



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

MICHAEL JOHN ROBLES,
Petitioner,

G.R. No. 223810

Present:

- versus -

CAGUIOA, *J.*, Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

August 2, 2023

MisDcB-H

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DECISION

CAGUIOA, *J.*:

This is a Petition for Review on *Certiorari*¹ (Petition) filed on May 7, 2016 pursuant to Rule 45 of the Rules of Court from the Decision² dated August 27, 2015 (assailed Decision) of the Court of Appeals (CA) Twentieth (20th) Division and Resolution³ dated February 29, 2016 of the CA Former Twentieth (20th) Division in C.A.-G.R. CEB-CR No. 02067. The assailed Decision affirmed the Decision⁴ dated November 29, 2012 rendered by Branch 48, Regional Trial Court of Tagbilaran City (RTC) in Criminal Case No. 15640 (RTC Decision), which, in turn, affirmed the Judgment⁵ dated February 9, 2012 rendered by Branch 2, Municipal Trial Court in Cities, Tagbilaran City (MTCC) in Criminal Case No. 17603 (MTCC Judgment) which found petitioner Michael John N. Robles (Robles) guilty beyond

¹ *Rollo*, pp. 12-35.

² *Id.* at 38-47. Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justice Pamela Ann Abella Maxino and then Associate Justice Jhosep Y. Lopez (now a member of this Court) concurring.

³ *Id.* at 36-37. Penned by Associate Justice Germano Francisco D. Legaspi, and concurred in by Associate Justices Pamela Ann Abella Maxino and Gabriel T. Robeniol.

⁴ *Id.* at 49-57. Penned by Presiding Judge Pablo R. Magdoza.

⁵ *Id.* at 58-65. Penned by Judge Emma Eronica-Supremo.

reasonable doubt of Reckless Imprudence resulting in Homicide, Less Serious Physical Injuries and Damage to Property under Article 365 of the Revised Penal Code⁶ (RPC).

The accusatory portion of the Information against Robles reads:

That on or about the 27th day of July 2009, in the City of Tagbilaran, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously drive without license an unregistered Suzuki Raiders motorcycle with no plate number along CPG North Avenue corner Benigno Aquino Avenue, Tagbilaran City, in a careless, negligent and imprudent manner, in violation of the traffic rules and regulations and ordinances, without due regard to safety, life and property and without taking the necessary precautions to avoid accident to person or damage to property, thereby causing by such carelessness, negligence and imprudence said Suzuki Raiders motorcycle to hit and bump a Yamaha Crypton motorcycle bearing plate No. GL-6197 driven by Ronelo Franco Solas causing damage to the motorcycle in the amount of FOUR THOUSAND FIVE HUNDRED SEVENTY PESOS ([P]4,570.00), Philippine Currency, causing death to the latter and less serious physical injuries to the backrider Renilda S. Dimpel, to wit: 'ABRASION ON LEFT ILIAC & LUMBAR AREA, ABRASIONS ON LEFT FOREARM' and which injuries have incapacitated or will incapacitate her from performing her customary labor for a period of seven (7) to ten (10) days barring complications not apparent at the time of examination, to the damage and prejudice of the heirs of Ronelo Franco Solas and Renilda S. Dimpel.⁷

When arraigned on March 25, 2010, Robles pleaded not guilty to the crime charged.⁸ After the pre-trial was terminated, trial on the merits ensued.

The Facts

This case is rooted in a vehicular collision that happened between a Yamaha Crypton motorcycle driven by Ronelo Solas (Ronelo) and a Suzuki Raider motorcycle⁹ driven by Robles. The mishap occurred at the wee hours of July 27, 2009 in Tagbilaran City, particularly, along the intersection of Carlos P. Garcia North Avenue (CPG Avenue), a through street or highway, Calceta Street leading to the east, and Benigno Aquino Avenue (formerly Airport Road) leading to the northwest.¹⁰

As might be expected, the prosecution and defense had conflicting versions of how the mishap happened. The conflicting versions of the prosecution and the defense, respectively, are as follows:

⁶ Act No. 3815 titled "AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS," approved on December 8, 1930.

⁷ *Rollo*, p. 58, MTCC Judgment.

⁸ *Id.*

⁹ The brand of the accused's motorcycle is referred to in the records interchangeably as "Suzuki Raider" or "Suzuki Raiders."

¹⁰ Based on the police report and sketch prepared by Police Officer 3 Fabio Maulas, *rollo*, pp. 84-85. See *id.* at 51, RTC Decision.

Version of the Prosecution

The prosecution presented three witnesses, namely, Renilda S. Dimpel (Renilda), Carmelino Franco Solas (Carmelino), and Arcadio Bendanillo.¹¹

According to the prosecution, in the evening of July 26, 2009, Renilda was with the family of Carmelino in Tagbilaran City. At around 1:00 a.m. of July 27, 2009, Renilda decided to go home. Ronelo offered to take her home using a Yamaha Crypton motorcycle with Plate No. GL-6197.¹² While they were navigating CPG Avenue, and upon reaching the intersection of CPG Avenue and Calceta Street, a speeding Suzuki Raider motorcycle, with no plate number, suddenly crossed CPG Avenue from Calceta Street causing the collision of the two motorcycles. Renilda and Ronelo were flung away as a result thereof.¹³

Robles was the driver of the Suzuki Raider motorcycle which collided with Ronelo's Yamaha Crypton motorcycle. Robles had no driver's license and his motorcycle had no plate. He did not give assistance to Renilda or to the family of Ronelo.¹⁴

As a result of the collision, both Ronelo and Renilda were brought to Gov. Celestino Gallares Memorial Hospital (Gallares Hospital). Ronelo, because his condition was critical, was later transferred to Ramiro Community Hospital.¹⁵ At around 9:20 a.m. of July 27, 2009, Ronelo died due to his injuries. Meanwhile, Renilda was transferred to Borja Family Hospital where she paid ₱19,533.50 for medical expenses. Her injuries healed within 7-14 days.¹⁶ Carmelino, Ronelo's brother, stated that he paid for all the hospital, funeral, and burial expenses incurred by and for his brother, including attorney's fees in the amount of ₱99,587.67 and ₱85,766.15. Ronelo had a professional driver's license and the Yamaha Crypton motorcycle he drove was duly registered.¹⁷

Arcadio Bendanillo, a *habal-habal* driver, corroborated the testimony of Renilda. He declared that he was near St. Jude Hospital when he saw a Suzuki Raider motorcycle cross CPG Avenue without stopping at the intersection, and thereafter colliding with a Yamaha Crypton motorcycle. He later came to

¹¹ Id. at 59, MTCC Judgment.

