

ANGELES CENTINO, PETITIONER, VS. HONORABLE COURT OF APPEALS AND HEIRS OF FAUSTINO ADOLFO, RESPONDENTS.*G.R. No. 77298. January 13, 1989*

Ponente: PARAS, J.

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Before Us is a petition for review by way of certiorari seeking the annulment of the judgment* promulgated by the Honorable Court of Appeals on November 13, 1986 which affirmed the decision** rendered on January 9, 1983 by the Regional Trial Court of Ozamis City, Branch 15 in Civil Case No. OZ 586 entitled "Faustino Adolfo and Maria C. Adolfo vs. Angeles Centino, et al."

Records disclose that in the afternoon of April 2, 1976, in Don Mariano Marcos Avenue, Ozamis City, while plaintiff Faustino Adolfo (hereinafter referred to as Faustino) was riding on his bicycle, he was hit and bumped by the tricycle that was operated by co-defendant Richard Doria, in a reckless and imprudent manner, without due regard to traffic laws, rules and regulations. As a result, Faustino suffered serious physical injuries necessitating confinement at the S.M. Lao Emergency Hospital, Catadman, Ozamis City. Due to the latter's inadequacy in medical facilities, Faustino was transferred to Cebu Doctors Hospital, Cebu City where he underwent two brain operations, thereby, incurring a total of P37,144.41 for treatment and hospitalization expenses as of April 17, 1976.

In the complaint, Faustino, through counsel further alleged that before the accident, he was a supervisor of his farm and the "worth" of such supervision was at least P500 a month, and since April 1976 until he recovers sufficiently to resume his work he would lose the value of his services; that among his injuries his brain injury appears to be the most serious and might result in permanent impairment of some of his senses; that he has suffered and is still suffering physical pain and sleepless nights, while his co-plaintiff Maria C. Adolfo suffers anxiety and sleepless nights like her husband Faustino for which they are entitled to moral damages in an amount which the court may deem just and sufficient. Plaintiffs demanded from defendants the payment of damages particularly reimbursement of the expenses incurred as of April 17, 1976 but their pleas just fell on deaf ears. Consequently, they were constrained to retain counsel to prosecute the case, promising to pay him P5,000 as attorney's fees.

The complaints prayed for the reimbursement of P37,144.41 plus the additional expenses which might be incurred after April 17, 1976; to order defendants in solidum to pay P500 a month from April 1976 as unearned income of Faustino until he could resume his work, plus moral, exemplary, and nominal damages, and attorney's fees.

The defendants filed their answers separately. Angeles Centino denied the allegations in the complaint and alleged that he never owned any tricycle; that ownership of said vehicle must be attributed to Eduardo Cuizon whose name appears in the registration papers, so that he could not be charged with having failed to exercise proper supervision over the erring driver; that he had no knowledge of the incident in question until he was impleaded in this case, and that he cannot be made liable for any damages because of his innocence. In his counterclaim,

Angeles Centino prays for damages to compensate for the moral shock, mental torture, and humiliation he was made to suffer by reason of his being impleaded in this case.

In the answer signed by defendant Richard Doria, he claimed to have operated the tricycle in a prudent and careful manner; that he is a professional and experienced driver, observant and obedient to all traffic rules and regulations; that it was the carelessness of the plaintiff Faustino that caused the accident he being at that time still learning how to ride his bicycle; that plaintiff, due to his own fault and neglect, was the one who bumped the tricycle; and that if plaintiff suffered damages the same were attributable to his own fault.

Defendant Eduardo Cuizon likewise signed his own answer with cross-claim alleging that Angeles Centino is the actual and true owner of the tricycle although registered in his (Cuizon's) name; that the registration of the tricycle was made upon the request of cross-defendant Centino; that the supervision and control of said driver was under the principal defendant Angeles Centino; that cross-claimant did not receive any amount from the earnings of the aforementioned tricycle which was operated for the exclusive benefit of cross-defendant Angeles Centino; that cross-claimant was renting and driving a tricycle owned by another person; and that whatever amount, if any, he may be ordered to pay in favor of the plaintiff, responsibility therefor should be wholly shouldered by cross-defendant Angeles Centino.

On January 9, 1985, judgment was rendered, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby entered in favor of the plaintiffs and against all the defendants, sentencing all of the defendants to pay jointly and severally the plaintiffs the following amounts:

"1) P10,020.00 as reimbursement to the plaintiffs for the professional services rendered by Dr. Benigno Aldana on the late Faustino Adolfo;

"2) P400.00 as reimbursements of the professional fee of Dr. Yu;

"3) P1,800.00 as reimbursement of the plane charter paid by the plaintiffs to Wil-air Lines Incorporated;

"4) Reimbursements for the medicines, hospital bills, boat tickets and other items shown on exhibits, "G, H, I, J, K, L, M, N, O, Q, R, S, T, V, W, X and U"; the sum of twenty six thousand seven hundred sixteen pe-sos (P26,716.39) and thirty nine centavos;

"5) For the unearned earnings of the late Faustino Adolfo including moral, exemplary damages, Fifty thousand (P50,000.00) pesos;

"6) Reimbursement to the plaintiffs the sum of P5,000.00 for what they paid their attorneys;

"7) To pay the costs of this suit;

"SO ORDERED." (pp. 372-373, Original Record)

Defendant Angeles Centino, petitioner herein, appealed the case to the then Intermediate Appellate Court, now Court of Appeals, which after submission by the parties of their respective briefs, promulgated a decision on November 13, 1986 affirming the judgment in toto. Not contended with the decision, petitioner came to Us in a Petition for Review by way of Certiorari.

The principal issue raised in the instant petition refers to the ownership of the tricycle which figured in the road mishap, which is clearly a question of fact.

A careful perusal of the records fails to yield any convincing reason why We should reject the factual findings of the trial court and the Court of Appeals. We cannot help but apply the established principle that on factual matters, the findings of the trial courts, especially when affirmed by the appellate court, must be accorded the

greatest respect in the absence of any showing that they ignored, overlooked, or failed to properly appreciate matters of substance or importance likely to affect the results of the litigation. (Vda. de Roxas v. CA, G.R. No. L-62642, July 22, 1986; Legaspi v. Salcedo, G.R. No. L-45570, May 27, 1986; Chase v. Buencamino, Sr. 130 SCRA 365; People v. Cabanit, 139 SCRA 94; People v. Sabandal, 41 SCRA 179; and People v. Canamo, 138 SCRA 141).

As found by the Court of Appeals, petitioner is the former Chief of Police of Ozamis City. In his insistence that his co--defendant Eduardo Cuizon is the real owner of the tricycle in question, petitioner points to the following evidence on record to support his assertion: (1) the registration certificate of the tricycle in the name of Eduardo Cuizon (Exh. 1-Centino); (2) the insurance policy covering the tricycle in the name of Cuizon (Exh. 7-Centino); (3) the Mayor's permit for the operation of the tricycle in the name of Cuizon; (4) police blotter entry concerning the incident in question wherein Cuizon is named as owner of the tricycle; (5) the deposit of the tricycle with the police authorities made by the agent or representative of Cuizon (Exh. 9-Centino); (6) the fact established on record that Cuizon had applied with the Development Bank of the Philippines for a small industrial loan of P5,000 precisely for the purpose of buying a motorcycle to be utilized in the tricycle business; and finally (7) the fact that Cuizon had obtained a loan from petitioner for the purchase of a sidecar that was to be attached to the motorcycle in the transport of passengers (Exh. 6).

However, despite the foregoing proofs, the Court of Appeals correctly ruled that petitioner Angeles Centino is the true and actual owner of the tricycle that was involved in the accident in question. The findings of the lower court on this particular issue, which We find hard to improve upon, could attest to this:

"The Court finds that the actual and real owner of the motor cab that figured in the incident in question is defendant ANGELES CENTINO. The Court, believes the testimony of Eduardo Cuizon that he was used only to apply for a Development Bank loan. He did not follow up the same, he was not interviewed, he did not pay the amortization.

"When the accident happened and there was an ocular inspection by Patrolman Tamparong, Richard Doria told witness Atty. Hilario Barel of the plaintiffs that the owner of the motorcab he was driving was Angeles Centino. Furthermore at the City Hall on same afternoon, Patrolman Miguel Tamparong told Atty. Hilario Barel, that woman in black, attorney, is the wife of the owner of motorcab that figured in the accident and he was introduced to Mrs. Centino who stood up and acknowledged the introduction and she said that her husband was in Zamboanga City undergoing training and anyway, they will work for the early release of the proceeds of the insurance, anyway their vehicle was insured.

"According to Mr. Centino when he took the stand, he was at Zamboanga City at the time of accident undergoing a Napolcom seminar and that the name of his wife is Jesusa.

"According to Eduardo Cuizon the common-law wife of Angeles Centino is Jesusa David, Jesusa David is one of the guarantors in the 'loan' of Eduardo Cuizon and same is precisely marked as exhibit 'I-B' Quizon and in fact the individual income Tax Return of Jesusa Punzalan David for 1974 (Exhibit '5'- Quizon) and her Profit and Loss Statement ending 1974 (Exhibit '5' page 4) has been attached to the loan application of Eduardo Cuizon. The Court does not believe that Angeles Centino accommodated Eduardo Quizon by letting him borrow money in the sum of over P3,000.00, for the side car. Eduardo Cuizon is a mere tricycle driver, why will Mr. Centino let him borrow over P3,000.00? Why will he let his wife (Jesusa David) act as guarantor?

"The reason given that Mr. Angeles Centino has been pointed to as the owner sounds incredible. The opposite party will not point at a high ranking police officer if he is not really the owner. They might as well point at Chinese businessmen who are afraid of litigations.

"If it is true that Mr. Angeles Centino is not the owner why will Eduardo Cuizon point at him? He was the

owner of the pedicab that he was driving before. Mr. Centino allowed him to 'borrow' nearly P4,000.00 and Mrs. Centino even 'guaranteed' (if true) Cuizon's loan and they do not have any misunderstanding. The plaintiffs do not know Mr. Angeles Centino is really the actual and real owner." (pp. 369-371, Orig. Rec., pp. 23, 24, 25, Rollo)

Having been satisfied that the pieces of evidence presented against the petitioner are both preponderant and convincing, aside from the fact that this case does not fall under any of the exceptions to the conclusiveness of the appellate court's finding of facts, We have no alternative but to uphold the findings of the trial court as affirmed by the Court of Appeals.

WHEREFORE, considering the premises, We hereby DENY the instant petition for lack of merit.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Justice Segundino G. Chua and concurred in by Justices Carolina Grino-Aquino and Nathanael P. de Pano, Jr.

** Penned by Judge Glicerio V. Carriaga, Jr.

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