FIRST NATIONWIDE ASSURANCE CORPORATION, PETITIONER, VS. COURT OF APPEALS, COL. MANUEL BRUAN IN HIS CAPACITY AS GROUP COMMANDER OF THE CONSTABULARY HIGHWAY PATROL GROUP, AND/OR J...

G.R. No. 128797. November 19, 1999

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

As a general rule, questions of fact may not be raised in a petition for review. However, when the findings of the appellate court differ from those of the trial court, this Court may examine the evidence presented during the trial and resolve the factual matters raised. In the present case, the Court of Appeals clearly erred in appreciating the facts and should thus be reversed in the interest of substantial justice.

The Case

Before this Court is a Petition for Review assailing the May 15, 1996 Decision[1] of the Court of Appeals (CA) in CA-GR CV No. 45722, which set aside the judgment[2] of the Regional Trial Court of Manila. The dispositive portion of the assailed CA Decision reads:

> "WHEREFORE, the decision of the Regional Trial Court of the National Capital Judicial Region, Branch 13, dated 13 January 1993 declaring plaintiff the lawful owner of the subject vehicle, is hereby REVERSED and SET ASIDE. Intervenor-appellant is declared entitled to the ownership and possession of the vehicle. No costs."[3]

The reversed RTC Decision disposed as follows:

> "WHEREFORE, judgment is rendered declaring plaintiff the owner, and entitled to the possession of the motor vehicle subject of the order of seizure in this case. The complaint in intervention is dismissed. There is no pronouncement as to costs."[4]

Also challenged is the February 19, 1997 CA Resolution[5] denying petitioner's Motion for Reconsideration.

The Facts

In its Decision, the Court of Appeals narrated the facts of this case, as follows:

> "Plaintiff [herein petitioner] was the insurer of a motor vehicle with the following description, to wit: MAKE AND TYPE: 1987 4-dr Mitsubishi Pajero; MOTOR NO.: BR-5799; CHASSIS NO.: L-04-9GV-0034B; PLATE NO: UV-PJD-347.
>
> "The Pajero, previously registered in the name of one Gerald Brimo, was carnapped on 5 June 1988 at the parking lot of Greenbelt, Makati. Brimo immediately reported the incident to police authorities, prompting anti-carnapping operatives to include the Pajero in its list of carnapped vehicles.
>
> "Lt. Angelito Tan of the Constabulary Highway Patrol Group, in Bacolod City, received information that the

Pajero was carnapped.

"Subsequently, Lt. Tan saw a Mitsubishi Pajero bearing plate no. CHG 608 traversing the streets of Bacolod City. Knowing that plate numbers starting with the letter series CHG come from Central Luzon, Lt. Tan became suspicious and traced the origin of said plate number.

"The record further shows that intervenor Eduardo Conde agreed to buy a Mitsubishi Pajero from one Gregorio Elardo thru a broker named Jose Villo. Elardo and Villo brought the vehicle and its pertinent documents to Conde, who had the engine chassis cleaned and stenciled. He found the same to be uniform. He also verified the chassis number and the registration papers of the vehicle with the chief of the LTO, Bacolod. Thereafter, Conde had the vehicle inspected by Capt. Alcantara of the Constabulary Highway Patrol Group of Bacolod.

"Satisfied that everything was in order, on 28 July 1988, a deed of sale of the vehicle was executed in favor of Conde by Elardo.

"On 4 August 1988, while Conde was in Manila, he was informed that the subject vehicle was seized in Bacolod on suspicion that it was the vehicle stolen from Brimo. Apparently, Lt. Tan's investigations into the mysterious Pajero seen in Bacolod led him to apprehend the vehicle.

"Thus, the intervenor left the next day for Bacolod and presented the vehicle's papers to the CHPG. The vehicle's release was ordered after the intervenor signed an undertaking that he would return the vehicle if and when required by the CHPG.

"On the advice of a friend, the intervenor later brought the vehicle's engine and chassis to Manila for macro-etching.

"Thus, on 10 August 1988, upon instructions of Lt. Ganzon of the PC's anti-carnapping unit, two soldiers conducted a macro-etching of the engine and chassis numbers in the following manner: wiping the engine and chassis, stenciling, placing chemicals on the chassis, making a third stencilling, all the while taking pictures of the procedure.