¹² Id. at 40, assailed Decision.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. at 41.



know the drivers of the Suzuki Raider and Yamaha Crypton motorcycles as Robles and Ronelo, respectively.¹⁸

Version of the Defense

The defense presented eight witnesses, namely Robles, Bonifacio Dinampo (Dinampo), Police Officer 3 Fabio Maulas (PO3 Maulas), Dr. Glenn Eduard Oppus, Concordia Robles, Renan Lopus (Lopus), Alma Paelmao, and Dr. Isagani Jodi de los Santos (Dr. de los Santos).¹⁹

According to the defense, on July 27, 2009, at around 1:10 a.m., Robles was driving his motorcycle along CPG Avenue with Lopus as his back rider. Upon reaching the CPG Avenue — Benigno Aquino Avenue intersection, he signaled to turn left. But then, a speeding motorcycle driven by Ronelo, with back rider Renilda, suddenly came from behind him and without slowing down, attempted to overtake him, causing the collision of the two vehicles. The incident was witnessed by many people who were at the vicinity and who were interviewed by the responding policeman who came to the site to conduct an investigation. As a result of the incident, Robles suffered injuries and his motorcycle was damaged.²⁰

Robles offered in evidence pictures showing the damages to his motorcycle, which were all on its left side. According to Robles, this negates the prosecution's claim that he came from Calceta Street, because if the prosecution's version is to be believed, then there would have been damage on the front wheel portion of Robles' motorcycle, but it had none. According to Robles, he was actually cruising along CPG Avenue, but when he was about to turn left to Benigno Aquino Avenue, he was hit by Ronelo's speeding motorcycle when the latter attempted to overtake him.²¹ Robles was also brought to Gallares Hospital for treatment and there he declared that he was hit by a speeding motorcycle.²²

Dr. de los Santos, Ronelo's attending physician at Ramiro Community Hospital, testified that, based on Ronelo's admitting notes and history, as well as interviews taken of the persons accompanying Ronelo, Ronelo after having "a drinking spree with his friends"²³ drove his motorcycle during which he collided with another motorcycle.²⁴ He added that Ronelo "had

¹⁸ Id. at 40.

¹⁹ Id. at 59, MTCC Judgment.

²⁰ Id. at 41, assailed Decision.

²¹ Id.

²² Id.

²³ Id. at 21, Petition. *CA rollo*, p. 67, TSN dated September 23, 2011.

²⁴ *Rollo*, id.



this intoxicated or positive alcoholic breath” when he was examined at the hospital.²⁵

Lopos, a holder of a driver’s license and who, at the time of the mishap, was Robles’ back rider, corroborated Robles’ testimony. The testimonies of Robles and Lopos were likewise corroborated by Dinampo, a *habal-habal* driver who witnessed the collision between the two motorcycles.²⁶ According to Dinampo, while he was driving his motorcycle along CPG Avenue near St. Jude Hospital with a passenger on board, he saw Robles, with back rider Lopos, signaling to the left when a speeding Yamaha Crypton motorcycle driven by Ronelo bumped the motorcycle of Robles.²⁷

PO3 Maulas testified that he, in his capacity as traffic investigator, conducted factual gathering and interviewed witnesses and bystanders available right after the incident, and prepared a police report and sketch based on his investigation.²⁸ Based on his police report and sketch, the motorcycles driven by Robles and Ronelo, respectively, were actually travelling in the same direction of CPG North Avenue, both heading north,²⁹ which was contrary to the claim of the prosecution witnesses that Robles came speeding from Calceta Street. When Robles, who was ahead at the intersection, made a signal to the left to turn towards Benigno Aquino Avenue, the speeding Yamaha Crypton motorcycle of Ronelo suddenly overtook at the left side,³⁰ resulting in a collision of the two motorcycles in front of Saint Jude Hospital. Consistent with Robles’ testimony, PO3 Maulas’ police report indicates that Robles’ Suzuki Raider motorcycle sustained damages on its left side³¹ while Ronelo’s Yamaha Crypton sustained damages on its right side.³²

The Rulings of the MTCC and the RTC

On February 9, 2012, the MTCC found Robles guilty beyond reasonable doubt of the charge against him, and sentenced Robles to suffer an indeterminate penalty of one (1) year of *prision correccional* as minimum to five (5) years of *prision correccional* as maximum.³³ The MTCC found credible the testimony of the prosecution witnesses that Ronelo was driving along CPG Avenue, a through street or highway, while Robles, coming from Calceta Street, suddenly crossed the intersection into CPG Avenue, thereby

²⁵ Id. at 22.

²⁶ Id. at 15.

²⁷ Id. at 42, assailed Decision.

²⁸ Id. at 20, Petition.

²⁹ Id. at 17-18.

³⁰ Id.

³¹ The damages were described as follows: “[c]hange pedal deformed, left driver’s foot rest slightly deformed, left near foot rest cut, etc.” (Id. at 17)

³² The damages were described as follows: “foot brake lever deformed, right signal light detached, and brake lever cut, etc.” (Id. at 18)

³³ Id. at 49, RTC Decision.



causing the collision,³⁴ in violation of Republic Act No. 4136, otherwise known as the Land Transportation and Traffic Code³⁵ (Traffic Code), particularly Sections 42 (d)³⁶ and 43 (c)³⁷ thereof.

The MTCC considered against Robles the circumstance that Robles was found to have been violating traffic rules, and hence presumed to be negligent.³⁸ The MTCC noted that Robles was driving an unregistered motor vehicle and only had a student driver's permit without the company of a licensed driver-instructor.³⁹ The MTCC also concluded that even if Robles' version of the incident were to be believed, Robles would still be at fault — as Robles, before making a left turn, should have made sure that the road was clear of vehicles on both sides, and that had he done so, he “could have seen the fast speeding motorcycle behind which x x x according to him[,] attempted to overtake him.”⁴⁰ As such, the MTCC disposed the case as follows:

WHEREFORE, Judgment is hereby rendered finding accused John Michael Robles guilty beyond reasonable doubt of the crime of Reckless Imprudence Resulting to Homicide, Less Serious Physical Injuries and Damage to Property and he is hereby sentenced to suffer an indeterminate penalty of ONE (1) YEAR of *prison correccional* as minimum to FIVE (5) YEARS of *prison correccional* as maximum and ordering the accused to pay the following:

1. To Renilda Dimpel the amount of TWENTY THOUSAND PESOS ([P]20,000.00) as nominal damages;
2. To the Heirs of Ronelo Franco Solas in the amount of FIFTY THOUSAND PESOS ([P]50,000.00) as death indemnity;
3. To Carmelino Franco Solas in the amount of ONE HUNDRED TWO THOUSAND SIX HUNDRED FIFTY THREE PESOS AND 82/100 ([P]102,653.82) as actual damages and temperate or moderate damages of THIRTY FIVE THOUSAND PESOS ([P]35,000).

