

PEOPLE OF THE PHILIPPINES, RESPONDENT, VS. EROLD MERIDOR, PETITIONER.

Ponente: CARANDANG, J.

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CARANDANG, J.:

This is a petition for review under Rule 42 seeking to reverse and set aside the 6 February 2004 Decision[1] of the Regional Trial Court, Branch 7, in Baguio City as well as its 26 October 2004 Order[2] denying the Motion for Reconsideration of petitioners Erol Meridor and Eleanor Meridor.

These are the antecedents that gave rise to the present case:

In the afternoon of 4 November 1996, Erol Meridor was driving a Kia taxi (referred to as Vehicle #1 in the police sketch[3]) with plate no. TMV-392, owned by her mother Eleanor Meridor, along Abanao Rd., towards Harrison Rd in Baguio City.[4] According to private respondent Isidoro Magpantay, at around 2:00 pm of even date, he was inside his Gemini car (Vehicle #3) bearing plate no. NNY-109[5] along the Chanum St. waiting for the traffic light to turn green. When the same turned green, he slowly moved forward when the Kia taxi driven by Erol suddenly bumped his car.[6] Still according to him, the Kia taxi also bumped a Toyota car (Vehicle #2) bearing plate no. ABH-934 driven by Grace Ay-ay and owned by Estella Ay-ay.[7] Two eyewitnesses, in the person of Police Inspector Manuel Balaleng and PO2 Elmer Cereno, testified that they were then inside their mobile car along Chanung St. towards the direction of Abanao St. on their way to the Police Station. When they were about to move forward because the traffic light had turned green, a taxi coming from Abanao St. going towards Harrison Rd. tried to beat the red light and hit two cars in front of them.[8]

For his defense, Erol maintained that when he was driving down Abanao St. the traffic light was still green and when he was crossing the intersection it turned yellow and Vehicles #2 and #3 bumped his taxi. He presented Narciso Padilla, a photojournalist, and offered the pictures of the incident taken by the latter.[9]

On 26 November 1996, an information for Reckless Imprudence resulting in Damage to Property was filed against Erol.[10] Subsequently, on 5 March 1997, Eleanor filed a civil case for Damages against Isidoro Magpantay, Grace Ay-ay and Estella Ay-ay assisted by her husband Mr. Ay-ay.[11] Both cases were tried jointly.[12] And on 30 January 2003, the court a quo rendered its decision, to wit:

“WHEREFORE, the court renders judgment in Criminal Case No. 78519, finding the accused Erol Meridor, GUILTY beyond reasonable doubt of the crime of Reckless Imprudence Resulting in Damage to Property and sentences him to pay a fine of FOURTEEN THOUSAND PESOS (P14,000.00) with subsidiary imprisonment in case of insolvency and to pay a civil liability of FOURTEEN THOUSAND PESOS (P14,000.00) to the private complainant, Isidoro Magpantay.

In Civil Case No. 10148, the same is DISMISSED and the plaintiff, Eleanor Meridor is ordered to pay an attorney’s fees of TEN THOUSAND PESOS (P10,000.00) and litigation expenses of FIVE THOUSAND PESOS (P5,000.00) to the defendant Isidoro Magpantay.

SO ORDERED.”[13]

Both the Criminal and the Civil Case were appealed by Erolld and Eleanor, respectively. However, the above-quoted decision was affirmed in toto by the Regional Trial Court on 6 February 2004.[14] They subsequently moved for reconsideration but were likewise denied by the Regional Trial Court in its Order of 26 October 2004.[15]

As a result, Erolld and Eleanor are now before Us on review, submitting following assignment of errors:

“I. THE LOWER APPELLATE COURT ERRED WHEN IT AFFIRMED IN TOTO THE COURT A QUO’S ERROR IN NOT GIVING CREDENCE AND SUPERIOR PROBATIVE VALUE TO THE PHOTOGRAPHS (EXHIBITS “2” / “B” / “C” ; “4” / “D” ; “8” / “H”) AND THE POLICE SKETCH REPORT (EXHIBIT “9” / “I”) IN ITS CONCLUSION AS TO WHO IS GUILTY OF NEGLIGENCE.

II. THE LOWER APPELLATE COURT ERRED IN UPHOLDING THE CONVICTION OF THE ACCUSED BEYOND REASONABLE DOUBT OF THE CRIME CHARGED, AND THE DISMISSAL OF THE COMPLAINT IN THE CIVIL CASE DESPITE THE FACT THAT THE SAME ARE NOT SUBSTANTIATED BY CLEAR AND CONVINCING EVIDENCE.

III. THE LOWER APPELLATE COURT ERRED IN NOT FINDING THAT THE PROXIMATE CAUSE OF THE VEHICULAR COLLISION IS THE NEGLIGENT ACT OF PRIVATE COMPLAINANT/ DEFENDANT ISIDORO MAGPANTAY.”[16]

At the helm of Erolld and Eleanor’s arguments in support of their assigned errors is their position that it was Magpantay and Ay-ay who drove their cars recklessly and hit Erolld’s taxi when the latter was crossing the intersection. Thus, the ultimate question that needs to be resolved here is, who is at fault?

