

SECOND DIVISION

[G.R. NO. 160355, May 16, 2005]

**PHILIPPINE RABBIT BUS LINES, INC., PETITIONER, VS. HEIRS
OF EDUARDO MANGAWANG AND PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

DECISION

CALLEJO, SR., J.:

This is a petition for review of the Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 78149 affirming the Decision^[2] of the Regional Trial Court (RTC) in Criminal Case No. 743-C('93) convicting the accused Ernesto Ancheta of reckless imprudence resulting in homicide.

The Antecedents

Ernesto Ancheta was employed by the Philippine Rabbit Bus Lines, Inc. (PRBLI) as driver of one of its passenger buses. On July 23, 1993, an Information was filed with the RTC of Capas, Tarlac, Branch 66, charging Ancheta with reckless imprudence resulting in homicide. The inculpatory portion of the Information reads:

That on November 23, 1992 at around 11:50 o'clock (*sic*) in the morning, at Brgy. Dolores, Municipality of Capas, Province of Tarlac, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the driver and person-in-charge of a Philippine Rabbit Bus bearing Plate No. CVE-707 with MVRR No. 63044987, registered in the name of the Philippine Rabbit Bus Lines, Inc. of Tarlac, Tarlac, did then and there, willfully, unlawfully and feloniously and with reckless imprudence and managed the said Philippine Rabbit Bus at Brgy. Dolores, Capas, Tarlac, in a careless, negligent and imprudent manner, without due regard to laws, regulations, ordinances and traffic code and without taking the necessary precaution to prevent accident to persons and damage to property and in violation of the Land Transportation Laws, said bus driven by the accused while cruising the MacArthur Highway towards the south direction, bumped the left rear side of a Toyota jeep with Plate No. TAB 929 with MVRR No. 64284647 owned by Zenaida B. Dizon of 193 M. Santos St., Pasay City, Metro Manila, and driven by Eduardo Mangawang towards the north direction, and as a result thereof said Eduardo Mangawang ultimately died and the jeep he was then driving sustained damages of an undetermined amount, to the damage and prejudice of the deceased and the owner thereof.

Contrary to law.^[3]

The accused was assisted by Atty. Crispiniano Lamorena, Jr., whom the PRBLI assigned as counsel *de parte*. Atty. Andres Pangilinan entered his appearance as private prosecutor.

The trial court rendered judgment on November 12, 1999, convicting the accused of the crime charged. The *fallo* of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused, ERNESTO ANCHETA, guilty beyond reasonable doubt of the crime of Reckless Imprudence Resulting to Homicide.

Accordingly, the said accused is hereby sentenced to suffer the indeterminate penalty of imprisonment of two (2) years and four (4) months of *prision correccional* in its minimum period as minimum to six (6) years of *prision correccional* in its maximum period as maximum.

For the civil liability of the accused, Ernesto Ancheta is hereby ordered to indemnify the heirs of Eduardo Mangawang the amounts of P28,600.00 as actual or compensatory damages and P1,436,466.30 representing loss of earning capacity. The accused is similarly ordered to pay the amounts of P50,000.00 by way of indemnification for the death of Eduardo Mangawang and another P50,000.00 as moral damages.

SO ORDERED.^[4]

The accused appealed the decision to the CA. On November 10, 2000, the appellate court issued a Resolution dismissing the appeal due to Ancheta's failure to file his brief as accused-appellant.^[5] The resolution of the CA dismissing the appeal became final and executory, thus, entry of judgment was made of record on December 7, 2000. After the transmission of the records to the RTC, it issued an Order on June 5, 2001 for the arrest of the accused.^[6]

On June 29, 2001, the PRBLI, as Ancheta's employer, filed a Notice of Appeal of the decision of the RTC. On July 18, 2001, the RTC issued an Order denying due course to the notice of appeal, on its finding that the notice was filed long after the judgment of the RTC had become final and executory.^[7] The PRBLI filed a motion for the reconsideration of the order, claiming that it was not served with a copy of the decision of the RTC convicting the accused of the crime charged; hence, could not have appealed the same. On August 1, 2001, the trial court issued an Order denying the said motion. The PRBLI filed an urgent motion, this time for clarification of the said order, which the trial court denied in an Order dated August 31, 2001. Undaunted, the PRBLI filed a manifestation with motion, citing the ruling of this Court in *Ozoa v. Vda. de Madula*.^[8] On October 17, 2001, the trial court issued an Order, this time, granting the motion and giving due course to the appeal of the PRBLI. The trial court, likewise, ordered the records to be transmitted to the CA for the consideration of the appeal, where the latter made the following assignment of errors:

I

THE TRIAL COURT SERIOUSLY ERRED IN THE APPRECIATION OF THE

FACTS AND THE EVIDENCE.

II

THE TRIAL COURT SERIOUSLY ERRED IN ATTRIBUTING SUPPOSED NEGLIGENCE AND LACK OF FORESIGHT ON THE PART OF THE ACCUSED ANCHETA.