SO ORDERED.⁴¹

³⁴ Id. at 43, assailed Decision; id. at 62-63, MTCC Judgment.

³⁵ Titled “AN ACT TO COMPILE THE LAWS RELATIVE TO LAND TRANSPORTATION AND TRAFFIC RULES, TO CREATE A LAND TRANSPORTATION COMMISSION AND FOR OTHER PURPOSES,” dated June 20, 1964.

³⁶ Id. Sec. 42(d), which provides:

SECTION 42. *Right of Way.* — x x x

(d) The driver of a vehicle upon a highway shall bring to a full stop such vehicle before traversing any “through highway” or railroad crossing: *Provided*, That when it is apparent that no hazard exists, the vehicle may be slowed down to five miles per hour instead of bringing it to a full stop.

³⁷ Id. Sec. 43(c), which provides:

SECTION 43. *Exception to the Right of Way Rule.* — x x x

(c) The driver of a vehicle entering a “through highway” or a “stop intersection” shall yield the right of way to all vehicles approaching in either direction on such “through highway:” *Provided*, That nothing in this subsection shall be construed as relieving the driver of any vehicle being operated on a “through highway” from the duty of driving with due regard for the safety of vehicles entering such “through highway” nor as protecting the said driver from the consequence of an arbitrary exercise of such right of way.

³⁸ *Rollo*, p. 43, assailed Decision.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id. at 65, MTCC Judgment.

Petitioner appealed the MTCC Judgment before the RTC. The RTC, in a Decision dated November 29, 2012, sustained the ruling arrived at by the MTCC, and concluded that the latter's findings were based on the evidence on record.⁴² On January 23, 2013, the RTC denied Robles' motion for reconsideration.⁴³ Robles thereafter appealed to the CA via a petition for review.⁴⁴

The Ruling of the CA

In the assailed Decision, the CA denied the appeal and held as follows:

WHEREFORE, the petition is **DENIED**. The *Decision* dated November 29, 2012 of the Regional Trial Court, Branch 48 of Tagbilaran City in Crim. Case No. 15640 convicting Michael John Robles for *Reckless Imprudence Resulting to Homicide, Less Serious Physical Injuries and Damage to Property* is hereby **AFFIRMED** *in toto*.

SO ORDERED.⁴⁵

The CA found that there was nothing in the records which showed that the RTC, in affirming the Judgment of the MTCC, overlooked relevant and undisputed facts which, if properly considered, would justify a different conclusion. Addressing Robles' claim that he did not come from Calceta Street, and that instead, it was Ronelo who hit his motorcycle when Ronelo attempted to overtake him, the CA likewise ruled that even if Robles' claim is to be believed, the mishap would not have happened nonetheless, had Robles simply "been in the correct position on the road."⁴⁶

Hence, this recourse.

In gist, Robles posits that it was Ronelo's attempt to overtake him, while driving at a very fast speed and under the influence of alcohol, which was the proximate cause of the accident.⁴⁷ Contrary to the prosecution's claim, he did not come from Calceta Street. Rather, he was driving in the same direction as Ronelo along CPG Avenue heading north, and about to turn left to Benigno Aquino Avenue, when Ronelo, in the latter's attempt to overtake Robles, hit Robles' motorcycle.⁴⁸ He argues in this regard that the findings of the police investigator and even the medical records, both of which corroborated his testimony, must be given credence, especially considering that these came from impartial sources.⁴⁹

Finally, he also points out that even the Information filed by the prosecution alleges that both Robles and Ronelo came from the same

⁴² Id. at 43, assailed Decision.

⁴³ Id. at 44.

⁴⁴ Id.

⁴⁵ Id. at 46.

⁴⁶ Id. at 45-46.

⁴⁷ Id. at 23 and 25, Petition.

⁴⁸ Id. at 13-14, 23, 25.

⁴⁹ Id. at 18.



direction. According to him, the deviation of the witnesses of the prosecution themselves from what was stated in the Information, not only violates his right to due process, but also puts in doubt the credibility of said witnesses.⁵⁰

On February 8, 2017, the Office of the Solicitor General filed its Comment⁵¹ to the Petition, where it reiterated that the findings of the lower courts are supported by the evidence on record.⁵²

Issue

The main question for resolution is whether Robles is guilty beyond reasonable doubt of Reckless Imprudence resulting in Homicide, Less Serious Physical Injuries, and Damage to Property under Article 365 of the RPC.

The Court's Ruling

The petition is impressed with merit.

As a general rule, factual findings of the trial court are accorded great weight and respect especially when they are affirmed by the appellate court. However, as with every rule, there are exceptions. In the case of *Quidet v. People*,⁵³ the Court held:

x x x where the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which can affect the result of the case, this Court is duty-bound to correct this palpable error for the right to liberty, which stands second only to life in the hierarchy of constitutional rights, cannot be lightly taken away. x x x⁵⁴

In addition, it bears emphasis that “the Court, in the course of its review of criminal cases elevated to it, still commences its analysis from the fundamental principle that the accused before it is presumed innocent.”⁵⁵ This presumption continues although the accused had been convicted in the trial court, as long as such conviction is still pending appeal.

After going over the records of this case, the Court is unable to sustain the findings of fact and conclusion reached by the courts below. A careful review of the records inevitably leads to the conclusion that the prosecution failed to establish that Robles committed the crime charged against him.

***The defense version is more credible
and deserves more weight and credit***

⁵⁰ Id. at 26-27.

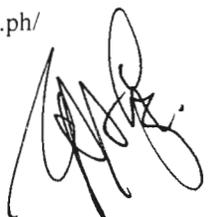
⁵¹ Id. at 192-218, Comment dated January 11, 2017.

⁵² Id. at 212.

⁵³ 632 Phil. 1 (2010).

⁵⁴ Id. at 12.

⁵⁵ *People v. Ansano*, G.R. No. 232455, December 2, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66861>>, citing *Polangcos v. People*, 862 Phil. 764 (2019).



