

SECOND DIVISION

[G.R. NO. 153076, June 21, 2007]

LAPANDAY AGRICULTURAL AND DEVELOPMENT CORPORATION (LADECO), HENRY BERENGUEL, AND APOLONIO R. DEOCAMPO, PETITIONERS, VS. MICHAEL RAYMOND ANGALA, RESPONDENT.

DECISION

CARPIO, J.:

The Case

Before the Court is a petition for review^[1] assailing the 25 July 2001 Decision^[2] and 11 March 2002 Resolution^[3] of the Court of Appeals in CA-G.R. CV No. 51134.

The Antecedent Facts

On 4 May 1993, at about 2:45 p.m., a Datsun crewcab with plate no. PEC-903 driven by Apolonio Deocampo (Deocampo) bumped into a 1958 Chevy pick-up with plate no. MAM-475 owned by Michael Raymond Angala (respondent) and driven by Bernulfo Borres (Borres). Lapanday Agricultural and Development Corporation (LADECO) owned the crewcab which was assigned to its manager Manuel Mendez (Mendez). Deocampo was the driver and bodyguard of Mendez. Both vehicles were running along Rafael Castillo St., Agdao, Davao City heading north towards Lanang, Davao City. The left door, front left fender, and part of the front bumper of the pick-up were damaged.

Respondent filed an action for Quasi-Delict, Damages, and Attorney's Fees against LADECO, its administrative officer Henry Berenguel^[4] (Berenguel) and Deocampo. Respondent alleged that his pick-up was slowing down to about five to ten kilometers per hour (kph) and was making a left turn preparatory to turning south when it was bumped from behind by the crewcab which was running at around 60 to 70 kph. The crewcab stopped 21 meters from the point of impact. Respondent alleged that he heard a screeching sound before the impact. Respondent was seated beside the driver and was looking at the speedometer when the accident took place. Respondent testified that Borres made a signal because he noticed a blinking light while looking at the speedometer.^[5]

Respondent sent a demand letter to LADECO for the payment of the damages he incurred because of the accident but he did not receive any reply. Thus, respondent filed the case against LADECO, Berenguel, and Deocampo.

Deocampo alleged that the pick-up and the crewcab he was driving were both running at about 40 kph. The pick-up was running along the outer lane. The pick-up was about 10 meters away when it made a U-turn towards the left. Deocampo

testified that he did not see any signal from the pick-up.^[6] Deocampo alleged that he tried to avoid the pick-up but he was unable to avoid the collision. Deocampo stated that he did not apply the brakes because he knew the collision was unavoidable. Deocampo admitted that he stepped on the brakes only after the collision.

The Ruling of the Trial Court

In its 3 March 1995 Decision,^[7] the Regional Trial Court of Davao City, Branch 15 (trial court) ruled:

WHEREFORE, judgment is hereby rendered ordering the defendants LADECO and Apolonio Deocampo to solidarily pay the plaintiffs the following sums:

1. Twenty three thousand two hundred (P23,200.00) pesos as actual damages.
2. Ten thousand (P10,000.00) pesos as moral damages.
3. Ten thousand (P10,000.00) pesos as attorney's fees.
4. Costs of suit.

SO ORDERED.^[8]

The trial court found that the crewcab was running very fast while following the pick-up and that the crewcab's speed was the proximate cause of the accident. The trial court observed that the crewcab stopped 21 meters away from the point of impact despite Deocampo's claim that he stepped on the brakes moments after the collision. The trial court ruled that Deocampo had the last opportunity to avoid the accident.

The trial court found that Berenguel was not liable because he was not the owner of the crewcab.

LADECO and Deocampo (petitioners)^[9] filed a motion for reconsideration. The trial court denied petitioners' motion in its 13 June 1995 Order.^[10]

Petitioners filed an appeal before the Court of Appeals.

The Ruling of the Court of Appeals

The Court of Appeals affirmed *in toto* the trial court's decision.

The Court of Appeals sustained the finding of the trial court that Deocampo was negligent. The Court of Appeals applied the doctrine of last clear chance and ruled that Deocampo had the responsibility of avoiding the pick-up.

The Court of Appeals also sustained the solidary liability of LADECO and Deocampo. The Court of Appeals ruled that under Article 2180 of the Civil Code, the negligence of the driver is presumed to be the negligence of the owner of the vehicle.

The dispositive portion of the Court of Appeals' Decision reads:

WHEREFORE, premises considered, the appeal is DISMISSED for lack of merit, and the assailed Decision of the Court *a quo* in Civil Case No. 22067-93 is AFFIRMED *in toto*. Costs against defendants-appellants.

SO ORDERED.^[11]

Petitioners filed a motion for reconsideration. In its 11 March 2002 Resolution, the Court of Appeals denied the motion for lack of merit.

Hence, the petition before this Court.

The Issues

The issues before the Court are the following:

1. Whether the provisions of Section 45(b) of Republic Act No. 4136^[12] (RA 4136) and Article 2185 of the Civil Code apply to this case; and
2. Whether respondent is entitled to the damages awarded.

The Ruling of this Court

The petition is partly meritorious.

Both Drivers are Negligent

Both the trial court and the Court of Appeals found that Deocampo was at fault because he was driving very fast prior to the collision. The Court of Appeals sustained the trial court's finding that Deocampo was running more than the normal cruising speed. Both the trial court and the Court of Appeals noted that the crewcab stopped 21 meters away from the point of impact. Deocampo admitted that he stepped on the brakes only after the collision.

Petitioners allege that Borres did not take the proper lane before executing the U-turn. Petitioners allege that Borres violated Section 45(b) of RA 4136 and it was his recklessness that was the proximate cause of the accident.

Section 45(b) of RA 4136 states:

Sec. 45. *Turning at intersections.* x x x

(b) The driver of a vehicle intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the highway, and, in turning, shall pass to the left of the center of the intersection, except that, upon highways laned for traffic and upon one-way highways, a left turn shall be made from the left lane of traffic in the direction in which the vehicle is proceeding.