

QUINTIN LEE, JR., PETITIONER, VS. HON. COURT OF APPEALS, PEOPLE OF THE PHILIPPINES AND AMADO VILLAFANIA, RESPONDENTS.

G.R. No. 165918. June 17, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

On appeal by certiorari is the September 18, 2003 Resolution[1] of the Court of Appeals in CA-G.R. SP No. 74958, which dismissed petitioner's petition for review on the ground that petitioner pursued the wrong mode of appeal. Equally assailed is the appellate court's Resolution[2] of October 7, 2004 denying petitioner's motion for reconsideration.

The facts as gleaned from the records are as follows:

Petitioner Quintin Lee, Jr., was charged with Reckless Imprudence Resulting in Homicide and Damage to Property before the Municipal Trial Court in Cities (MTCC), Branch 2, of Dagupan City in Criminal Case No. 22289. The said offense arose from an accident where the car driven by the petitioner bumped one Amado Villafania causing the latter's death.

The Information dated June 24, 1994 reads:

The undersigned 4[th] Assistant City Prosecutor accuses QUINTIN LEE, JR., of Q & L Enterprises, A.B. Fernandez Avenue, Dagupan City, of the crime of RECKLESS IMPRUDENCE RESULTING IN HOMICIDE AND DAMAGE TO PROPERTY, committed as follows:

That on or about the 11[th] day of March, 1994, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, QUINTIN LEE, JR., being then the driver and person in charge of an owner-type jeep bearing Plate No. ACW-293, did then and there, wil[l]fully, unlawfully and criminally, drive, manage and operate the same along Caranglaan Road, this City, at a fast clip and in a negligent, careless and imprudent manner, without due regard to traffic laws, regulations and City ordinances, and to the condition of the road and of the atmosphere and weather, and without taking any reasonable precaution to prevent accident to person and damage to property, causing the said owner-type jeep thru such negligence, carelessness and imprudence to bump one AMADO VILLAFANIA, thereby causing his death shortly thereafter due to "Cardio respiratory arrest, Massive intracranial hemorrhage, Traumatic, Vehicular accident" as per Autopsy Report issued by Dr. Tomas G. Cornel, Asst. City Health Officer, this City, and as a consequence thereof, the said owner-type jeep being driven by QUINTIN LEE, JR. swerved to the left bumping a Nissan Bluebird car bearing Plate No. CVJ-162 being driven by one Meneleo Bañez, which was at that time stationary at the road behind a bus, and causing the said Nissan Bluebird car to sustain damages in the amount of P200,792.50 as per Estimate of Repairs issued by Motorcenter Auto Repair Shop, Co., Calasiao, Pangasinan, to the damage and prejudice of the legal heirs of said deceased, AMADO VILLAFANIA, in the amount of not less than P50,000.00, and to the owner of the Nissan Bluebird car, SERGIO LAUS, in the aforesaid amount of P200,792.50, and other consequential damages.

Contrary to Article 365 in relation to Article 249 of the Revised Penal Code.[3]

After trial, the MTCC rendered judgment convicting the petitioner of the offense charged:

Wherefore, premises considered, judgment is hereby rendered finding the accused QUINTIN LEE[,] JR. guilty beyond reasonable doubt of the crime of Reckless Imprudence Resulting In Homicide defined and penalized under Article 365 in relation to Article 249 of the Revised Penal Code, and is hereby sentenced to suffer an indeterminate penalty of four (4) months and one (1) day to two (2) years, seven (7) months and ten (10) days imprisonment and to pay death indemnity to the heirs of the victim in the sum of P50,000.00 and moral damages in the sum of P50,000.00 and to pay the cost of suit.

SO ORDERED.[4]

On appeal, the Regional Trial Court (RTC), Branch 40, of Dagupan City affirmed the decision of the MTCC.[5] The motion for reconsideration was also denied by the succeeding Presiding Judge, Crispin C. Laron, of the same RTC.[6]

Petitioner appealed the RTC decision on a petition for review before the Court of Appeals. The Court of Appeals thereupon issued the Resolution[7] dated January 30, 2003, dismissing the petition for violation of Section 2(d),[8] Rule 42 of the 1997 Rules of Civil Procedure, citing the failure of the petitioner to furnish the Office of the Solicitor General (OSG) with the requisite copies of the petition; to submit certified photocopies of the assailed decisions of the lower courts; and to attach the pleadings and other material portions of the record to support his allegations.