Reckless imprudence, as defined by our penal law, consists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his or her employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.⁵⁶ It has the following elements: (1) that the offender does or fails to do an act; (2) that the doing or the failure to do that act is voluntary; (3) that it be done without malice; (4) that material damage results from the reckless imprudence; and (5) that there is inexcusable lack of precaution on the part of the offender, taking into consideration his or her employment or occupation, degree of intelligence, physical condition, and other circumstances regarding persons, time and place.⁵⁷

Here, the lower courts found to be credible Renilda's testimony that Ronelo was cruising along CPG Avenue, a through street or highway, and that Robles, in violation of traffic laws, suddenly crossed CPG Avenue from Calceta Street.⁵⁸ This appears to be the lower courts' assessment of Robles' guilt, considering that Section 42(d) and Section 43(c) of the Traffic Code, require a driver of a vehicle entering a "through highway" to bring to a full stop such vehicle prior to entering, and to yield the right of way to vehicles approaching in either direction on such through highway.⁵⁹ Thus, according to the lower courts, Robles "should have given way to Ronelo Solas who was negotiating a through street or highway."⁶⁰

The Court, however, disagrees. The Court finds that the premise for the lower courts' finding is erroneous.

First, PO3 Maulas' findings, which were reflected in his police report and sketch,⁶¹ and which he thereafter repeated in open court, are clear and categorical that Robles did not, in fact, come from Calceta Street. Rather, at the time of the incident, he was driving along CPG Avenue heading north, and was about to turn left to Benigno Aquino Avenue at the intersection when Ronelo attempted to overtake him.⁶²

In PO3 Maulas' police report, which he prepared immediately after the incident, and which was duly recorded in the traffic blotter of the Philippine National Police, Tagbilaran City Police Station,⁶³ he reported that:

Further investigation revealed that the two motorcycle[s] involved were travelling on the same direction along CPG North Avenue heading towards North and upon reaching in front of St. Jude Hospital they collided

⁵⁶ *Dumayag v. People*, 699 Phil. 328, 338-339 (2012).

⁵⁷ *Valencia v. People*, G.R. No. 235573, November 9, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66535>>, citing *Cabugao v. People*, 740 Phil. 9, 21-22 (2014).

⁵⁸ *Rollo*, p. 62, MTCC Judgment.

⁵⁹ *Id.* at 62-63.

⁶⁰ *Id.* at 43, assailed Decision.

⁶¹ *Id.* at 84-85.

⁶² *Id.*

⁶³ *Id.* See also *id.* at 115 and 127, TSN dated May 11, 2011.



with each other, when the Suzuki Raider MC which was ahead signaled and about to turn left towards B. Aquino Avenue while the speeding Yamaha MC suddenly overtook at the left side.⁶⁴

Likewise, PO3 Maulas' testimony was categorical that based on his investigation, Robles actually came from CPG Avenue, and not from Calceta Street. In other words, his findings directly contradicted Renilda's testimony. He testified that:

[Direct examination of PO3 Maulas by Atty. Cristifil D. Baluma]

Q: In the scene Mr. Witness, based on your sketch could you tell us what were your findings as far as who caused the collision based on your investigation?

x x x x

A: They collided to each other because this motorcycle, the Suzuki Raiders Motorcycle when about to turn left, suddenly the speeding Yamaha Crypton Motorcycle passed at the left side and they collided. The reason, it is an accidental. I presumed, it was accidental.

x x x x

Q: Now, you mentioned earlier that this Renilda Dimpel told you that the other motorcycle was coming from the other road, this Calceta Street. Now, could you explain to us Mr. Witness, when you heard from Renilda Dimpel that information, and why is it that what Renilda Dimpel told you is not indicated in your police report?

A: **Because based on the investigation there was no indication that the other motorcycle came from that road Calceta Street because if ever the collision happened in that particular point he would be thrown to the other portion of the road.** He must be thrown to the North CGP Avenue which is ahead of the intersection not in this portion which is different from my sketch where this portion that the vehicle was thrown is the intersection of Calceta and CPG Avenue.⁶⁵ (Emphasis and underscoring supplied)

PO3 Maulas' police report and sketch also indicated that Robles' Suzuki Raider motorcycle sustained damages on its left side while Ronelo's Yamaha Crypton sustained damages on its right side. He testified on this point that:

[Direct examination of PO3 Maulas by Atty. Cristifil D. Baluma]

Q: Now, concerning the sketch which you prepared and you labeled A and B, may we know if at the time when you arrived, may we know if [these] two labels indicated the position where you saw the two motorcycles?

A: Yes, they were in that position.

⁶⁴ Id. at 84, Police Report.

⁶⁵ Id. at 106, 115-116, TSN dated May 11, 2011.

x x x x

Q: Now on the basis of the damages which you placed on this sketch, please tell us what were your findings or your observations?

A: (Witness reading)

The Suzuki Raiders Motorcycle incurred damages: x x x Change pedal deformed, left driver's foot rest slightly deformed, left near foot rest cut, etc.

Q: How about your observation of the other motorcycle as far as the Yamaha Crypton. Could you tell us your observation of the damages?

A: The Yamaha Crypton incurred damages: x x x the foot brake lever deformed, front right signal light detached, hand brake lever cut, etc.⁶⁶

Notably, such findings are likewise reflected in the photographs of Robles' Suzuki Raider motorcycle taken after the incident,⁶⁷ which indicate that the motorcycle sustained damages only on its left side, particularly on the change pedal and driver's left foot rest.⁶⁸

More importantly, on cross examination, PO3 Maulas was unwavering that despite interviewing both Renilda and Robles, he found Robles' account to be more consistent with his factual findings, while Renilda's account was, in his view, improbable. Thus:

[Cross-examination of PO3 Maulas by Atty. Menedio Thadeus P. Bernido]

Q: What were your basis in saying that the motorcycle came from this portion South portion of CPG North?

A: Because if ever that Suzuki Raider came from Calceta Street, **he should be placed in the very exact center portion of the CPG and Calceta Street.** Whereas, in my sketch here of the incident happened right near the front of the tip of [St.] Jude Hospital.

x x x x

Q: That is why I am asking you if Michael Robles narrated to you his version of the incident?

A: Yes Sir.

Q: And Renilda Dimpel also narrated to you her version of the incident?

A: Yes Sir.

Q: But unfortunately Mr. Witness, what has been reflected in your report was the version of Robles, is it not?

⁶⁶ Id. at 116-117, TSN dated May 11, 2011.

⁶⁷ Id. at 139, Exhibit 7 and 7-A of the Prosecution.

⁶⁸ Id.