"Subsequently, there were no findings that the engine and chassis were tampered. The results were fed [to] a computer and after verifying that the engine was not carnapped, Lt. Ganzon issued a certification which stated "no record." Thereafter, the engine and chassis were returned to Bacolod.

"Be that as it may, on 12 August 1988, Lt. Tan arrested Gregorio Elardo, from whom intervenor bought this vehicle, on charges of carnapping. Intervenor was informed of the arrest.

"Lt. Tan also informed the intervenor that the motor vehicle clearance given him was irregular because of the spurious documentation presented in support of the application of said clearance, and that the plate no. CHG-608 was assigned to another vehicle owned by a Mr. Layug.

"In addition, Tan informed intervenor that the LTO certificate of registration (No. 1825725) issued to a certain Francisco Esguerra, allegedly the owner of the intervenor's Pajero, was likewise of dubious origin. On its face, it appears that the said certificate was issued by the Angeles City Office of the LTO. Upon proper verification, however, said certificate series was an issuance of the Manila East Office, while the motor vehicle registration receipt was issued for the use of LTO Legaspi.

"Thus, on 28 October 1988, the city court of Bacolod issued a warrant by virtue of which the subject Pajero was again seized and impounded by the Bacolod CHPG for the purpose of macro-etching.

"Intervenor Conde moved to have the warrant quashed. While hearings on the motion to quash were being held, Lt. Tan was designated legal custodian of the vehicle and was instructed not to move nor to use the same.

"Then, on 3 November, 1988, a certain Sgt. Agadulin of the PC-INP Crime Laboratory in Bacolod conducted

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> further macro-etching of the engine and the chassis numbers of the subject vehicle. Present were Lt. Tan, Sgt. Agadulin, and the intervenor.
>
> "After the macro-etching was finished, the intervenor requested [copies] of the stencils, which however were not given him because there was no court order. Intervenor thus secured one but the CHPG still did not release the vehicle.
>
> "It was later learned that the report on the macro-etching stated that there were filings on the chassis number, such that the eighth digit, originally a "3", became a "5".
>
> "In the meantime, plaintiff indemnified Brimo P571,000 for the value of his lost vehicle and was in turn subrogated to all the rights the latter had over the same.
>
> "Subsequently, however, an order for the seizure of personal property was issued by the trial court in Manila, prompting Lt. Tan to recommend shipment of the Pajero to Manila. The sheriff's notice to deliver personal property was forwarded to defendant Bruan as group commander of the CHPG in Camp Crame.
>
> "In addition, plaintiff moved to intervene in the proceedings before the Bacolod City court on the quashal of the search warrant. During the hearing of said motion, plaintiff never informed the city court that it had earlier filed a replevin case covering the subject vehicle and that a seizure order had already been issued therein.
>
> "On 16 March 1989, Conde filed a complaint in intervention before the Manila trial court, alleging that he purchased his Pajero on the strength of a clearance from the CHPG in Bacolod.
>
> "After trial on the merits, the trial court rendered the questioned decision dismissing the complaint in intervention, and declaring plaintiff the lawful owner of the vehicle, and as such entitled to the possession of the same."

Ruling of the Court of Appeals

In reversing the trial court, the Court of Appeals held that petitioner failed to prove that the Pajero in question was the same vehicle carnapped from Brimo. It ruled:[6]

> "The court a quo made a mistaken appreciation of the burden of proof in civil cases, since the plaintiff, and not the defendant, is the party obliged to prove its affirmative allegation, to wit: that there were signs of filing and tampering [with] the chassis number of the intervenor's vehicle, allegedly the very same Pajero which was originally carnapped in Makati, thus proving the identity of the two disputably different vehicles as one and the same.
>
> "It was not incumbent upon the intervenor at the first instance to prove that there was no filing, because the burden of proof was not on him.
>
> "Apropos to this, we rule that such signs of filing and tampering were not proven by the plaintiff by the required quantum of evidence.
>
> "To prove his theory, the plaintiff relied heavily on the expert testimony of Sgt. Agadulin, a government technician and an expert in the tampering, and insists on the presumption that official duty has been regularly performed. However, this presumption is merely disputable. x x x
>
> "Thus, the official findings of Agadulin as an expert witness will not hold ground in the face of equally strong, or even stronger, evidence to the contrary.
>
> x x x x x x x x x
>
> "True, Conde's vehicle may have had dubious origins, as shown by its accompanying papers, but the same vehicle may not necessarily be the one owned by Brimo. Indeed, the rise in the number of carnapped vehicles