III

THE TRIAL COURT SERIOUSLY ERRED IN SO GENEROUSLY AWARDING UNCONSCIONABLE AMOUNTS IN SUPPOSED DAMAGES TO THE HEIRS OF EDUARDO MANGAWANG.^[9]

On October 10, 2003, the CA rendered judgment affirming with modification the decision of the RTC. The *fallo* of the decision reads:

WHEREFORE, premises considered, the Decision dated November 12, 1999 of the Regional Trial Court of Capas, Tarlac, Branch 66, in Criminal Case No. 743-C('93) is hereby **AFFIRMED** with the correction that the actual damages to be awarded should only be P5,000.00. All other respects remain. Costs against appellant.

SO ORDERED.^[10]

The appellate court dismissed the appeal on the ground that the decision of the RTC had long become final and executory when the PRBLI appealed the decision. It ruled that the PRBLI was bound by the said decision against the accused therein.^[11] Nevertheless, the appellate court resolved the appeal on its merits and affirmed the decision of the RTC, but with modification.^[12]

The PRBLI forthwith filed the present petition for review on *certiorari*, assailing the decision of the CA on the following grounds:

A.

THE COURT OF APPEALS ERRED IN HOLDING THAT THE CONVICTION OF THE ACCUSED HAS ATTAINED FINALITY AS AGAINST PETITIONER.

B.

PETITIONER MUST BE AFFORDED THE STANDING AND THE OPPORTUNITY TO QUESTION THE ACCUSED'S CONVICTION.^[13]

The petitioner submits the ruling of this Court in *Pajarito v. Seneris*^[14] and *Miranda v. Malate Garage & Taxicab, Inc.*,^[15] that "the decision of the trial court convicting the employee is binding and conclusive upon the employer not only with regard to the civil liability but also, with regard to its amount," should not apply to it. It avers that unlike in *Pajarito* and *Miranda*, the counsel of the accused therein was given ample opportunity to defend the accused during the trial and on appeal in the CA. The petitioner laments that in this case, the counsel it provided to defend the accused was remiss in the performance of his duties and failed to notify it of the RTC

decision, the November 10, 2000 Resolution of the CA, as well as the June 5, 2001 Order of the RTC; consequently, it was not apprised of its civil liability to the heirs of the deceased, thus depriving the petitioner of its right to due process. It avers that it was only on account of its own diligence that it discovered the decision of the RTC, the November 10, 2000 Resolution of the CA and the June 5, 2001 Order of the RTC.

The petitioner further avers that it was not furnished with a copy of the said CA Resolution, and of the Arrest Order of the RTC dated June 5, 2001. The petitioner posits that until it is furnished with such copies, the period within which to assail the decision of the RTC on its civil liability to the heirs of the deceased had not commenced to run.

The petitioner submits that it is unjust and unreasonable for the CA to deprive it of its right to question its civil liability to the heirs of the deceased, considering the gross negligence of the counsel that it had provided the accused.

By way of comment on the petition, the Office of the Solicitor General (OSG) contends that the decision of the RTC convicting Ancheta of the crime charged had become final and executory, following the dismissal of his appeal before the CA. The decision of the RTC was conclusive on the petitioner, not only with regard to its civil liability but also as to the amount thereof, absent any collusion between the accused-employee and the private complainant. The petitioner was not a direct party in the criminal case; hence, was not entitled to a copy of the decision of the RTC or to appeal therefrom; it was, likewise, not entitled to be furnished a copy of the CA Resolution dated November 10, 2000 and the Order of the RTC dated June 5, 2001. Hence, according to the OSG, it cannot complain of denial of its right to due process. The OSG further asserts that the petition at bar is premature, considering that no writ of execution has yet been issued by the RTC, and cites the ruling of this Court in *Philippine Rabbit Bus Lines, Inc. v. People*^[16] to buttress its stance.

The petition is denied for lack of merit.

The ruling of the CA dismissing the petitioner's appeal of the RTC decision convicting Ancheta of reckless imprudence resulting in homicide is correct. However, the Court of Appeals erred in modifying the decision of the RTC.

The petitioner, as the employer of the said accused, had no right to appeal from the said decision because, in the first place, it was not a party in the said case. While the subsidiary liability provided for by Articles 102 and 103 of the Revised Penal Code may render the petitioner a party in substance and, in effect, it is not, for this reason, entitled to be furnished a copy of the decision of the RTC, as well as the resolution and decision of the CA.

Indeed, the petitioner was entitled to protect its interest by taking actual participation in the defense of its employee, Ancheta, by providing him with counsel. It cannot leave its employee to his own fate because his failure is its failure.^[17] The petitioner, as the employer of the accused, would thereby be apprised of the progress of the case and the outcome thereof from time to time through the said counsel. The failure of such counsel to apprise the petitioner of the progress of the case is thus not equivalent to lack of due process. The pronouncement of the Court in *Miranda v. Malate Garage & Taxicab, Inc.* ^[18] is instructive on this score: