

MERLIN P. CAIÑA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND MUNICIPAL TRIAL COURT IN CITIES, BRANCH IV, CAGAYAN DE ORO CITY.

G.R. No. 78777. September 02, 1992

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

Merlin P. Caiña, whom we denominate petitioner, questions the award of damages made by the Municipal Trial Court while acquitting him of the charge of reckless imprudence resulting in serious physical injuries. The award of damages was initially deleted on appeal but was later on reinstated by the Regional Trial Court upon a motion for reconsideration.

The records of this case were sent to the Court of Appeals inspite of the appellant's error in filing a notice of appeal to the Supreme Court on a pure question of law. The appellate court forwarded the case to us. Instead of rejecting the case at that time, this Court considered the issue sufficiently important to warrant this review. The completed records were re-assigned to the undersigned ponente for study and report preparatory to full court deliberations only on August 5, 1992.

The facts of the case are as follows:

The petitioner, Merlin P. Caiña, accused of reckless imprudence resulting in serious physical injuries, was acquitted of the criminal charge against him in a decision rendered by the Municipal Trial Court of Cagayan de Oro City, Branch 4. However, the petitioner was ordered to pay the private complainant, Dolores Perez, the sum of P2,893.40 representing actual damages. The dispositive portion of said decision reads:

“IN VIEW OF ALL THE FOREGOING, and for failure of the prosecution to establish the guilt of the accused beyond reasonable doubt, the accused is hereby acquitted.

“However, the accused is ordered to pay the private complainant the amount of P2,893.40 representing the actual damages incurred by the private complainant in connection with this case.” (Records, pp. 479-480)

The petitioner, questioning the award of damages, appealed to the Regional Trial Court. The Regional Trial Court of Misamis Oriental, Branch 24 rendered its decision, the dispositive portion of which reads as follows:

“WHEREFORE, in view of the foregoing observations, the decision pertaining to the civil aspect only, appealed from, is hereby REVERSED and a new one entered, absolving accused of civil liability. It is understood that this decision does not touch the trial court's decision on the acquittal of the accused.” (Rollo, p. 33)

The private complainant subsequently filed a Motion for Reconsideration upon which the Regional Trial Court reversed its former decision, to wit:

“WHEREFORE, in view of the foregoing observations, this court hereby RESOLVES to reconsider its

decision dated February 17, 1986 and consequently to AFFIRM as it hereby affirms in toto the decision appealed from as far as the civil aspect of the same is concerned.” (Rollo, p. 43)

As a result of such reversal, the petitioner filed this appeal raising one legal Issue to be resolved:

“THAT THE TRIAL COURT AND THE RESPONDENT REGIONAL TRIAL COURT ERRED IN AWARDING CIVIL LIABILITY AGAINST THE HEREIN PETITIONER AND THE SAID AWARD IS VOID AND ILLEGAL.” (Rollo p. 26)

The petitioner alleges that the award for damages is void and illegal as there was no finding of any preponderance of evidence as to the causal connection between the given set of facts and the damage suffered by the private complainant. In fact, there is a clear showing from the face of the decision of the trial court that the fact from which the civil liability might arise does not exist.

Before discussing the merits of this case, we first discuss the procedural aspect.

The procedure adopted by the petitioner in this case is improper. This is evident from the fact that the petitioner filed a notice of appeal with the Regional Trial Court to the Supreme Court claiming that the issue raised is a pure question of law (Records, p. 805). The proper procedure that should have been followed was to file a petition for review on certiorari under Rule 45 of the Rules of Court.

The Regional Trial Court in its order issued March 31, 1987 (Records, p. 807) correctly reminded the petitioner that the appeal to the Supreme Court shall be through a petition for certiorari governed by Rule 45 of the Rules of Court. However, the Regional Trial Court forwarded the records of the case to the Court of Appeals. The Court of Appeals, in turn, noting in the Notice of Appeal that only questions of law were involved, thereupon transmitted the records of said case to this Court (Rollo, p. 1).