On motion for reconsideration, the appellate court reinstated the petition, stating thus:

We believe that justice would be best served by resolving this case on the merits instead of strictly applying the Rules of Procedure. In his Petition and Motion for Reconsideration, the Petitioner raised several cogent points which would justify Our examination of the December 14, 2001 Decision of the Regional Trial Court of Dagupan City, Branch 40, to wit:

x x x x

WHEREFORE, the motion for reconsideration is hereby GRANTED and Our January 30, 2003 Resolution is hereby RECONSIDERED and SET ASIDE and the petition REINSTATED.

SO ORDERED.[9]

On September 18, 2003, however, the Court of Appeals, without going into the merits of the case, dismissed CA-G.R. SP No. 74958 after finding that petitioner pursued the wrong mode of appeal.[10] It said that the petitioner should have filed a Petition for Review under Rule 42[11] of the 1997 Rules of Civil Procedure instead of a petition for certiorari under Rule 65[12] as the decision in question was rendered by the RTC in the exercise of its appellate jurisdiction.

Petitioner timely moved for reconsideration, but the motion was likewise denied.

Hence, this petition anchored on the sole ground that:

THE HONORABLE COURT OF APPEALS, WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION HAD DISMISSED CA-[G.R. SP NO. 74958 IN A WAY NOT IN ACCORDANCE WITH LAW, THE RULES AND APPLICABLE JURISPRUDENCE OF THE SUPREME COURT.[13]

The only issue raised before us is whether the appellate court committed grave abuse of discretion when it

dismissed CA-G.R. SP No. 74958.

Petitioner claims that the Court of Appeals gravely abused its discretion in dismissing the appeal since it had already recognized and declared that the petition was filed under Rule 42 when it quoted the said Rule in its January 30, 2003 Resolution dismissing the petition, to wit:

Likewise, the record reveals that the copies of the assailed Decisions of the lower courts submitted before this Court were only plain machine copies of the certified photocopies and that petitioner failed to attach the pleadings and other material portions of the record to support his allegations in the petition in violation of Section 2(d) of Rule 42 of the 1997 Rules [of] Civil Procedure[14]

The appellate court, according to petitioner, is also estopped from declaring otherwise since it also recognized that the appeal was made under Rule 42 in resolving the petitioner's motion for reconsideration as follows:

Before Us is the petitioner's Motion for Reconsideration...of Our Resolution...dated January 30, 2003 which dismissed the petitioner's instant Petition for Review for violation of Section 2(d) of Rule 42 of the Revised Rules on Civil Procedure.

x x x x[15]

Lastly, petitioner contends that he had complied with the requirements as to the form and content of a petition for review. Besides, he argues, the petition sought to set aside the RTC decision on the ground that the RTC committed reversible errors when it affirmed the decision of the MTCC.

The OSG, for its part, counters that there was no grave abuse of discretion on the part of the appellate court since the provisions of Rule 42 is unambiguous and leaves no room for a contrary interpretation.[16] Moreover, the OSG points out that the allegations of grave abuse of discretion under the heading "Nature of the Petition" indicate that the petition is a petition for certiorari, contemplated under Rule 65, the sole office of which is the correction of errors of jurisdiction.[17] The OSG hence concludes, the petition is dismissible because it should be a petition for review under Rule 42.

Our perusal of the petition filed before the Court of Appeals clearly shows that it is a petition for review under Rule 42, and not a special civil action for certiorari under Rule 65. We note that in the Court of Appeals' petition, under the heading "Nature of the Petition," petitioner stated that it was a "petition for review on certiorari to set aside, invalidate and reverse the Decision dated December 14, 2001 of public respondent Judge Victor T. Llamas, Jr." [18] Also, the reversal sought was premised on the ground that the decision was issued in gross error. The statement under the heading "Nature of the Petition" that the trial courts' decisions were issued with grave abuse of discretion amounting to lack of jurisdiction, and even the caption impleading the lower courts, would not automatically bring the petition within the coverage of Rule 65. It is hornbook doctrine that it is not the caption of the pleading but the allegations therein that determine the nature of the action.[19]

Again, in the petition in the Court of Appeals, under the heading "Grounds for Allowance of the Petition," the cited grounds are:

I.