> over the years is a fact of which present courts take judicial notice, such that one cannot reasonably assume identity of stolen vehicles without thorough investigation.
>
> "There being no identity between Brimo's and Conde's Pajeros, the petition for delivery of the subject Pajero to plaintiff, which is the subrogee of Brimo's rights over the stolen Pajero, must perforce fail."

Hence, this Petition.[7]

Issues

Petitioner contends that the Court of Appeals erred in the following instances:[8]

> "I
>
> "x x x [W]hen it manifestly ignored the petitioner-plaintiff's overwhelming evidence that the Pajero in question [was] the same Pajero which was owned by Gerald H. Brimo, petitioner's predecessor in interest
>
> "II
>
> "x x x [W]hen it held that the [evidence of] respondent [Conde] (intervenor below) x x x rebutted and overcame the presumption of regularity of official conduct."

In the main, the issue is whether the Pajero claimed by Conde is the same vehicle previously owned by Brimo.

The Court's Ruling

The Petition is meritorious.

Main Issue:
Ownership of the Disputed Vehicle

As a rule, factual issues may not be raised in a petition for review under Rule 45 of the Rules of Court. Hence, this Court is not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below.[9] As an exception, however, it may review the factual findings of the Court of Appeals when they conflict with those of the trial court,[10] as in this case. In this light, we meticulously scoured the records of this case, and we have concluded that the appellate court definitely erred in appreciating the evidence presented.

Petitioner relies heavily on the testimony of Sgt. Edmundo Agadulin, who stated that Brimo's stolen vehicle and Intervenor Conde's Pajero were one and the same. The Court of Appeals disbelieved Agadulin's testimony, ratiocinating that it was contradicted by equally strong evidence.

That the two cars were one and the same was sufficiently established by Sergeant Agadulin, who conducted a macro-etching examination[11] for the purpose of "determin[ing] the original engine and chassis numbers"[12] of the vehicle in dispute. The Pajero claimed by Conde bore Chassis No. "L049GV-0054B"[13] which tallied with that appearing on his Certificate of Registration. After the macro-etching examination, however, Agadulin found that the said number had been tampered with, the original number being "L049GV-0034B." A subsequent verification with the records of the Constabulary Highway Patrol Group (CHPG) revealed that that number, "L049GV-0034B," was the identifying mark of Brimo's vehicle.

After conducting the examination, Sergeant Agadulin submitted a Physical Identification Report, with the following findings regarding the chassis number of Conde's Pajero:

> "1. Presence of sign of filing and alteration on the 8[th] digit 5 which appeared to be originally 3.
>
> 2. The restored chassis number is L049GV-0034B."[14]

He testified as follows:[15]

"Q

Now will you please tell us what did you find in the engine number when you examined it?

A

In the engine number I found out the presence of grinding.

x x x x x x x x x

Q

And did you find any superimposition [o]n these numbers?

A

Yes, sir. It was superimposed with digits 4D56, on the lower portion is BR5791.

x x x x x x x x x

Q

In your examination [of] the number originally stamped on the engine did the numbers align themselves correctly or some numbers appear higher or lower than others?

A

Yes, sir. Some numbers appear before some numbers. Some numbers appear before other numbers.

Q

In this vehicle which number is superimposed?

A

In this vehicle the standard stamping is already numbered on the lower portion.

Q

When you discovered this physical appearance [if] the numbers which [were] superimposed did it excite your suspicion?

A

Yes, sir and I found out the presence of grinding.

Q

Were you able to restore the original number of the engine?

A

No, sir.

Q

Now you also [examined] the chassis number of the vehicle?

A

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Yes, sir.

Q

And you conducted -- I mean what was your findings on the chassis number or what number did you etch?

A

In the markings I found out the presence of the filing of digit "5".

Q

Despite the filing of the original were you able to restore the original number?

A

Yes, sir.

Q

What was the restored number?

A

The original digit is "3" (three).

Q

What was the chassis after the number was restored?

A

The restored chassis number is LO49GV-0034B."

The registration papers,[16] insurance policy[17] and Complaint Sheet[18] filed by Brimo with the Anti-Carnapping Section of the Southern Police District supported the findings of the police that the restored chassis number tallied with that of his stolen vehicle.

We note that Sergeant Agadulin is a police officer who has adequate knowledge, training and experience to perform macro-etching examinations. His assertions on this technical matter are, as the CA noted, in the nature of expert testimony.[19] Additionally, as a public officer, he is presumed to have regularly performed his duty. In the absence of controverting evidence, his testimony is entitled to great weight and credence.

Contrast the foregoing with the undisputed fact that the recorded chassis number of Intervenor Conde's Pajero, L049GV-0054B, had been previously assigned to another vehicle. Union Motor Corporation had sold a Pajero with that chassis number to one Cheng Poe Kee on January 29, 1988,[20] and the insurer of the vehicle issued a Certification dated June 16, 1989,[21] with the conformity of Cheng Poe Kee, that the said vehicle had not been stolen. Indeed, the sole authorized assembler of Mitsubishi vehicles in the Philippines, the Philippine Automotive Manufacturing Corporation (PAMCOR), certified that a particular chassis number was issued only once; hence, there was no chance that two vehicles would have an identical chassis number.

Other circumstances point to the dubious character of Conde's title. First, Plate No. CHG 608, which intervenor's Pajero bore, had been assigned by the LTO to another vehicle. Upon the request of Lt. Angelito Tan of the CHPG, the Land Transportation Office Ancar[22] Unit certified that the said plate number had been issued on June 20, 1988 to a Toyota Jitney owned by one Valeriano Layug,[23] and not to a Pajero owned by Conde.

Second, Certificate of Registration No. 1825725 purportedly issued by the Angeles City LTO to Francisco

Esguerra, the predecessor-in-interest of Intervenor Conde, is patently fraudulent on its face. The officer-in-charge of the LTO Property Administrative Division issued a Certification that the series of registration certificates, which included Esguerra's, had in fact been issued for the use of the LTO Manila East Office.

Significantly, Intervenor Conde has failed to rebut these documentary exhibits. Verily, Agadulin's testimony and the aforementioned documents indubitably show that Conde's purported ownership is a sham. More significantly, the Pajero is in plain fact the carnapped vehicle reported by Brimo. In ruling that Conde was "entitled to the ownership and possession of the vehicle," the Court of Appeals patently brushed aside Agadulin's credible testimony and the unrebutted documentary evidence, all of which clearly and absolutely negated Conde's title.

Contrary Evidence
Considered by the CA

Disregarding the testimony of Agadulin, the CA held that his averments "will not hold ground in the face of equally strong, or even stronger, evidence, to the contrary." The CA specifically relied on the following circumstances:[24]

"(1)

The certification by the LTO chief of Bacolod and his acknowledgment that the signatures on the vehicles' registration papers were his;

"(2)

Inspections by Capt. Alcantara of the Bacolod CHPG which found nothing irregular with the chassis number and even advised intervenor to proceed with the purchase since it was `okay';

"(3)

the macro-etching and stencilling of the engine done in Camp Crame by two soldiers of the CHPG who found no tampering or filing in the chassis or engine numbers;

"(4)

the admission by Agadulin and Tan that the chassis number of the subject vehicle was `LO4GDV - 0054B', and not 'LO4GPV-0034B', the former belonging to intervenor, the latter to Brimo;

"(5)

the refusal by both Tan and Agadulin to give the intervenor copies of the stencils upon request, even after the latter took hold of a court order, engendering suspicions as to Agadulin's and Tan's motives;

"(6)

the prolonged stay of the vehicle (6 days) in CHPG custody before the macro-etching tests were made. Notably, after this period of time, investigators found the presence of markings which nobody saw before; and

"(7)

the clear showing that the questioned eighth digit in the chassis number as shown by the stenciling after the macro-etching procedure in Bacolod was a "5", which corresponds to intervenor's vehicle (Exhibit "8")."

