

THELMA FERNAN, PETITIONER, VS. THE COURT OF APPEALS AND WHITE GOLD INCORPORATED; STEPHEN SY, VICTOR SY AND MELANIO DEJINO, RESPONDENTS.*G.R. No. L-43356. January 30, 1990*

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cbbf6142baaf/>**NARVASA, J.:**

Thelma Fernan, petitioner herein, had sued the private respondents in the Trial Court[1] to recover damages for allegedly having been unwarrantedly detained and otherwise ill-treated by them, to her shame, embarrassment and humiliation, upon mere unfounded suspicion of shoplifting while in the premises of the White Gold Department Store in Cebu City on June 29, 1968. She had originally won her case, the Trial Court, which awarded her P54,000.00 in damages and attorney's fees, with costs, invoking the Civil Code provisions on human relations, in particular Articles 19, 20 and 21.[2] On appeal by the respondents, however, the Court of Appeals after initially affirming the decision of the Trial Court, had reversed the same on a motion for reconsideration and dismissed the petitioner's complaint. The petitioner thereupon elevated the case to this Court on a petition for certiorari in substantially the form and manner prescribed by Rule 45, ascribing in a single assignment reversible error to the Appellate Court for reconsidering its own initial decision of affirmance and entering a reversal on the basis of the same grounds of error that it had considered and rejected in reaching its original adjudgment.[3]

Concerning the facts, this much is not disputed: that near noontime on the date in question Fernan, her brother and sister and some friends had dropped in at the White Gold Department Store to do some shopping; that Fernan carried a wallet similar in description to those on display in the store's card and wallet counter; that Leonora Alcantara, the salesgirl manning the counter, espied Fernan's wallet, noticed said similarity and, suspecting that the wallet had been filched from those on display, lost no time in communicating her suspicions to her superiors.[4]

What ensued is the subject of conflicting versions. According to Fernan, while she was doing her shopping, she noticed respondent Victor Sy, treasurer of White Gold, Inc., the store's operator, behind her. Then all at once she heard Sy shout: "Dakpa na," ("Arrest her ") upon which respondent Melanio Dejino, a store supervisor, rushed to her side and held her by the arms. Despite her protests, she was dragged into a room where Dejino grabbed the wallet she was holding and gave it to Sy who examined it, finding it to contain personal effects — money, stamps and a mirror. She was questioned by Dejino and Sy, to whom she maintained that she had purchased the wallet from the selfsame store a few days previous. Leonora Alcantara was then summoned and confronted with Fernan's claim which, after some reflection, she confirmed. Only then was Fernan allowed to leave, having been physically detained for from fifteen to twenty minutes during which none of her companions had been allowed to join her.[5]

The respondents have a different story. They assert that the incident had been handled in a courteous and civilized manner. Fernan, according to them, had approached the card and wallet counter manned by Leonora Alcantara,

who waited on her as she looked over the wallets on display. While she was thus engaged, Alcantara momentarily left her in order to attend to another customer at the card counter. Returning to find that Fernan had left without a word, Alcantara counted the wallets in her charge and saw that they were short by two. She then looked for Fernan, whom she found at the fountain pen counter holding a wallet of similar description, whereupon she called Dejino, to whom she reported her suspicions. Dejino then approached Fernan, politely tapped her on the shoulder and asked her if the wallet she was holding was hers. At that juncture, Victor Sy came upon them, and being told about what was taking place, advised Dejino to clear up the matter with Fernan in the store's guest room. Fernan willingly accompanied Dejino to the guest room where she proved her ownership of the wallet by opening it and showing that it contained her personal belongings. Leonora Alcantara apologized for her mistake after recalling that she had indeed sold the wallet to Fernan some days earlier.[6]

It was upon evaluation of the proof presented in support of these respective versions that, as already stated, the Trial Court rendered judgment for Fernan and the Court of Appeals, upon review, initially affirmed said judgment, only later to reverse it on a motion for reconsideration.

From a consideration of the foregoing, it is evident that the appeal to this Court raises no questions of law, but simply puts in issue the correctness of the factual findings of the Court of Appeals as opposed to those of the Trial Court. For good and sound reasons, this Court has consistently affirmed that review of the findings of fact of the Court of Appeals is not a function that it ordinarily undertakes, such findings being as a rule binding and conclusive upon it.[7] True, the Rules of Court establish, and jurisprudence has developed, certain exceptions which have already become familiar.[8] The Court, however, finds nothing in the record clearly warranting a review based on any of these well-recognized exceptions.