A: **I cannot say that I was in the side of Michael Robles because it is just timely that his version was in line with those persons whom I asked Sir.**

Q: So, meaning to say Mr. Witness, that after talking with Michael Robles, and Renilda Dimpel you already knew that there were conflicting versions of what happened?

A: Yes Sir. **But if I will [believe] her it is very far from the truth because there was no indication that he came where he came from, otherwise he could be thrown away from the center.**

x x x x

Q: So, you mean to say that even if the Yamaha [m]otorcycle was the one [that] hit the Suzuki Raiders, still the Yamaha Crypton was the one [which was] thrown out from the point of impact? That is what you are trying to say?

A: The Suzuki Raiders only turned and then the Yamaha Crypton was the one being thrown. The Yamaha Crypton was thrown forward.

Q: But you will agree with me that the two colliding vehicles after the collision they could be thrown anywhere?

A: It depends.

Q: So, it could be also possible that this Suzuki Raiders was coming from Calceta Street and this Yamaha Crypton also coming from the South of CPG Avenue and after reaching in the intersection of Calceta and Airport Road [or Benigno Aquino Avenue] and after colliding each other they were thrown in their respective position[s] as shown in the sketch. It is also possible?

A: **It is very remote Sir. Because what was being hit was the change pedal of the Suzuki Raiders. So, it could be impossible if it goes left side ways. It must be in the right.**⁶⁹ (Emphasis supplied and underscoring)

It bears stressing that PO3 Maulas did not simply wrest his findings out of thin air. As testified by him, said findings were based on his interviews with various bystanders and witnesses,⁷⁰ on the damages actually sustained by the two motorcycles,⁷¹ and on his own independent assessment of the relative positions of the vehicles when he arrived at the scene of the accident.⁷² Ultimately, based on the totality of such evidence, PO3 Maulas categorically

⁶⁹ Id. at 118, 120-121, TSN dated May 11, 2011.

⁷⁰ Id. at 110-111, 119, TSN dated May 11, 2011.

[Direct examination of PO3 Maulas by Atty. Cristifil D. Baluma]

Q: Okay. So your basis in preparing the sketch was because of the interview with the bystanders?

A: Yes, Sir.

Q: How many bystanders did you interview?

A: There were many. Including that matured person whom I presumed reliable.

⁷¹ Id. at 118, 120-121, TSN dated May 11, 2011.

⁷² Id. at 115-116, TSN dated May 11, 2011.



concluded that Renilda's version is "very far from the truth," "very remote," and, in fact, "impossible."⁷³

Indeed, the damages sustained by the two motorcycles, as well as the relative positions of the motorcycles, as observed by PO3 Maulas and inferred from said damages, constitute real evidence that ranks higher in the hierarchy of evidence compared to testimonial evidence.⁷⁴

It is well-settled that object or physical evidence, when offered in accordance with the requisites for its admissibility, becomes evidence of the highest order and speaks more eloquently than witnesses put together.⁷⁵ It has been characterized as "that mute but eloquent manifestations of truth which rate high in our hierarchy of trustworthy evidence,"⁷⁶ such that "where the physical evidence on record runs counter to the testimonial evidence of the prosecution witnesses, x x x the physical evidence should prevail."⁷⁷ Thus, in *People v. Vasquez*,⁷⁸ this Court refused to lend credence to the incriminating assertions of prosecution witnesses as to an alleged mauling, and stated that "[t]his Court cannot be persuaded by the prosecution's claim of perpetration of physical violence in the absence of any marked physical injuries on the various parts of the victim's face and body."⁷⁹

The same principle finds relevance here, considering that the physical evidence belies the prosecution's testimonial evidence.

Yet, neither the MTCC, the RTC, nor the CA attempted to remotely discuss why the findings of PO3 Maulas, and more importantly, the nature and locations of the damages sustained by the said motorcycles, did not at all warrant any consideration. In convicting Robles, the lower courts simply and solely relied on Renilda's testimony, which they precipitously concluded to be credible, without any explanation as to why such version deserves more credence than the traffic investigator's investigation report.⁸⁰ On this score,

⁷³ Id. at 121, 114, TSN dated May 11, 2011.

⁷⁴ REVISED RULES ON EVIDENCE, Rule 130, Sec. 1 states that objects as evidence are those "addressed to the senses of the court[,]" which "may be exhibited to, examined or viewed by the court." See id. See also *People v. Larrañaga*, 466 Phil. 324 (2004).

⁷⁵ *People v. Larrañaga*, id. at 376.

⁷⁶ *Daayata v. People*, 807 Phil. 102, 114 (2017), citing *People v. Vasquez*, 345 Phil. 380, 395 (1997); *People v. Uycoque*, 316 Phil. 930, 942 (1995).

⁷⁷ *Bank of the Philippine Islands v. Reyes*, 568 Phil. 188, 204 (2008).

⁷⁸ Supra note 76.

⁷⁹ Id. at 395.

⁸⁰ *Rollo*, pp. 45-46, assailed Decision; 55-57, RTC Decision; and 62-65, MTCC Judgment. The relevant portion of the MTCC Judgment, which was quoted with approval by both the RTC and CA, provides:

In case of contradictory claims, it becomes incumbent upon the Court to determine which claim to believe.

After a thorough deliberation on the evidence adduced during the trial, the Court finds that the prosecution has proved the guilt of the accused beyond reasonable doubt. Accused through reckless imprudence failed to exercise due care and prudence while driving his Suzuki Raider motorcycle which was the proximate cause of the incident that claimed the life of Ronelo Franco Solas and resulted to less serious physical injuries to Renilda S. Dimpel and damage to Solas' motorcycle.

The Court finds the testimony of complainant-backrider Renilda credible that Ronelo Solas' driven Yamaha Crypton motorcycle was cruising CPG Avenue, a through street or

the Court finds the lower courts to have been mistaken and, to a degree, remiss in the performance of their duties.⁸¹

Second, PO3 Maulas' account has in its favor the presumption of regularity in the performance of official functions, which presumption the prosecution utterly failed to overturn.