According to our revered Supreme Court,

“Proximate cause is defined as any cause that produces injury in a natural and continuous sequence, unbroken by any efficient intervening cause, such that the result would not have occurred otherwise. Proximate cause is determined from the facts of each case, upon a combined consideration of logic, common sense, policy and precedent.”[17]

Unfortunately for Erolld and Eleanor, after thoroughly reviewing the decision of the court a quo as well as the attachments they themselves submitted, We are convinced of Erolld’s liability.

In PO Claudio Caligtan’s sketch, it was noted that Vehicle #1 entered the intersection “during the yellow light”[18] contrary to Erolld’s claim that it was still green and only turned yellow when he was already at the intersection. On cross and re-direct, Caligtan explained that when he arrived at the scene, the driver of Vehicle #1 admitted that he “entered during the yellow light.”[19] We find this consistent with Erolld’s very own testimony that Caligtan gave him a traffic citation.[20] Moreover, Eleanor, in her complaint, also admitted that Erolld “entered the said intersection during a yellow light.”[21] Given this, it was incumbent for Erolld to slow down. His failure to do so was negligence. Any prudent driver worth his salt knows, or ought to know, that the yellow traffic light is only fleeting compared to the green or the red one for it merely serves to warn the motorists of the transition from the green to the red.

Instead of slowing down when he saw the yellow light, Erolld darted across the intersection. This is confirmed by eyewitnesses who testified that Vehicle #1, or that driven by Erolld, tried to beat the red light. Police Inspector Manuel Balaleng, despite the badgering of the defense counsel, remained steadfast on this.[22]

Ironically, the police sketch and the pictures of the three vehicles that figured in the mishap, which was heavily relied upon by Erolld and Eleanor, confirm the testimonies of these eyewitnesses. The records show that the collision between Vehicle #1 and Vehicle #3 was preceded by the collision between Vehicle #1 and Vehicle

#2.[23] This was likewise confirmed by Eleanor's narration in her complaint.[24] Now, considering the positions of the three vehicles as depicted in the sketch and the picture[25], Vehicle #1 was undeniably running fast in order to have the momentum to subsequently figure in the second collision with Vehicle #3. Moreover, the pictures depicting the damage on Vehicle #3 show that the left front bumper was protruding outward[26] belying Erol's claim that it was Vehicle #3 that hit his taxi. Instead, the pictures establish the momentum of Vehicle #1 when it darted across the intersection to beat the red light and hit the left front corner of Vehicle #3.

Based on the foregoing, it is evident that Erol who was then driving along Abanao St. towards the intersection saw that the traffic light had turned yellow. Instead of heeding the warning light, he tried to beat the red light and continued to cross the intersection without slowing down and suddenly blocked the path of Vehicle #2 causing the latter to hit Erol's taxi. Despite this first collision, Vehicle #1 had gained enough momentum to move further forward and hit Vehicle #3. Clearly, Erol's act of beating the red light and ignoring the yellow warning light was the negligent act that started the unbroken chain of events that eventually led to the two collisions.

WHEREFORE, the instant petition for review is DISMISSED, and the assailed Decision and Order of the Regional Trial Court, Branch 7, in Baguio City are hereby AFFIRMED.

SO ORDERED.

SO ORDERED.

Dacudao, and Perlas-Bernabe, JJ., concur.

[1] RTC Decision, pp. 14-15 (2nd Folder), ROLLO

[2] RTC Order, p. 19 (2nd Folder), ROLLO

[3] Police Sketch, p. 40 (2nd Folder), ROLLO

[4] Petition, p. 4 (2nd Folder), ROLLO

[5] Complaint, p. 20 (1st Folder), ROLLO

[6] MTC Decision, p. 27 (2nd Folder), ROLLO

[7] Complaint, pp. 20-21 (1st Folder), ROLLO

[8] TSN, 4 November 1998, pp. 4-6; MTC Decision, pp. 28-29 (2nd Folder), ROLLO

[9] MTC Decision, pp. 29-30 (2nd Folder), ROLLO

[10] Information, p. 19 (1st Folder), ROLLO

[11] MTC Decision, p. 24 (2nd Folder), ROLLO

[12] MTC Decision, p. 27 (2nd Folder), ROLLO

[13] MTC Decision, p. 34 (2nd Folder), ROLLO

[14] RTC Decision, p. 15 (2nd Folder), ROLLO

[15] RTC Order, p. 19 (2nd Folder), ROLLO

[16] Petition, pp. 4-5 (2nd Folder), ROLLO

[17] Quezon City Government v. Dacara, 460 SCRA 243, 250-251

[18] Police Sketch, p. 40 (2nd Folder), ROLLO

[19] TSN, 29 July 1998, pp. 8 and 10 (1st Folder), ROLLO

[20] MTC Decision, p. 30 (2nd Folder), ROLLO

[21] Complaint, p. 21 (1st Folder), ROLLO

[22] TSN, 4 November 1998, pp. 4-6 and 13

[23] TSN, 29 July 1998, p. 10; Police Sketch, p. 40 (2nd Folder), ROLLO

[24] Complaint, p. 21 (1st Folder), ROLLO

[25] Police Sketch, p. 40 (2nd Folder); Exhibits “D” and “D-1”/ Pictures of the three vehicles, p.37 (2nd Folder), ROLLO

[25] Exhibit “H” to “H-3”, pp. 38-39 (2nd Folder), ROLLO

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