This Court en banc, through a resolution entitled *Murillo v. Consul*, UDK-9748, March 1, 1990 laid down the following guidelines for appeals in civil cases and criminal cases except where the penalty of death, reclusion perpetua or life imprisonment is imposed: (1) If an appeal is attempted from a judgment of a Regional Trial Court by notice of appeal, that appeal can and should never go to this Court, regardless of any statement in the notice that the court of choice is the Supreme Court; (2) If an appeal by notice of appeal is taken from the Regional Trial Court to the Court of Appeals and in the latter Court, the appellant raises naught but issues of law the appeal should be dismissed for lack of jurisdiction; (3) If an appeal is essayed from the judgment rendered by a Regional Trial Court in the exercise of its appellate jurisdiction by notice of appeal, instead of by petition for review, the appeal is inefficacious and should be dismissed; and (4) it is only through petitions for review on certiorari that the appellate jurisdiction of this Court may properly be invoked.

Applying the rules abovementioned, the Court of Appeals should not have transmitted the records to this Court.

But even assuming *arguendo* that a petition for review on certiorari under Rule 45 was correctly filed, from a reading of the petitioner’s brief, it can be seen that what the petitioner is raising is a question of fact.

The case of *Cheesman v. Intermediate Appellate Court*, 193 SCRA 93, 100-101 [1991], distinguishes between questions of fact and questions of law. We quote:

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“x x x a question of law - which exists ‘when the doubt or difference arises as to what the law is on a certain state of facts’ – ‘there is a question of fact when the doubt or difference arises as to the truth or the falsehood of alleged facts,’ (*Ramos, et al. v. Pepsi-Cola Bottling Co. of the P.I., et al.*, 19 SCRA 289, 292, citing *II Bouvier’s Law Dictionary*, 2784, and *II Martin, Rules of Court*, 255; SEE also, *Francisco, The Rules of Court*,

Annotated and Commented, 1968, ed., Vol. III, pp. 485-488) or when the ‘query necessarily invites calibration of the whole evidence considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole and the probabilities of the situation.’ (See *Lim v. Calaguas*, 83 Phil. 796, 799, and *Mackay Radio & Tel. Co. v. Rich*, 28 SCRA 699, 705, cited in *Moran*, Comments on the Rules, 1979 ed., p. 474)

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Questions on whether or not there was a preponderance of evidence to justify the award of damages or whether or not there was a causal connection between the given set of facts and the damage suffered by the private complainant or whether or not the act from which civil liability might arise exists are questions of fact.

In this regard, the petitioner’s case should not have been elevated to this Court since a petition for review on certiorari under Rule 45 allows only questions of law to be raised (Section 2, Rule 45, Rules of Court).

The proper procedure that he should have adopted was to file a petition for review with the Court of Appeals within 15 days from notice of judgment pointing out errors of fact or law that will warrant a reversal or modification of the decision or judgment sought to be reviewed (See Resolution of Court of Appeals dated August 12, 1971, par. 22 [b] of Interim Rules of Court and Sec. 22, BP 129).

However, this Court noting that this case was last acted upon by the Regional Trial Court six (6) years ago and the records of the case have already been brought to this Court, has decided to delve on the merits of the case.

The petitioner’s contention is meritorious. We grant the petition.

It is clear from the decision of the Municipal Trial Court that there was no finding of recklessness, negligence and imprudence on the part of the accused. We quote:

“With respect to the evidence presented by the prosecution, it is the thinking of the court that the most important or paramount factor in cases of this nature, is to evidently prove the recklessness, negligence and imprudence of the accused. The prosecution failed to show a clear and convincing evidence of such recklessness, negligence and imprudence. Prosecution witness Rene Abas stated that the speed of the jeep of the accused was on a regular speed or not so fast or just the very speed the jeep can run. (Decision, p. 5, Records, p. 477, Underlining Supplied).

It can be gleaned therefore from the decision that the act from which civil liability might arise does not exist.

It is noted by the Court that in the dispositive portion of the decision of the Municipal Trial Court, the accused (petitioner in this case) acquittal was based on the ground that his guilt was not proved beyond reasonable doubt making it possible for Dolores Perez to prove and recover damages. (See Article 29, Civil Code) However, from a reading of the decision of the Municipal Trial Court, there is a clear showing that the act from which civil liability might arise does not exist. Civil liability is then extinguished. (See *Padilla v. Court of Appeals*, 129 SCRA 558, 570 [1984])

WHEREFORE, the petition is GRANTED. The questioned order of the Regional Trial Court issued on July 14, 1986 is SET ASIDE while the Regional Trial Court’s decision issued on February 17, 1986 reversing the decision of the Municipal Trial Court pertaining to the civil aspect, absolving accused of civil liability, is hereby REINSTATED.

Bidin, Davide Jr., and Romero, JJ., concur.
Feliciano, J., on official leave.

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