In *Yap v. Lagtapon*,⁸² the Court described the presumption of regularity in the performance of official duties in this wise:

The presumption of regularity in the performance of official duties is an aid to the effective and unhampered administration of government functions. Without such benefit, every official action could be negated with minimal effort from litigants, irrespective of merit or sufficiency of evidence to support such challenge. **To this end, our body of jurisprudence has been consistent in requiring nothing short of clear and convincing evidence to the contrary to overthrow such presumption.**⁸³ (Emphasis supplied)

The presumption may be rebutted by affirmative evidence of irregularity or failure to perform a duty.⁸⁴ Conversely, unless the official act in question is irregular on its face,⁸⁵ or where the records suggest that the law enforcers involved deviated from the standard conduct of official duty as provided for in the law,⁸⁶ the presumption prevails until it is overcome by no less than clear and convincing evidence to the contrary.⁸⁷ Thus, unless the presumption is rebutted, it becomes conclusive.⁸⁸

Here, the prosecution failed to adduce any evidence to show any deficiency or irregularity on the part of PO3 Maulas in the performance of his official duty as the traffic investigator of the accident. Also, the prosecution did not show that he was impelled by any ill motive or bias to testify falsely. As such, PO3 Maulas' investigation report has in its favor the presumption that official duty had regularly been performed,⁸⁹ and thus entitled to weight and respect.

highway, while Michael John Robles was passing along Calceta St. and suddenly crossed CPG Avenue thereby causing their collision.

Section 42(d) of the Land Transportation and Traffic Code (Republic Act No. 4136) provides that x x x Thus, accused should have given way to Ronelo Solas who was negotiating a through street or highway. (id. at 51-52)

⁸¹ The 1987 Constitution mandates that the court's decision clearly and distinctly state the facts and the law on which it is based (CONSTITUTION, Art. VIII, Sec. 14.). In *Yao v. Court of Appeals*, 398 Phil. 86, 105 (2000), the Court emphasized that "[t]he parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court[.]" Similarly, in *Lumanog v. People*, 644 Phil. 296, 383 (2010), the Court held that "[j]udges are expected to make complete findings of fact in their decisions and scrutinize closely the legal aspects of the case in the light of the evidence presented. They should avoid the tendency to generalize and form conclusions without detailing the facts from which such conclusions are deduced."

⁸² 803 Phil. 652 (2017).

⁸³ Id. at 653.

⁸⁴ *Alcantara v. Alcantara*, 558 Phil. 192, 204 (2007).

⁸⁵ See id.

⁸⁶ *People v. Obmiranis*, 594 Phil. 561, 578 (2008).

⁸⁷ *Alcantara v. Alcantara*, supra note 84.

⁸⁸ Id.

⁸⁹ 2000 RULES OF CRIMINAL PROCEDURE, Rule 131, Sec. 3(m).

Notably, the prosecution simply harped on the fact that PO3 Maulas did not actually witness the accident.⁹⁰ However, the Court has time and again given weight to the report of the traffic or investigating officer in cases involving vehicular accidents, even if the investigating officer did not actually witness the accident. In *Serra v. Mumar*,⁹¹ which involved a civil action for damages in relation to a charge of reckless imprudence resulting in homicide, the Court upheld the traffic investigator's report despite the investigator not having been an actual eyewitness, thus:

Petitioner insists that the traffic investigator SPO3 Haron Abdullatip's report should be disregarded because he was not at the scene when the accident happened.

Rarely does it happen that the investigating officer personally witnesses an accident that he investigates, yet this does not mean that his observations are not valid. A traffic investigator's training and experience allow him to determine how an accident occurred even without witnessing the accident himself.

In this case, Abdullatip had been a traffic investigator for nine years. **Even if he arrived at the scene after the accident, he saw the vehicles in their relative positions as a result of the accident. His experience, as well as his evaluation of the statements from various witnesses, guided him in assessing who was at fault. In any case, the presumption of regularity in the exercise of functions is in his favor and therefore his report must be given credence.**⁹² (Emphasis and underscoring supplied)

Similarly, in *BJDC Construction v. Lanuzo*,⁹³ which involved a civil action for damages arising from a road accident, the Court upheld the contents of the police officer's investigation report as it enjoyed the presumption of regularity in the performance of the police officer's duties. This presumption was upheld by the Court in this case, as no evidence was adduced to show any deficiency or irregularity in the performance of the police officer's official duty as the police investigator of the accident, and that it was not shown that he was "impelled by any ill motive or bias to testify falsely."⁹⁴

Meanwhile, in *Manuel v. Court of Appeals*,⁹⁵ which involved a civil action based on quasi-delict, therein petitioners questioned the accuracy of the sketches prepared by the police investigator, as "it was prepared the day after the incident and the alleged 'tell-tale' skid marks and other details had already been obliterated by the heavy downpour which lasted for at least an hour after the accident."⁹⁶ The Court, however, rejected this assertion, as the "strong presumption of regularity in the performance of official duty x x x erases, in

⁹⁰ *Rollo*, pp. 106-107, 118, TSN dated May 11, 2011.

⁹¹ 684 Phil. 363 (2012).

⁹² *Id.* at 372.

⁹³ 730 Phil. 240 (2014).

⁹⁴ *Id.* at 259.

⁹⁵ 297 Phil. 954 (1993).

⁹⁶ *Id.* at 958.



the absence of evidence to the contrary, any suspicions that the police investigator just invented the skid marks indicated in his report.”⁹⁷

Finally, in *Caminos, Jr. v. People*⁹⁸ (*Caminos*), the Court even convicted therein accused of reckless imprudence resulting in damage to property based on, among others, the entries in the traffic accident investigation report (TAIR) and sketch made by the traffic investigator depicting the post-collision positions of the two vehicles. In convicting therein accused, the Court noted that the “TAIR itself shows that petitioner approached the intersection in excess of lawful speed x x x which raises the presumption of imprudent driving x x x.”⁹⁹

The foregoing principles find utmost relevance here, especially considering that the traffic investigator’s findings, rather than implicate, actually exonerate the accused.

Certainly, in criminal cases, the presumption of regularity in the performance of official functions cannot, by itself, overcome the superior presumption of innocence.¹⁰⁰ Corollarily, if the official findings actually favor the accused, then such findings, if unrebutted, should inevitably yield the acquittal of the accused. After all, if the “facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his [or her] guilt, then the evidence does not pass the test of moral certainty and will not suffice to support a conviction.”¹⁰¹ Indeed, while the presumption of regularity in the performance of official functions cannot preponderate over the presumption of innocence,¹⁰² which prevails if not overthrown by proof beyond reasonable doubt,¹⁰³ with much more reason should this presumption, if unrebutted, be considered “binding truth”¹⁰⁴ in favor of the accused, especially considering that the accused is protected by the overwhelming presumption of innocence.

Third, contrasting the two versions of the incident, the Court finds the version of Renilda incredible, contrary to the findings of the lower courts.

