

SECOND DIVISION

[G.R. No. 198627, January 13, 2016]

**DST MOVERS CORPORATION, PETITIONER, VS. PEOPLE'S
GENERAL INSURANCE CORPORATION, RESPONDENT.**

DECISION

LEONEN, J.:

A determination of where the preponderance of evidence lies is a factual issue which, as a rule, cannot be entertained in a Rule 45 petition. When, however, the sole basis of the trial court for ruling on this issue is evidence that should not have been admitted for being hearsay, this court will embark on its own factual analysis and will, if necessary, reverse the rulings of the lower courts. A traffic accident investigation report prepared by a police officer relying solely on the account of a supposed eyewitness and not on his or her personal knowledge is not evidence that is admissible as an exception to the Hearsay Rule.

This resolves a Petition for Review on Certiorari^[1] under Rule 45 of the 1997 Rules of Civil Procedure praying that the assailed May 11, 2011 Decision^[2] and September 8, 2011 Resolution^[3] of the Court of Appeals Former Twelfth Division in CA-G.R. SP No. 109163 be reversed and set aside, and that a new one be entered dismissing respondent People's General Insurance Corporation's (PGIC) Complaint for Sum of Money.^[4]

In its assailed May 11, 2011 Decision, the Court of Appeals affirmed with modification the ruling of Branch 47 of the Regional Trial Court of Manila in Civil Case No. 07-118093 which, in turn, affirmed in toto the ruling of Branch 22 of the Metropolitan Trial Court of Manila in Civil Case No. 181900. In its assailed September 8, 2011 Resolution, the Court of Appeals denied petitioner DST Movers Corporation's (DST Movers) Motion for Reconsideration.^[5]

The Metropolitan Trial Court of Manila found DST Movers liable to pay PGIC the amount of P90,000.00 by way of actual damages plus interest as well as P10,000.00 for attorney's fees and costs of suit.^[6] The Court of Appeals ordered DST Movers to pay PGIC the amount of P25,000.00 as temperate damages in lieu of the original award of P90,000.00 as actual damages.^[7]

In a Complaint for Sum of Money filed before the Metropolitan Trial Court of Manila, PGIC alleged that at about 10:30 p.m. on February 28, 2002, along the South Luzon Expressway and in the area of Bilibid, Muntinlupa City, a Honda Civic sedan with plate number URZ-976 (sedan) was hit on the rear by an Isuzu Elf truck with plate number UAL-295 (truck). PGIC underscored that the sedan was on a stop position when it was hit. The sedan was then allegedly pushed forward, thereby hitting a Mitsubishi Lancer. The driver of the truck then allegedly escaped.^[8]

In support of its recollection of the events of February 28, 2002, PGIC relied on a Traffic Accident Investigation Report (Report) prepared by PO2 Cecilio Grospe Tomas (PO2 Tomas) of the Muntinlupa City Traffic Enforcement Unit of the Philippine National Police. This was attached as Annex "E"^[9] of PGIC's Complaint and also as Annex "E"^[10] of its Position Paper. It stated:

TRAFFIC ACCIDENT INVESTIGATION REPORT

(Entry No. 805-285-0202)

Time and date : At about 10:30 p.m. February 28, 2002
Place : along SLEX, Bilibid N/B, Muntinlupa City
Weather : Fair
Nature : RIR/DTP/PI (hit and run)

Inv
vehicle
(3)

Vehicle-1 : Honda civic
Plate no. : URZ-976
Driver (injured) : MA. ADELINA YUBOCO Y DELA CRUZ
Lic. no. : N03-96-213671
Address : 24 Hernandez St., BF Homes Parañaque City
Reg. Owner : Fidel Yuboco
Address : same as driver
Damage : rear & front portion, whole right side portion

Vehicle-2 : Mits. Lancer
Plate no. : CMM-373
Driver : HARRISON TUQUERO Y VALDEZ
Lic. no. : 014-02-032855
Address : 13-16 Carolina St., Villasol Subd., Angeles City
Reg. Owner : Edgardo Tuquero
Address : 518 Obio st., Villasol Subd., Angeles City
Damage : left side rear portion

Vehicle-3 : Truck
Plate no. : UAL-295
Driver : Unidentified
Damage : Undetermine [sic]
Reportee : G. Simbahon of PNCC/SLEX

FACTS:

It appears that while V1 was on stop position facing north at the aforesaid place of occurrence when the rear portion of the same was allegedly hit/bumped by V3 which was moving same direction on the same place due to strong impact V1 pushed forward and hit the left side rear portion of V2 causing damages and injuries thereon. After the impact, V3 escaped towards undisclosed direction and left V1 & V2 at the place of accident. During investigation V1 & V2 driver gave voluntary handwritten statement and they were advised to submit medical certificate, estimate/photos of damages as annexes.

Status of the case: For follow-up.....

