pass upon the findings of fact of the lower courts in the following instances:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures (Joaquin v. Navarro, 93 Phil. 257 [1953]); (2) When the inference made is manifestly mistaken, absurd or impossible (Luna v. Linatok, 74 Phil. 15 [1942]); (3) Where there is a grave abuse of discretion (Buyco v. People, 95 Phil. 453 [1955]); (4) When the judgment is based on a misapprehension of facts (Cruz v. Sosing, L-4875, Nov. 27, 1953); (5) When the findings of fact are conflicting (Casica v. Villaseca, L-9590 Ap. 30, 1957; unrep.); (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee (Evangelista v. Alto Surety and Insurance Co., 103 Phil. 401 [1958]); (7) The findings of the Court of Appeals are contrary to those of the trial court (Garcia v. Court of Appeals, 33 SCRA 622 [1970]; Sacay v. Sandiganbayan, 142 SCRA 593 [1986]); (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record (Salazar v. Gutierrez, 33 SCRA 242 [1970]).<sup>[41]</sup>

A careful review of the records convinces this Court that an exception to the general rule exists in this case, particularly the first exception, or "[w]hen the conclusion is a finding grounded entirely on speculation, surmises or conjectures."

As punished in Article 365 of the Revised Penal Code, reckless imprudence:

[C]onsists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.<sup>[42]</sup>