Indeed, as correctly pointed out by PO3 Maulas, had Robles come speeding from Calceta Street and, in doing so, hit Ronelo’s motorcycle which resulted in Ronelo and Renilda getting flung away, then the point of impact should not have been in front of St. Jude Hospital, which is located at the intersection of CPG Avenue and Calceta Street,¹⁰⁵ but rather somewhere further at the middle of the said intersection. In addition, based on the

⁹⁷ Id. at 959.

⁹⁸ 605 Phil. 422 (2009).

⁹⁹ Id. at 436.

¹⁰⁰ *Tuates v. People*, 901 SCRA 493, 501; *Zafra v. People*, 686 Phil. 1095, 1105 (2012), citing *Malillin v. People*, 576 Phil. 576 (2008).

¹⁰¹ *People v. Lagramada*, 436 Phil. 758, 780 (2002).

¹⁰² *People v. Ambrosio*, 471 Phil. 241, 250 (2004).

¹⁰³ Id.

¹⁰⁴ Id.

¹⁰⁵ Based on the police report and sketch prepared by PO3 Maulas, *rollo*, pp. 84-85.



prosecution's version of the facts, had Robles's Suzuki Raider motorcycle "hit and bump[ed]" ¹⁰⁶ Ronelo's Yamaha Crypton motorcycle, there should likewise have been damage on the front wheel portion of Robles' motorcycle, and not on its left side where the change pedal is located.

The relative positions of the two vehicles at the point of impact and thereafter, as reflected in PO3 Maulas' sketch below, likewise lead to the conclusion that Ronelo was the one who hit Robles and was, in fact, driving at a much faster speed.

¹⁰⁶ The Information alleges that Robles' Suzuki Raiders motorcycle "hit and bump" Ronelo's Yamaha Crypton motorcycle, thereby "causing damage to the motorcycle" and "causing death to [Ronelo] and less serious physical injuries to the back rider Renilda S. Dimpel." (Id. at 39, assailed Decision)



That Robles and his motorcycle were thrown further to the north (forward into CPG Avenue) would also indicate that Robles had indeed slowed down, while Ronelo, having gained much momentum, was thrown upon impact. Moreover, had Renilda's version been true, then Ronelo's Yamaha Crypton should have been flung toward either CPG Avenue or further to the side of Benigno Aquino Avenue, instead of forward into CPG Avenue, as indicated in the sketch.

Even more telling is the fact that the Information itself alleges that Robles was driving "along CPG North Avenue corner Benigno Aquino Avenue," consistent with PO3 Maulas' findings. If Robles really came from the east at Calceta Street and crossed through CPG Avenue at the intersection, as claimed by the prosecution, then why was this not alleged in the Information? Indeed, a defective Information which lacks certain essential allegations may still sustain a conviction when the accused fails to object to its sufficiency during the trial, and the deficiency was cured by competent evidence presented therein.¹⁰⁷ However, that the Information itself contradicts the prosecution's evidence, and supports the defense's version of events, as here, further lends to the conclusion that the latter's account is indeed more consistent with how the events actually transpired. To be sure, that the prosecution presented a version contrary to that stated in the Information undeniably puts in doubt the entire version of the prosecution as to what truthfully happened. As well, it lends credence to the version of the defense as testified to by Robles, PO3 Maulas, and the other defense witnesses.

Accordingly, a thorough reading of the records of the case induces the Court to believe and approve the defense's version of the incident. In checkered contrast, the Court finds the version of the prosecution doubtful and incongruous with reality.

A causal connection between Robles' negligence and the injuries or damages complained of was not proven beyond reasonable doubt

Notwithstanding the obvious gaps in the prosecution's evidence, the lower courts alternatively hinge Robles' conviction on their finding that Robles was then driving an unregistered motor vehicle and only had a student driver's permit without the company of a licensed driver, for which reason, according to the lower courts, he would be presumed to be negligent under Article 2185 of the Civil Code.¹⁰⁸

Again, the Court disagrees.

¹⁰⁷ *People v. Solar*, G.R. No. 225595, August 6, 2019, 912 SCRA 271, 352. See *People v. Abello*, 601 Phil. 373, 391 (2009), citing *People v. Corpuz*, 517 Phil. 622 (2006).

¹⁰⁸ CIVIL CODE, Art. 2185 provides:

Article 2185. Unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation.



Gonzaga v. People,¹⁰⁹ and more recently, *Ofracio v. People*¹¹⁰ instruct that in order to establish a motorist's liability for the negligent operation of a vehicle, it must be shown that there was a direct causal connection between such negligence and the injuries or damages complained of.¹¹¹ Otherwise stated, mere negligence, ***presumed or otherwise***, does not warrant a conviction under Article 365 of the RPC, **as a direct causal connection must additionally be shown between the accused's negligence and the accident.**¹¹² In the same light, the Court, in *Valencia v. People*,¹¹³ further held that **mere negligence will not suffice because it is the motorist's willful and wanton act done in utter disregard of the consequence of his or her action, which criminalizes an imprudent or negligent act.**¹¹⁴

Likewise, *Añonuevo v. Court of Appeals*¹¹⁵ clarifies that while the violation of a statute may establish some degree of negligence, pursuant to Article 2185 of the Civil Code, **the complainant must nevertheless show that the violation of the statute was the proximate or legal cause of the injury, or that it substantially contributed thereto.**¹¹⁶ After all, negligence consisting in whole or in part, of violation of law, like any other negligence, is without legal consequence unless it is a contributing cause of the injury.¹¹⁷

From the foregoing premises, it thus cannot be said that Robles could be presumed negligent, considering that there is no causal connection that could be reasonably drawn between his violations — lack of driver's license and driving an unregistered vehicle — and the proximate cause of the accident. Additionally, there is also no evidence that the violations even contributed to the accident.

In this connection, the Court notes that the lower courts failed to consider that Robles was, at the time of the mishap, actually accompanied by a back rider in the person of Lopus, a duly licensed driver.¹¹⁸ In fact, the RTC in the instant case even took judicial notice of the Decision rendered in Crim. Case No. 14906,¹¹⁹ wherein Robles was acquitted of the criminal offense of driving without a license because he was actually accompanied by Lopus, "a duly licensed driver."¹²⁰ Hence, that Robles only had a student driver's permit could not at the onset give rise to a presumption that he was negligent,

¹⁰⁹ 107 Phil 218 (2015).

¹¹⁰ G.R. No. 221981, November 4, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67129>>.

¹¹¹ *Gonzaga v. People*, supra note 109, at 227. *Ofracio v. People*, supra note 110.

¹¹² *Ofracio v. People*, id.; *Gaid v. People*, 602 Phil. 858, 870 (2009); *Dumayag v. People*, supra note 56, at 339.

