

PHILIPPINE RABBIT BUS LINES, INC., PETITIONER, VS. SINFOROSO F. MACALINAO (SUBSTITUTED BY HIS WIDOW CLARITA MACALINAO) AND VALENTIN MACALINAO, RESPONDENTS.

G.R. NO. 141856. February 11, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

This is a petition for review on certiorari assailing the Decision[1] and Resolution[2] of the Court of Appeals in CA-G.R. CV No. 52177 affirming the Decision of the Regional Trial Court (RTC), Branch 65, Tarlac, Tarlac, in Civil Case No. 7401.

Records disclose the following facts:

About 8 o'clock in the evening of August 18, 1990, Sinforoso and Valentin Macalinao, respondents, were on board two (2) tractors on their way home from work to Villasis, Pangasinan. Sinforoso was driving one tractor while his son, Valentin was on board the other tractor then trailing behind. While traversing southward of the MacArthur Highway along Barangay Nancayasan, Urdaneta, Pangasinan, a car hit the rear portion of the tractor driven by Valentin. Consequently, his tractor was immobilized in the middle of the highway, occupying both the eastern and western lanes, while the car was on the shoulder of the western lane. SPO1 Asterio Dismaya and Sgt. Alfredo Islaba of the Urdaneta Police Station conducted an investigation of the incident.

Upon instruction of SPO1 Dismaya, Sinforoso put on the light of his tractor and focused it on Valentin's tractor in the middle of the highway. He invariably flashed the light of his tractor whenever a vehicle was fast approaching. He also placed a lighted can 15 meters away from the tractor, at both directions, to serve as an early warning device for all vehicles traversing the highway.

At around 9:30 in the evening, a passenger bus of petitioner Philippine Rabbit Bus Lines, Inc. from Laoag City, driven by Juluis Castelo, was negotiating the MacArthur Highway on its way to Pangasinan. Heavy rains beset the night. Upon reaching Urdaneta, Pangasinan, Castelo saw the car about 15 meters away blocking a part of the lane he was traversing. He veered his bus to the left lane in order to avoid it. At that time, he did not see the tractor in the middle of the highway. It was only when his bus was 5 meters away when he saw it. Unavoidably, the bus collided with the tractor and hit its left front side portion. The collision threw the bus towards a nearby ricefield.

On January 14, 1991, Sinforoso sent petitioner bus company a letter[3] demanding payment of P74,010.00 for the damages sustained by his son's tractor; and unearned income in the amount of P1,300.00 a day from August 18, 1990 until full payment.

Instead of complying with Sinforoso's demand, petitioner, on March 7, 1991, filed with the RTC, Branch 65, Tarlac, Tarlac, a complaint[4] for damages against respondents.

On April 7, 1995, the trial court rendered a Decision in favor of the respondents, thus:

“WHEREFORE, judgment is rendered in favor of the defendants and against the plaintiff, as follows:

1) The complaint is dismissed;

2) Plaintiff is ordered to pay to the defendants the amount of P72,000.00 as and by way of actual damages and the amount of P10,000.00 as and by way of attorney’s fees.

SO ORDERED.”

Petitioner filed a motion for reconsideration but was denied.

On appeal, the Court of Appeals affirmed the trial court’s Decision, holding that:

“Factual questions are determined by the trial court.

Factual findings of the trial court shall not be disturbed on appeal unless the trial court has overlooked or ignored some fact or circumstances of sufficient weight or significance which if considered would alter the situation.

The following findings as supported by the evidence on record bears repeating:

‘Police investigation reveals that the lights of the bumped tractor was still functioning. As a matter of fact, after completion of the investigation and before leaving the place of the accident, SPO1 Asterio Dismaya advised the defendants not to switch off the lights to avoid further accident (TSN dated August 5, 1993, p. 22 and pp. 35). The defendants obligingly complied (TSN dated July 14, 1994, p. 11). The damaged tractor has its lights on focused on the north road (TSN dated July 27, 1994, p. 34) while the other tractor has its lights on focused on the stalled tractor earlier involved in the accident (TSN dated July 14, 1994, p. 11) purposely to warn approaching vehicles of the traffic condition.

In addition, since the road is one (1) km straight long (TSN dated August 5, 1993, p.37) it is, therefore, logical that plaintiff’s driver could have very well seen the defendant’s tractor lying stationary on the eastern portion of the left lane of the road. And four (4) meters ahead of the tractor is the Oldsmobile car on the shoulder of the road. Therefore, the plaintiff’s bus should have slacken its speed upon seeing the two (2) vehicles. To say that plaintiff’s driver did not see the tractor with its lights blinking dim and bright and the improvised early warning device (sic) fifteen (15) meters ahead of the tractor is highly inconceivable. This lends credence to the plaintiff’s bus overspeeding with 100km/hour. Because of the great speed, it was too late for the plaintiff’s driver to make a full stop albeit he stepped on the brake.

x x x

That plaintiff has the last clear chance to avoid the injury is well demonstrated by the following reasons, viz:

First, it might bear repeating that the lights of the other tractor was focused on the stalled tractor lying idly on the cemented pavement of the road while, the damaged tractor has its light focused on the northern portion of the road as a warning to on-going vehicles.