One such exception, of course, is where — as here — the factual findings of the Court of Appeals conflict with those of the Trial Court,[9] but it is one that must be invoked and applied only with great circumspection and upon a clear showing that manifestly correct findings have been unwarrantedly rejected or reversed. On the one hand, the trial court is the beneficiary of the rule that its findings of fact are entitled to great weight and respect; on the other, the Court of Appeals is, as a general proposition, the ultimate judge of the facts in a case appealed to it — a prerogative which is at the same time a duty conferred upon it by law. Thus, while a conflict in their findings may prima facie provide basis for a recourse to this Court, only a showing, on the face of the record, of gross or extraordinary misperception or manifest bias in the Appellate Court's reading of the evidence will justify this Court's intervention by way of assuming a function usually within the former's exclusive province. There is no showing here of such exceptional circumstances, petitioner's advertence to certain findings of the Court of Appeals in her view contrary to the weight or import of the evidence notwithstanding. In short, nothing in the record warrants this Court's substituting its own assessment of the evidence for that of the Court of Appeals in contravention of the general rule that restricts to questions of law the scope of its review of the latter's decisions.

The Court of Appeals, upon a second look at the evidence retracted the credence it had originally conferred on the testimony offered by the petitioner and concluded that the contradictions and inconsistencies therein, to which the private respondents had called attention, were not minor, as it had at first adjudged, but related to facts and incidents crucial both to her credibility and to her case which rested chiefly on her testimony. No remotely substantial reason for refuting that reassessment has been advanced.

Nor does the fact that the Court of Appeals reversed its own initial decision supply the legal basis that the petition lacks and for want of which it could have been dismissed out of hand as raising issues purely of fact. As this Court has only recently ruled:

"It goes without saying, however, that every court has the power and indeed the duty to review and amend or reverse its findings and decisions when its attention is timely called to any error or defect therein. Simply

because the Appellate Court has done that here and revised its earlier findings to reflect what it felt to be a more correct appraisal of the weight and preponderance of the evidence than it had originally made, does not justify a recourse to this Court that is normally precluded by law and rule, absent of any showing of grave abuse of discretion or similar extraordinary circumstance clearly calling for the exercise of this Court's power of review. Still less does the reconsideration and reversal by the Court of Appeals of its original decision work a transformation of what were essentially findings of fact into conclusions of law which may be reviewed by this Court. * * Evidence pro and con as to such controverted fact having been received, and been passed upon by the Court of Appeals in arriving at its questioned findings, this Court will not undertake to review those findings merely because the petitioner accounts them erroneous based on its own perception of the relative worth and weight of such evidence." [10]

Parenthetically, it is worth noting that the criminal complaint for grave coercion, illegal detention, unlawful arrest and slander, based on the same incident of June 29, 1968, filed by the petitioner against respondents Victor Sy and Melanio Dejino was dismissed by the City Fiscal of Cebu for lack of showing of a prima facie case.[11] While such dismissal by no means concluded the petitioner's civil action, it at least suggests that, as the Court of Appeals later found, her evidence about the incident indeed left much to be desired.

WHEREFORE, the petition is DISMISSED, without pronouncement as to costs.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Court of First Instance of Cebu, in Civil Case No. B-163.

[2] Record on Appeal (Annex "D" of petition), p. 18; Rollo, p. 57

[3] Petitioner's brief, p.1; Rollo, p. 96

[4] Rollo, pp. 19-20.

[5] Id., pp. 20-21

[6] Rollo, pp. 22-23

[7] Tolentino vs. de Jesus, 56 SCRA 67, and cases cited therein; Cesar vs. Sandiganbayan, 134 SCRA 105, 121; People vs. Traya, 147 SCRA 381; Cu Bie vs. IAC, 154 SCRA 599; Chua Giok Ong vs. CA, 149 SCRA 115; Balde vs. CA 150 SCRA 365; Knecht vs. CA, 158 SCRA 80; Apex Investment and Financing Corp. vs. IAC, 166 SCRA 458

[8] Rule 45, sec. 4, Rules of Court; also, e.q., where: (1) the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) the inference made is manifestly mistaken; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the Court of Appeals went beyond the issues of the case and its findings are contrary to the admissions of both appellant and appellee; (6) the findings of facts of the Court of Appeals are contrary to those of the trial court; (7) said findings of facts are conclusions without citation of specific evidence on which they are based; (8) the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (9) when the finding of fact of the Court of Appeals is premised on the absence of evidence and is contradicted by the evidence on record; see Tolentino vs. De Jesus, and People vs. Traya, supra

[9] Footnote 8, *supra*

[10] *Luzon Brokerage Corp. vs. CA*, G.R. No. L-43519, August 16, 1989

[11] *Record on Appeal*, *supra*, pp. 23-32

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