PUBLIC RESPONDENTS COMMITTED GROSS ERROR IN HOLDING THAT ACCUSED WAS THE DRIVER WHO HIT AND BUMPED THE DECEASED AMADO [VILLAFANIA].

II.

PUBLIC RESPONDENTS COMMITTED GROSS ERROR IN CONVICTING THE ACCUSED OF THE OFFENSE CHARGED DESPITE OVERWHELMING EVIDENCE EXCULPATING THE ACCUSED.[20]

These grounds do not address questions of jurisdiction and grave abuse of discretion. The first is an issue on a factual finding and the second issue, one on appreciation of facts. These are pleas for judicial reevaluation of the evidence presented before the MTCC and the RTC.

A petition for review under Rule 42 and a special civil action for certiorari under Rule 65 are distinct remedies. A petition for review under Rule 42 seeks to review a judgment rendered by the RTC in the exercise of its appellate jurisdiction on questions of law or of fact or both.[21] A special civil action for certiorari under Rule 65, on the other hand, is a limited form of review and a remedy of last resort. It will issue only to correct errors of jurisdiction, not errors of procedure or mistakes in the findings or conclusions of the lower court.[22]

Nevertheless, we shall dismiss the instant petition. The Court of Appeals dismissed petitioner's appeal not only because he purportedly employed the wrong mode of appeal. It likewise found that petitioner failed to comply with the requirements of Section 2(d), Rule 42 of the Rules. In his petition before the appellate court, petitioner attached only plain machine copies of the certified photocopies of the assailed decisions of the lower courts. Neither did he submit the pleadings and other material portions of the record to support his allegations. Hence, the Court of Appeals properly exercised its jurisdiction in dismissing petitioner's appeal.

The Court notes that the petitioner erred in invoking the wrong remedy before this Court. He filed this special civil action for certiorari under Rule 65, instead of a petition for review on certiorari under Rule 45.

WHEREFORE, this petition is DISMISSED. The Resolutions of the Court of Appeals dated September 18, 2003 and October 7, 2004 in CA-G.R. SP No. 74958 are AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Tinga, Reyes, Leonardo-De Castro, and Brion, JJ., concur.

* Additional member in place of Associate Justice Presbitero J. Velasco, Jr. who is on official leave.

** Additional member in place of Associate Justice Conchita Carpio Morales who is on official leave.

[1] Rollo, p. 51. Penned by Associate Justice Sergio L. Pestaño, with Associate Justices Perlita J. Tria-Tirona and Jose C. Mendoza concurring.

[2] Id. at 57-58. Penned by Associate Justice Jose Catral Mendoza, with Associate Justices Eubulo G. Verzola and Perlita J. Tria-Tirona concurring.

[3] Records, pp. 1-2.

[4] Rollo, p. 28.

[5] Id. at 29-33.

[6] CA rollo, pp. 31-32.

[7] Rollo, pp. 43-44. Penned by Associate Justice Sergio L. Pestaño, with Associate Justices Cancio C. Garcia and Eloy R. Bello, Jr. concurring.

[8] SEC. 2. Form and contents.--The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall...(d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and

other material portions of the record as would support the allegations of the petition.

x x x x

[9] Rollo, pp. 49-50.

[10] Id. at 51.

[11] SECTION 1. How appeal taken; time for filing.--A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment....

[12] SECTION 1. Petition for certiorari. -- When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

x x x x

[13] Rollo , p. 14.

[14] Id. at 43-44.

[15] Id. at 49.

[16] Id. at 82.

[17] Id. at 83-84.

[18] CA rollo, p. 2.

[19] *Zafra v. Court of Appeals*, G.R. No. 139013, September 17, 2002, 389 SCRA 200, 206-207.

[20] *Supra* note 18, at 4.

[21] Rules of Court, Rule 42, Sec. 2.

[22] *Empire Insurance Company v. NLRC*, G.R. No. 121879, August 14, 1998, 294 SCRA 263, 269.

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