None of these circumstances, however, rebut petitioner's contention that Conde's Pajero and Brimo's carnapped vehicle are one and the same. At any rate, we shall now take up each of these arguments.

Certifications of the Bacolod
LTO and Captain Alcantara

The CA relied on the "certification by the LTO chief of Bacolod and his acknowledgment that the signatures on the vehicles' registration papers were his." This fact, however, did not prove intervenor's claim. The said July 4, 1988 Certification, signed by Captain Ernesto M. Alcantara and Delano Padilla of the Bacolod LTO, merely stated that "as per records of this Headquarters, the Motor Vehicle described hereunder is not included in the list of wanted/stolen/carnapped vehicles as of this date."[25] Verily, Conde's Pajero could not have been in the list of carnapped vehicles, because its chassis number at the time had already been tampered with, so as to reflect that of Cheng Poe Kee's automobile, which had not been stolen. Furthermore, neither the Bacolod LTO nor Captain Alcantara conducted any macro-etching examination to determine whether the chassis and the engine numbers had been tampered with. In any event, there was no showing that Delano and Alcantara had been trained to perform that procedure.

Moreover, the credibility of Captain Alcantara was challenged by Lt. Angelito Tan, who testified that the former had issued clearances to several vehicles that turned out to be stolen. Tan testified:[26]

> "COURT:
>
> Q
>
> This Capt. Alcantara, what is his relation to the Constabulary Hi[gh]way Group, Constabulary Hi[gh]way Patrol Group (CHPG)?
>
> A
>
> Your Honor, he used to be a traffic supervisor of Bacolod. But after the uncovering, after the busting of the syndicate in Bacolod we were able to find quite a number of motor vehicles which had clearances issued by him to be vehicles that ha[d] already been apprehended as carnapped and stolen."

Notwithstanding the challenge hurled by Lieutenant Tan, intervenor did not present Captain Alcantara as a witness. Indeed, the documentary exhibits of petitioner showing the dubious character of Conde's vehicle sufficiently overcome the clearance issued by Alcantara and, for that matter, the disputable presumption enjoyed by him as a public officer.

Neither are we persuaded by intervenor's contention that a previous macro-etching examination, which was allegedly conducted by two soldiers at Camp Crame, showed "no tampering or filing in the chassis or engine numbers."[27]

First, intervenor did not present as witnesses the two soldiers who allegedly conducted the examination. Second, the Motor Vehicle Verification Slip, signed by 1Lt. Robert E. Ganzon of the Macro-Etching Section and presented by intervenor as Exhibit 7,[28] was issued not to determine whether the chassis number or engine number had been tampered with, but only for "verification," the result of which was "NO RECORD." In other words, the examination merely showed there was no record that the vehicle bearing Chassis No. L049GV-0054B, had been stolen or carnapped. As earlier noted, that result should be expected, because the said chassis number pertained to Cheng Poe Kee's car which had not been reported stolen. In any event, the said document clearly stated that it was not valid as a "vehicle clearance."

The Alleged Admission of Tan
and Agadulin that the Chassis

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Number was `L049GV-0054B'

The CA held that Tan and Agadulin had admitted that the chassis number of Conde's vehicle was "L049GV-0054B" even after the macro-etching examination This was clearly a misapprehension of fact. Nowhere did the two make such admission. Agadulin merely stated that the chassis number of Conde's Pajero, before the macro-etching examination, appeared to be "L049GV-0054B." After finding out that the number had been tampered with, he subsequently restored it and discovered that the original number was in fact "L049GV-0034B." Obviously, the Court of Appeals misread his testimony, the pertinent part of which reads:

> "Q.
>
> Now let's go to the chassis number, the chassis number which is reflected in your stencil. Kindly go over your report. The chassis number is L049GV-0054B?
>
> A.
>
> Yes, sir.
>
> Q.
>
> Now, you supposedly conducted a macro-etching examination and according to your own conclusion, digit "5" was changed to digit "3", correct?
>
> A.
>
> Yes, sir."[29]

Moreover, the CA's findings were contradicted by Agadulin's Report, which had this finding: "The restored chassis number is L049GV-0034B."

[What the Macro-Etching Examination Revealed]

Again, the CA glaringly erred when it ruled that, based on Exhibit 8,[30] the eighth figure after the macro-etching examination was "5," not "3." Obviously, the Court of Appeals took Agadulin's testimony out of context, as shown by the following:

> "ATTY. PARRENO:
>
> Q
>
> I have noticed the stencils, can you show it to me? Now Mr. Witness [these are] the stencil numbers of the engine and the chassis of the Pajero when you conducted the macro etching examination. Before conducting and macro etching x x x and from your answer a while ago you made mention that before you had that stencil you had cleaned and washed the chassis number?
>
> A
>
> Both.
>
> Q
>
> And in your stencil number, the stencil number, the questioned number '3' and number '5', that is the questioned number on the chassis, right?
>
> A
>
> Yes, sir.

Q

It reflects herein clearly that the number is '5' and never '3'?

A

Yes, sir.

x x x x x x x x x

Q

You would agree with me that the number now marked as Exhibit '6' intervenor is uniform?

A

Yes, sir.

Q

At least that of the engine number?

A

Yes, sir.

Q

So in effect the engine number[s] are uniformly reflected in this piece of document?

A

Those specifically taken before they [were] marked as exhibits . . . Those specifically taken before the macro etching."[31]

Agadulin's testimony, taken as a whole, clearly explains that the chassis number before the macro-etching examination was "L049GV-0054B," and that this number, as restored after macro-etching, was "L049GV-0034B."

In ascribing to Tan the admission that the stencil taken after the macro-etching examination showed the disputed digit in the chassis number to be "5" and not "3," the CA cited no transcript. Apparently, it agreed with Conde's argument on this point, which quoted the following statements of Tan:[32]

"Q

WOULD YOU AGREE WITH ME MR. WITNESS THAT THIS VERY STENCIL SUBMITTED AS EXHIBIT "CC-8" REFLECTS CLEARLY THAT THE DIGIT IS "5"?

A.

YES SIR.[33]

Q

And never "3"?

A.

Yes, sir."

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In this case, the appellate court and the intervenor erroneously disregarded the portion preceding the aforequoted testimony. In its entirety, the pertinent testimony of Tan on this point reads:[34]

"Q.

I am showing to you [a] stencil copy which was submitted here yesterday by plaintiff and ask you, two stencil copies marked as Exhibit "CC-8" and Exhibit "CC-9" x x x [refer to] what?

A.

This is the chassis number.

Q.

This one, Exhibit "CC-9"?

A.

Chassis number.

Q.

Exhibit "CC-8", chassis number?

A.

Exhibit "CC-9", engine number.

Q.

What are these stencils for and when were they taken?

A.

That was taken before the macro etching examination.

Q.

It can likewise be taken after the macro etching examination?

A.

It depends upon the competent technician.

Q.

Are you in a position to state whether the stencil was taken before or after the macro etching examination?

A.

Yes sir.

Q

Would you agree with me Mr. Witness that this very stencil submitted as Exhibit "cc-8" reflects clearly that the digit is "5"?

A.

Yes sir.

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Q

And never "3"?

A.

Yes, sir."

Indubitably, the CA holding -- that the stencils were taken after the macro-etching examination -- was bereft of factual basis. Moreover, it was flatly contradicted by the testimonies of Tan and Agadulin.

[Questions on the Motives of Tan and Agadulin]

The CA further ruled that the motives of Tan and Agadulin were suspect because, notwithstanding a court order, they refused to give to intervenor copies of the stencils showing the macro-etching examination.

We disagree with the Court of Appeals, for it discredited the testimonies of the two on the basis of mere speculation. Sergeant Agadulin did not give Conde copies of the stencils, because the latter never asked for them.[35] In the case of Lieutenant Tan, he explained that he could not release the stencils unless ordered by his superior, one Major Lagrimas. No such order had been given him. Under the circumstances, his refusal to comply with the request of Conde was clearly justified.

Equally speculative was the reasoning of the CA that before the macro-etching examination, the disputed vehicle had been parked in the CHPG compound for six days, after which Sergeant Agadulin found that its chassis number had been tampered with. Citing the principle of res ipsa loquitur,[36] the CA implies that the chassis number had been tampered with during its prolonged detention in the CHPG camp.

It should be stressed, in the first place, that no evidence was adduced to prove that Agadulin, Tan or any other person tampered with the vehicle while it was parked in the police camp. There was no proof that the said officers were motivated by any improper motive.

In the second place, the CA erroneously assumed that the vehicle had been previously subjected to macro-etching examination. Other than the self-serving testimony of Intervenor Conde, no satisfactory evidence was presented to substantiate this assumption. Conde declared that such examination had been conducted by other policemen who, however, never took the witness stand or submitted any stencil or any other proof of the examination.

Worse, the Registration Certificate of Conde's Pajero, indicating the chassis number "L04GPV-0054B," proves that the number had itself been the result of tampering even before the vehicle was taken to the CHPG. As noted earlier, that chassis number had been assigned by PAMCOR to a vehicle purchased by Cheng Poe Kee.

On the basis of the foregoing, it is clear that the CA misappreciated the evidence presented and relied on speculations and unfounded conclusions. The records unmistakably show that Conde's Pajero and Brimo's carnapped vehicle were one and the same. They further show that the documents covering Conde's Pajero were dubious and unreliable.

WHEREFORE, the assailed Decision is hereby REVERSED and SET ASIDE, and the Decision of the Regional Trial Court of Manila REINSTATED. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

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[1] Sixth Division.

[2] Written by Judge Mario Guariña III.

[3] CA Decision, p. 10; rollo, p. 48.

[4] RTC Decision, p. 13; rollo, p. 81.

[5] rollo, p. 50.

[6] CA Decision, pp. 7-9; rollo, pp. 45-47.

[7] The case was deemed submitted for resolution on July 3, 1998, upon receipt by this Court of Conde's Memorandum.

[8] Petition, p. 12; rollo, p. 14.

[9] Fuentes v. CA, 268 SCRA 703, February 26, 1997; Alcantara v. CA, 252 SCRA 353, January 25, 1996; Cayabyab v. IAC, 232 SCRA 1, April 18, 1994.

[10] Yobido v. CA, 281 SCRA 1, October 17, 1997; Geagonia v. CA, 241 SCRA 152, February 6, 1995; Consolidated Bank and Trust Corporation v. CA, 246 SCRA 193, July 14, 1995; Suntay v. CA, 251 SCRA 430, December 19, 1995.

[11] According to Agadulin, "[i]n the process of macro etching examination procedure, there is a chemical that is applied such as cupric chloride. Upon application of this chemical, it would react on these chemicals if there are alterations made." (TSN, November 13, 1990, p. 14)

[12] Physical Identification Report; rollo, p. 67.

[13] Emphasis added.

[14] rollo, p. 67.

[15] TSN, November 12, 1990, pp. 28-29.

[16] Folder of Exhibits, p. 2.

[17] Folder of Exhibits, p. 1. See also TSN, November 12, 1990, p. 14.

[18] Folder of Exhibits, p. 3.

[19] §49, Rule 130, Rules of Court.

[20] Exhibit W-1, Records, p. 25.

[21] Exhibit W, Records, p. 24.

[22] Anti-Carnapping.

[23] rollo, p. 64.

[24] CA Decision, p. 8; rollo, p. 46.

[25] Exhibit 2 for the intervenor; Records, p. 430.

[26] TSN, November 26, 1990, pp. 10-11.

[27] CA Decision, p. 8; rollo, p. 46.

[28] Records, p. 438.

[29] TSN, November 13, 1990, pp. 13-14.

[30] Exhibit 8 was previously marked "Exhibit 6" (TSN, January 10, 1991, p. 55).

[31] TSN, November 13, 1990, pp. 16-18.

[32] Conde's Memorandum, pp. 11-12; rollo, pp. 235-236, citing TSN, November 27, 1990, p. 13.

[33] Upper case supplied by Conde.

[34] TSN, November 27, 1990, pp. 12-13.

[35] TSN, November 13, 1990, pp. 4-5.

[36] "The thing speaks for itself."

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