(sgd.)
PO2 Cecilio Grospe Tomas PNP
- on case -^[11]

The truck was supposedly subsequently discovered to be owned by DST Movers.^[12] The sedan was covered by PGIC's insurance under Policy No. HAL-PC-1314.^[13] As a result of the February 28, 2002 incident, the sedan's owner, Fidel Yuboco, filed a total loss claim with PGIC in the amount of P320,000.00. PGIC paid Fidel Yuboco the entire amount of P320,000.00.^[14]

Asserting that it was subrogated to Fidel Yuboco's rights and that the proximate cause of the mishap was the negligence of the driver of the truck, PGIC, through counsel, sent DST Movers demand letters. PGIC demanded from DST Movers the amount of P90,000.00, which represented the difference between the P320,000.00 paid by PGIC to Yuboco and the salvage price of P230,000.00, at which PGIC was supposedly able to sell what remained of the sedan.^[15]

Its demands not having been satisfied, PGIC proceeded to file its Complaint^[16] for Sum of Money before the Metropolitan Trial Court of Manila. This case was docketed as Civil Case No. 181900.^[17]

In its Answer,^[18] DST Movers acknowledged that it was the owner of the truck. However, it claimed that the truck did not make any trips on February 28, 2002 as it was undergoing repairs and maintenance.^[19] In support of this affirmative defense, DST Movers attached as Annexes "1" to "1-F"^[20] copies of invoices, receipts, and cash vouchers relating to repairs and maintenance procedures that were undertaken on the truck on specific dates, which included February 28, 2002.

Following the submission of the parties' position papers, Branch 22 of the Metropolitan Trial Court Manila rendered its Decision^[21] favoring PGIC's version of events and finding DST Movers liable. The dispositive portion of this Decision reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant ordering to pay the latter to pay the [sic] of Php90,000.00 as actual damages plus interest of 12% per annum from the date of filing of the complaint and the sum of Php10,000.00 as and for attorney's fees and the costs of suit.

SO ORDERED.^[22]

On appeal, the ruling of the Metropolitan Trial Court was affirmed in toto by Branch 47 of the Regional Trial Court of Manila.^[23]

DST Movers then filed before the Court of Appeals a Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure.

In its assailed May 11, 2011 Decision, the Court of Appeals affirmed the rulings of the Regional Trial Court and the Metropolitan Trial Court. However, it noted that PGIC failed to prove actual loss with reasonable certainty. As such, the Court of Appeals deleted the award of P90,000.00 in actual damages and replaced it with an award of P25,000.00 in temperate damages.

In its assailed September 8, 2011 Resolution,^[24] the Court of Appeals denied DST Movers' Motion for Reconsideration.

Hence, DST Movers filed the present Petition insisting that its liability was not established by a preponderance of evidence. Specifically, it faults the Metropolitan Trial Court for ruling in favor of PGIC despite how its version of events was supported by nothing more the Traffic Accident Investigation Report. It asserts that reliance on this Report was misplaced as it was supposedly "improperly identified [and] uncorroborated."^[25]

For resolution is the issue of whether petitioner DST Movers Corporation's liability was established by a preponderance of evidence. Subsumed in this is whether it was an error for the Metropolitan Trial Court to admit and lend evidentiary weight to the piece of evidence chiefly relied upon by respondent People's General Insurance Corporation: the Traffic Accident Investigation Report prepared by PO2 Tomas.

I

Petitioner comes to this court through a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure. It invites this court to reconsider the consistent rulings of the Court of Appeals, the Regional Trial Court, and the Metropolitan Trial Court that petitioner's liability arising from the February 28, 2002 incident was established by a preponderance of evidence.

A Rule 45 petition pertains to questions of law and not to factual issues. Rule 45, Section 1 of the 1997 Rules of Civil Procedure is unequivocal:

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.

This court's Decision in *Cheesman v. Intermediate Appellate Court*^[26] distinguished questions of law from questions of fact:

As distinguished from a question of law — which exists "when the doubt or difference arises as to what the law is on a certain state of facts" — "there is a question of fact when the doubt or difference arises as to the truth or the falsehood of alleged facts;" or when the "query necessarily invites calibration of the whole evidence considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole and the probabilities of the situation."^[27] (Citations omitted)

Seeking recourse from this court through a petition for review on certiorari under Rule 45 bears significantly on the manner by which this court shall treat findings of fact and evidentiary matters. As a general rule, it becomes improper for this court to consider factual issues: the findings of fact of the trial court, as affirmed on appeal by the Court of Appeals, are conclusive on this court. "The reason behind the rule is that [this] Court is not a trier of facts and it is not its duty to review, evaluate, and weigh the probative value of the evidence adduced before the lower courts."^[28]

A determination of whether a matter has been established by a preponderance of evidence is, by definition, a question of fact. It entails an appreciation of the relative weight of the competing parties' evidence. Rule 133, Section 1 of the Revised Rules on Evidence provides a guide on what courts may consider in determining where the preponderance of evidence lies:

SECTION 1. Preponderance of evidence, how determined. — In civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

Consistent with *Cheesman*, such determination is a "query [that] necessarily invites calibration of the whole evidence considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole and the probabilities of the situation."^[29]

On point as regards civil liability for damages, this court in *Caina v. People of the Philippines*^[30] explained:

Questions on whether or not there was a preponderance of evidence to justify the award of damages or whether or not there was a causal connection between the given set of facts and the damage suffered by the private complainant or whether or not the act from which civil liability might arise exists are questions of fact.^[31]

Equally on point, this court has explained in many instances that a determination of the causes of and circumstances relating to vehicular accidents is a factual matter