

**[ G.R. No. 158557, February 04, 2008 ]**

**FERNANDO MONTECILLO, Petitioner, vs. IRMA PAMA,  
Respondent.**

**R E S O L U T I O N**

**QUISUMBING, J.:**

This petition for review seeks to reverse the Decision<sup>[1]</sup> dated September 19, 2002 and Resolution<sup>[2]</sup> dated May 22, 2003 of the Court of Appeals in CA G.R. CV No. 64978.

The instant case arose from a complaint for damages and specific performance that petitioner filed before the Regional Trial Court (RTC) of Makati City, Branch 136, against defendants therein Irma Pama, Librado Sardoma and Henry Balonzo. The complaint,<sup>[3]</sup> docketed as Civil Case No. 90-2767, alleged that the defendants illegally detained petitioner from March 25 to 27, 1988, and they confiscated his driver's license thereby preventing him from working for two years following the incident.

Petitioner alleged that he was a former driver of a Toyota Corona 4-door sedan co-owned and operated as a taxicab by Pama and Sardoma. On March 24, 1988, while he was in front of the Manila Peninsula Hotel in Makati City, Sardoma instructed him to pick up a lady passenger who had just come out of the hotel. The passenger allegedly directed petitioner to proceed to EDSA towards the direction of Cubao, Quezon City. Near Boni Avenue, Mandaluyong City, however, petitioner noticed a vehicle with its siren on. There were two men inside the vehicle signaling him to stop. When he did as told, the two men, who claimed to be members of the Philippine Constabulary, allegedly instructed him to follow them to Camp Crame, Quezon City.

Somewhere between Shaw Boulevard and Ortigas Avenue, the two men again signaled him to stop. They ordered him at gunpoint to disembark and leave the taxi with them. Then, the two men left with the taxi, with the lady passenger still inside. Immediately, petitioner returned to the Manila Peninsula Hotel in Makati City to inform Sardoma of the incident. Sardoma, petitioner and other taxi drivers then reported the incident to the Mandaluyong Police. Petitioner claimed that the defendants suspected him of having conspired in the carjacking. They allegedly restrained him of his liberty and compelled him to accompany them to look for the missing taxi. Petitioner also claimed that he was maltreated and physically abused to make him confess participation in the carjacking. He added that respondent Pama confiscated his driver's license and never returned it despite demands, thereby preventing him from working and earning income for two years. Thus, he prayed for actual as well as moral and exemplary damages. In their answer with counterclaim,<sup>[4]</sup> the defendants denied that petitioner was their employee. They alleged that around 5:30 a.m. on March

24, 1988, petitioner drove the subject vehicle without authority from them or its authorized driver Roberto Imperial. After about half an hour, petitioner came back and told them that their taxi had been carnapped. They reported it to the Mandaluyong Police, then to the Anti-Carnapping Task Force at Camp Crame, Quezon City. The defendants denied that they detained petitioner for three days. They claimed that it was petitioner who volunteered to help look for the taxi since he was the only one who could recognize the carnappers. They likewise denied confiscating petitioner's license, averring that it was the authorities at the Anti-carnapping Unit who took petitioner's driver's license for records purposes.

On June 27, 1999, the RTC dismissed petitioner's complaint, as well as defendants' counterclaim.<sup>[5]</sup> The RTC ruled that petitioner failed to prove by clear and credible evidence that the defendants unlawfully confiscated his license and thereby prevented him from engaging in his usual profession as a driver. The court noted that petitioner pointed to respondent Pama at the trial as the person solely responsible for confiscating his license, but said that petitioner's bare assertions were insufficient to establish respondent Pama's liability.<sup>[6]</sup>

The Court of Appeals having dismissed petitioner's appeal on September 19, 2002 and denied the motion for reconsideration on May 22, 2003, petitioner filed the instant petition for review on certiorari.

Petitioner raises the sole issue:

WHETHER OR NOT PETITIONER FERNANDO MONTECILLO WAS ABLE TO ESTABLISH BY PREPONDERANCE OF EVIDENCE THE LIABILITY OF RESPONDENT IRMA PAMA AS THE LATTER HAS UNLAWFULLY CONFISCATED HIS DRIVER'S LICENSE, PURSUANT TO SECTION 1, RULE 133 OF THE RULES OF COURT.<sup>[7]</sup>

Petitioner contends that his testimony, standing alone, was sufficient to establish his claim for damages and that both the RTC and the Court of Appeals erred in not giving credence to his assertions. He stresses that preponderance is not necessarily with the greatest number and that preponderance can be established by the sole, uncorroborated testimony of one witness.

Respondent, for her part, opted to waive the filing of any responsive pleading. Hence, this case was submitted for resolution without comment.

The petition lacks merit.

Clearly, this petition calls for a review of the factual findings of the two lower courts. As a general rule, factual issues are not within the province of this Court. Factual findings of the RTC, when adopted and confirmed by the Court of Appeals, become final and conclusive and may not be reviewed on appeal except (1) when the conclusion is grounded entirely on speculations, surmises or conjectures; (2) when the inference is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when there is no citation of specific evidence on which the factual findings are based; (7) when the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record; (8) when the findings of the Court of Appeals are