

## SECOND DIVISION

[ G.R. No. 140698, June 20, 2003 ]

**ROGELIO ENGADA, PETITIONER, VS. HON. COURT OF APPEALS,  
FORMER FOURTEENTH DIVISION, MANILA, AND PEOPLE OF THE  
PHILIPPINES, RESPONDENTS.**

### D E C I S I O N

**QUISUMBING, J.:**

This petition for review seeks the reversal of the decision<sup>[1]</sup> dated May 31, 1999 of the Court of Appeals in CA-G.R. CR No. 18358, which affirmed with modification the judgment<sup>[2]</sup> dated August 25, 1994, of the Regional Trial Court of Iloilo City, Branch 29, in Criminal Case No. 36223. The RTC found petitioner guilty beyond reasonable doubt of simple imprudence resulting in physical injuries and damage to property, and sentenced him to (a) suffer imprisonment for one month and one day of *arresto mayor*, (b) pay private complainant, Mrs. Sheila Seyan, the amount of fifty one thousand pesos (P51,000) for the total destruction of the Toyota Tamaraw jeepney, and one hundred ten thousand pesos (P110,000) for her hospital and medical expenses, and (c) pay the costs of suit. The CA increased the prison term imposed on petitioner to four months of *arresto mayor*.

The facts culled from the records are as follows:

On November 29, 1989, at about 1:30 in the afternoon, Edwin Iran was driving a blue Toyota Tamaraw jeepney bound for Iloilo City. On board was Sheila Seyan, the registered owner of the Tamaraw. While traversing the road along Barangay Acquit, Barotac Nuevo, the Tamaraw passengers allegedly saw from the opposite direction a speeding Isuzu pick-up, driven by petitioner Rogelio Engada. The pick-up had just negotiated a hilly gradient on the highway. When it was just a few meters away from the Tamaraw, the Isuzu pick-up's right signal light flashed, at the same time, it swerved to its left, encroaching upon the lane of the Tamaraw and headed towards a head-on collision course with it. Seyan shouted at Iran to avoid the pick-up. Iran swerved to his left but the pick-up also swerved to its right. Thus, the pick-up collided with the Tamaraw, hitting the latter at its right front passenger side. The impact caused the head and chassis of the Tamaraw to separate from its body. Seyan was thrown out of the Tamaraw and landed on a ricefield. The pick-up stopped diagonally astride the center of the road.

Seyan and Iran were brought to Barotac Nuevo Medicare Hospital.<sup>[3]</sup> Seyan was profusely bleeding from her nose and was in a state of shock with her eyes closed. In the afternoon of the same day, November 29, 1989, she was transferred to St. Paul's Hospital in Iloilo City where she was confined. Her medical certificate revealed that she suffered a fracture on the right femur, lacerated wound on the right foot, multiple contusions, abrasions, blunt abdominal injury, and lacerations of the upper-lower pole of the right kidney.<sup>[4]</sup> She was discharged from the hospital only on

January 15, 1990.

Seyan incurred P130,000 in medical expenses. The Toyota Tamaraw jeepney ended up in the junk heap. Its total loss was computed at P80,000.

A criminal complaint for damage to property through reckless imprudence with serious physical injuries was filed with the Municipal Trial Court of Barotac Nuevo against petitioner Rogelio Engada and Edwin Iran.<sup>[5]</sup> Probable cause was found against petitioner, while the complaint against Iran was dismissed.<sup>[6]</sup>

Consequently, an Information was filed against petitioner charging him with serious physical injuries and damage to property through reckless imprudence, thus:

That on or about November 29, 1989, in the Municipality of Barotac Nuevo, Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Rogelio Engada driving an Isuzu Pick-up with Plate No. SAR 117 owned by the Land Bank of the Philippines, did then and there wilfully, unlawfully and with reckless imprudence drive said pick-up in a careless, reckless and imprudent manner with disregard of traffic laws and regulations, and as a result of such negligent and reckless driving the Isuzu Pick-up driven by the accused bumped a Toyota Tamaraw jeep with Plate No. FBF 601 owned by Joelito and Sheila Seyan and driven by Edwin Iran thereby causing damage to the Toyota Tamaraw in the amount of P80,000.00 and serious physical injuries to Mrs. Sheila Seyan who was riding said vehicle, the injuries barring complications will heal in more than 30 days.

CONTRARY TO LAW.<sup>[7]</sup>

After trial, the court rendered on August 25, 1994 a decision, disposing as follows:

WHEREFORE, the Court, finding the accused guilty beyond reasonable doubt of Simple Imprudence resulting [in] physical injuries and damage to property defined and penalized in Article 263, paragraph 4 and in relation with Article 365, paragraph 2 of the Revised Penal Code, hereby sentences the accused Rogelio Engada to suffer imprisonment of ONE (1) MONTH and ONE (1) DAY of *arresto mayor*.

Accused is further ordered to pay complainant Mrs. Sheila Seyan the amount of P51,000.00 for the total destruction of the Toyota Tamaraw Jeepney and P110,000.00 for indemnification of hospital and medical expenses, and to pay the cost of the suit.

SO ORDERED.<sup>[8]</sup>

Petitioner appealed to the Court of Appeals. On May 31, 1999, the CA dismissed the appeal and affirmed with modification the trial court's decision, thus:

WHEREFORE, the instant appeal is hereby DISMISSED. Accordingly, the appealed decision is hereby AFFIRMED with modification as to the penalty imposed upon the accused who is hereby sentenced to suffer imprisonment of FOUR (4) MONTHS of *arresto mayor*.

SO ORDERED.<sup>[9]</sup>

Petitioner filed a motion for reconsideration, but it was denied. Hence, the instant petition, wherein petitioner raises the issue of:

WHETHER OR NOT THE FINDINGS OF RESPONDENT COURT OF APPEALS ARE SUPPORTED BY THE EVIDENCE OR BASED ON A MISAPPREHENSION OF FACTS RESULTING IN A MANIFESTLY MISTAKEN INFERENCE SPECIFICALLY ON WHAT WAS THE PROXIMATE CAUSE OF THE ACCIDENT AND WHOSE ACT WAS IT.<sup>[10]</sup>

Petitioner claims innocence and seeks acquittal. He contends that in this case we should relax the rule that only legal questions can be raised in a petition for review under Rule 45 of the Rules of Court. According to him, the Court of Appeals misapprehended the facts, and erred in its conclusion as to the proximate cause of the collision. He insists that the Court of Appeals erred when it found him negligent for occupying the lane of the Tamaraw jeepney, and then failing to return to his original lane at the safest and earliest opportunity.

Petitioner further contends that the CA failed to consider that he already relayed his intention to go back to his lane by flashing the pick-up's right signal light. He submits that at that moment Iran, the driver of the Tamaraw, had no more reason to swerve to his left. Had Iran not swerved to the left, according to petitioner, the collision would have been avoided. It was Iran who was clearly negligent, says petitioner. Citing our ruling in *McKee v. Intermediate Appellate Court*,<sup>[11]</sup> petitioner avers that although his act of occupying the Tamaraw's lane was the initial act in the chain of events, Iran's swerving to the left after petitioner flashed his right turn signal, constituted a sufficient intervening event, which proximately caused the eventual injuries and damages to private complainant.

Petitioner also claims that the Court of Appeals erred when it found that the pick-up approached the Tamaraw at a fast speed. He maintains that this was not borne by the evidence on record.

The Office of the Solicitor General, as counsel for the state, counters that the Court of Appeals did not err in convicting the accused, now petitioner herein. Petitioner's negligence was the proximate cause of the accident, according to the OSG, for the following reasons: First, petitioner for no justifiable reason occupied the opposite lane. Second, while on the wrong lane, petitioner was driving the Isuzu pick-up fast, and he returned to his own lane only at the last minute. This left Iran, the driver of the Tamaraw, with no opportunity to reflect on the safest way to avoid the accident. Iran's swerving to the left was his reaction to petitioner's wrongful act, which appropriately calls for the application of the emergency rule. The rationale of this rule is that a person who is confronted with a sudden emergency might have no time for thought, and he must make a prompt decision based largely upon impulse or instinct. Thus, he cannot be held to the same standard of conduct as one who had an opportunity to reflect, even though it later appears that he made the wrong decision. Clearly, under the emergency rule petitioner cannot shift the blame to Iran, concludes the OSG.

As to petitioner's claim that there was no evidence showing that the pick-up was