

EIGHTH DIVISION

[CA-G.R. CR NO. 34002, November 24, 2014]

**VALENTINO TRIPON, JR. Y CANLAS, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

DECISION

GARCIA-FERNANDEZ, J.:

This is a petition for review under Rule 42 of the Revised Rules of Court of the decision dated January 25, 2011 of the Regional Trial Court (RTC), Branch 74 of Malabon City in Case No. R-09-03-MN, denying the appeal and affirming the decision dated July 30, 2008 of the Metropolitan Trial Court (MeTC) in Criminal Case No. JL00-1004.

The factual antecedents as culled from the record shows:

On June 15, 2001 at around 10:00 to 11:00 p.m., petitioner Valentino Tripon, Jr. y Canlas was driving a passenger jeepney with plate no. NTH-977, when he hit private complainant Jason Valenzuela y Caco, who was then driving his motorcycle. As a result of the vehicular accident, private complainant sustained physical injuries which required medical attention and prevented him from performing his customary work for a period of more than thirty (30) days. An information for Reckless Imprudence Resulting in Serious Physical Injuries was filed against petitioner in Criminal Case No. JL00-1004 before the MeTC of Malabon City.^[1] On August 9, 2001, when petitioner was arraigned, he pleaded "not guilty".^[2]

During the trial, the prosecution presented as witnesses, private complainant Jason Valenzuela, Mark Anthony Gonzales and Dr. Teresita R. Sanchez, while petitioner and one Edison Liquid testified as witnesses for the defense.

On July 30, 2008, the MeTC of Malabon City rendered a decision, the dispositive portion of which provides:

"WHEREFORE, judgment is hereby rendered finding the accused Valentino Tripon, Jr. y Canlas GUILTY as charged of reckless imprudence resulting in serious physical injuries defined and penalized under Art. 365, paragraph 1, in relation to Art. 363, subdivision 4 of the Revised Penal Code and is sentenced to an imprisonment of Two (2) months and One (1) day to Three (3) months, medium of arresto mayor in its minimum and medium periods. Accused is also found liable and is hereby ordered to pay private complainant Jason Valenzuela y Caco P20,047 in actual damages and P10,000.00 in moral damages.

SO ORDERED."^[3]

On appeal by petitioner,^[4] the RTC of Malabon City issued a decision dated January 25, 2011, affirming the MeTC decision. The RTC ruled that the evidence for the prosecution sufficiently established the gross negligence and imprudence of petitioner in driving his jeepney; that the latter failed to take the necessary precaution when his jeepney digressed to the opposite lane while overtaking another jeepney on a curved road, thus causing the collision with the incoming motorcycle driven by the private complainant; and that the proximate cause of the accident resulting in the private respondent's injuries, was the negligence of the petitioner.^[5]

In this petition for review, petitioner assigned the following errors to the RTC:

- I. THE TRIAL COURT COMMITTED SERIOUS AND REVERSIBLE ERROR IN RULING THAT THE PETITIONER WAS NEGLIGENT BECAUSE HIS JEEPNEY WAS OVERTAKING PRIOR TO THE COLLISION WHEREAS THE OVERTAKING WAS NOT PROVEN BEYOND REASONABLE DOUBT;
- II. THE TRIAL COURT COMMITTED SERIOUS AND REVERSIBLE ERROR IN FINDING THAT THE PETITIONER WAS OVERTAKING PRIOR TO THE COLLISION GIVEN THE SITUATION AND LOCATION OF THE VICTIM'S MOTORCYCLE AFTER THE ACCIDENT;
- III. THE TRIAL COURT COMMITTED SERIOUS AND REVERSIBLE ERROR IN GIVING CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES WHILE DISCREDITING THAT OF THE DEFENSE;
- IV. THE REGIONAL TRIAL COURT COMMITTED REVERSIBLE ERROR IN RULING THAT PETITIONER IS NEGLIGENT BECAUSE HE PARKED HIS JEEPNEY ON A CURVE; and,
- V. THE REGIONAL TRIAL COURT COMMITTED SERIOUS AND REVERSIBLE ERROR IN AFFIRMING THE CONVICTION OF THE PETITIONER ON THE GROUND OF "CLEAR AND CONVINCING EVIDENCE."^[6]

Petitioner contends that the prosecution failed to discharge its duty of establishing his guilt beyond reasonable doubt; and that both decisions issued by the MeTC and the RTC were based on mere assumptions. Petitioner also contends that no evidence was presented confirming the allegation that he encroached on the opposite lane while overtaking another jeepney, as the prosecution failed to present any police or traffic incident report.

Since the errors assigned to the RTC are interrelated, they shall be discussed jointly.

The appeal is bereft of merit.

This Court sees no reason to overturn the findings of the lower courts on petitioner's gross negligence and culpability, considering that both the MeTC and RTC concurred