Upon seeing the lights of the plaintiff’s on-going bus, defendant’s caused the lights of the (2) tractors to blink dim and bright as a warning (TSN dated July 27, 1994, p. 38). However, since the plaintiff’s driver gross, reckless and wanton negligence as it was traveling at a speed of 100 km/hour, it did not see the warning and rammed/bumped defendant’s tractor.

Second, defendant Sinforoso placed an improvised early warning device (i.e., a gasoline container leaves of trees with grease and diesel oil duly lighted) (TSN dated July 27, 1994, p. 8) in the middle of the road fifteen (15) meters from the tractor (p. 35).

Certainly, the improvised early warning device cannot escape the plaintiff’s driver attention as a warning for which reason, he should have slacken its speed or have the bus at full stop.

Third, from the distance of the Oldsmobile car to the tractor which is four (4) meters from each other, it is unbelievable that plaintiff's driver bumped/rammed the tractor in order to avoid bumping the Oldsmobile car. As established by the defendant, the Oldsmobile car is already on the shoulder of the road facing northward.

Fourth, the headlights of the bus will itself reveal the presence of the Oldsmobile car and the tractor. Not to mentioned that the road is a one (1) km. straight which will therefore give a clear view of the road ahead. Had the bus not traveling at a great speed, the tractor could not have been a total wreck (TSN dated August 5, 1993, p. 33) and the bus landing thirty (30) meters to an open field.

What conclusion, therefore, can be deduced from the above circumstances. Simple. The plaintiff's driver was traveling a great speed had the LAST CLEAR CHANCE to avoid the accident but failed to do so.'

Coming now to the third issue, the trial court correctly awarded damages in favor of the defendant-appellee, contrary to the submission of plaintiff-appellant that the award was not justified in the text of decision and without the trial court's findings that the Complaint was filed in bad faith.

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This Court further notes that aside from being adequately justified, the award made by the trial court is likewise reasonable. The task of fixing the amount of damages is primarily with the trial court and the Court of Appeals can only modify or change the amount awarded when palpably or scandalously and unreasonable excessive which is not obtaining in the case at bar."

Petitioner filed a motion for reconsideration but the Appellate Court denied the same in its Resolution dated February 1, 2000.

Hence, the instant petition raising the following assignments of error:

"I

THE COURT OF APPEALS ERRED IN NOT FINDING THAT THE NEGLIGENCE OF THE RESPONDENTS WAS THE DIRECT AND PROXIMATE CAUSE OF THE COLLISION.

II

THE COURT OF APPEALS ERRED IN NOT AWARDING THE DAMAGES PRAYED FOR BY THE PETITIONER."

Respondents maintain that the Court of Appeals did not err in rendering the challenged Decision and Resolution in CA-G.R. CV No. 52177.

A disquisition of the issues raised shows that petitioner actually seeks our reevaluation of the facts and evidence.

Factual findings of trial courts, especially when affirmed by the Court of Appeals, as in this case, are binding on the Supreme Court. Indeed, the review of such findings is not a function that this Court normally undertakes.[5] It should be stressed that under the 1997 Rules of Civil Procedure, as amended, only questions of law may be raised in a petition for review before this Court. However, this Rule is not absolute; it admits of exceptions, such as (1) when the findings of a trial court are grounded entirely on speculation, surmises or conjectures; (2) when a lower court's inference from its factual findings is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion in the appreciation of facts; (4) when the findings of the appellate court go beyond the issues of the case, run contrary to the admissions of the parties to the case, or fail to notice certain relevant facts which – if properly considered – will justify a different conclusion; (5) when there is a misappreciation of facts; (6) when the findings of fact are conclusions without mention of the specific evidence on which they are based, are

premised on the absence of evidence, or are contradicted by evidence on record.[6]

We reviewed the records very closely and found that none of the above exceptions is present here.

In fine, let it be stressed upon the parties that the Supreme Court is not a trier of facts.

WHEREFORE, the instant petition is DENIED. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 52177 are AFFIRMED. Costs against petitioner.

SO ORDERED.

[1] Penned by Associate Justice Eugenio S. Labitoria and concurred in by Associate Justices Marina L. Buzon and Edgardo P. Cruz; Rollo at 33-43.

[2] Id. at 46.

[3] Annex “C”, Records at 7.

[4] Records at 1.

[5] Cebu Shipyard and Engineering Works, Inc. vs. William Lines, Inc., G.R. No. 132607, May 5, 1999, 306 SCRA 762; Inland Trailways, Inc. vs. Court of Appeals, G.R. No. 117667, March 18, 1996, 255 SCRA 178.

[6] Halili vs. Court of Appeals, G.R. No. 113539, March 12, 1998, 287 SCRA 465; Fuentes vs. Court of Appeals, G.R. No. 109849, February 26, 1997, 268 SCRA 703; Geronimo vs. Court of Appeals, G.R. No. 105540, July 5, 1993, 224 SCRA 494; Lacanilao vs. Court of Appeals, G.R. No. 121200, September 26, 1996, 262 SCRA 486.

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