¹¹³ Supra note 57.

¹¹⁴ Id.

¹¹⁵ 483 Phil. 756 (2004), citing *Sanitary Steam Laundry, Inc. v. Court of Appeals*, 360 Phil. 199, 208-209 (1998).

¹¹⁶ *Añonuevo v. Court of Appeals*, id. at 769-770. See also *Mendoza v. Spouses Gomez*, 736 Phil. 460, 475 (2014).

¹¹⁷ *Añonuevo v. Court of Appeals*, id. at 769.

¹¹⁸ As testified to by Renan Lopus and Bonifacio Dinampo. *Rollo*, p. 42, assailed Decision.

¹¹⁹ Id. at 56, RTC Decision.

¹²⁰ CA *rollo*, p. 285, RTC Joint Decision dated October 20, 2011 in Crim. Case No. 14906.



considering that the Traffic Code explicitly allows a student driver to operate a motor vehicle when accompanied by a duly licensed driver.¹²¹

The foregoing discussions point to no other conclusion than that Robles is not guilty of the crime charged and should consequently be acquitted.

Robles' conviction may not be sustained based on an alternative set of facts not supported by the prosecution's evidence

Finally, to support Robles' conviction, the CA nonetheless holds that even if Robles' version were to be believed, he nevertheless should have complied with Section 45(b) of the Traffic Code, which necessitated that he correctly positioned himself "nearest to the center line of the highway" prior to making a left turn,¹²² and that he be on the proper lookout for incoming vehicles.¹²³ "Had he done so," the CA concludes, "he could have seen the fast speeding motorcycle behind which x x x according to him, attempted to overtake him."¹²⁴ Thus, the CA finds Robles guilty of the crime charged as "had Robles been in the correct position on the road, the mishap would not have happened."¹²⁵

Again, the Court disagrees.

Notably, the bulk of the CA's assailed Decision was centered on ***justifying Robles' conviction***, if his claim "will be believed that he was also cruising along CPG Avenue when he was hit by the motorcycle driven by Solas on his left side."¹²⁶ It did not, at all, touch on why Robles should be convicted based on the facts as actually presented by the prosecution.

On this score, the CA obviously overlooked that under the defense's version of the incident: (1) both parties were approaching the intersection from the same direction, (2) thereafter, Robles signaled his intention to turn left, (3) Ronelo, meanwhile, was speeding in his attempt to overtake Robles, and (4) such attempt on the part of Ronelo to overtake caused the collision. Likewise on record is Dr. de los Santos' testimony finding Ronelo to have been "intoxicated" at the time of this accident.¹²⁷ Given these alternative set of facts, it cannot simply be concluded that had Robles been in the correct position on the road, the mishap would not have occurred. These are just speculations. There are various other factors at play in a vehicular accident, as here, such as the relative distances and speeds of the two vehicles in their

¹²¹ Id. LAND TRANSPORTATION AND TRAFFIC CODE, Sec. 30, provides:

SECTION 30. *Student-Driver's Permit.* – x x x

x x x No student-driver shall operate a motor vehicle, unless possessed of a valid student-driver's permit and accompanied by a duly licensed driver.

¹²² *Rollo*, p. 45, assailed Decision.

¹²³ Id. at 46.

¹²⁴ Id.

¹²⁵ Id. at 45-46.

¹²⁶ Id. at 45.

¹²⁷ Id. at 21-22, Petition; *CA rollo*, p. 67, TSN dated September 23, 2011.



approach of the intersection — which, for obvious reasons, the prosecution, in this case, had not been able to address under the said “alternative” version of the facts.

On this point, the Court’s ruling in *Ladeco v. Angala*,¹²⁸ finds relevance. In that case, a pick-up truck running along the outer lane was slowing down to about five to 10 kilometers per hour (kph) and was making a left turn preparatory to turning south, or a U-turn, when it was bumped from behind by the crewcab which was running along the inner lane at around 60 to 70 kph. Interestingly, the owner of the crewcab alleged therein, as the CA holds in the present case, that the driver of the pick-up did not take the proper lane before executing the U-turn, in violation of Section 45(b) of Traffic Code and hence, it was the latter’s recklessness that was the proximate cause of the accident. The Court, disagreeing with the CA, held that the parties were both negligent, as while the pick-up truck was not in the correct lane, the accident would not have happened if the driver of the crewcab was not driving very fast. The Court went further to say that the crewcab, based on the doctrine of last clear chance, was ultimately at fault. Said the Court:

Since both parties are at fault in this case, the doctrine of last clear chance applies.

The doctrine of last clear chance states that where both parties are negligent but the negligent act of one is appreciably later than that of the other, or where it is impossible to determine whose fault or negligence caused the loss, the one who had the last clear opportunity to avoid the loss but failed to do so is chargeable with the loss. In this case, Deocampo had the last clear chance to avoid the collision. Since Deocampo was driving the rear vehicle, he had full control of the situation since he was in a position to observe the vehicle in front of him. Deocampo had the responsibility of avoiding bumping the vehicle in front of him. **A U-turn is done at a much slower speed to avoid skidding and overturning, compared to running straight ahead. Deocampo could have avoided the vehicle if he was not driving very fast while following the pick-up.** Deocampo was not only driving fast, he also admitted that he did not step on the brakes even upon seeing the pick-up. He only stepped on the brakes after the collision.¹²⁹ (Emphasis and underscoring supplied)

Further, in *Caminos*, the Court likewise clarified that the right of way rule,¹³⁰ as stated in Section 42 of the Traffic Code,¹³¹ is applicable in instances

¹²⁸ 552 Phil. 308 (2007).

¹²⁹ Id. at 316.

¹³⁰ In traffic law parlance, the term “right of way” is understood as the right of one vehicle to proceed in a lawful manner in preference to another approaching vehicle under such circumstances of direction, speed and proximity as to give rise to a danger of collision unless one of the vehicles grants precedence to the other. (*Caminos, Jr. v. People*, supra note 98, at 440)

¹³¹ LAND TRANSPORTATION AND TRAFFIC CODE, Sec. 42, provides:

Section 42. *Right of Way*.

(a) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, except as otherwise hereinafter provided. The driver of any vehicle traveling at an unlawful speed shall forfeit any right which he might otherwise have hereunder.



where two colliding vehicles are approaching the intersection at approximately the same time.

In *Caminos*, the Court held that whether one of the drivers has the right of way or, as sometimes stated, has the status of a favored driver on the highway, is a question that permeates a situation where the vehicles approach the crossing so nearly at the same time and at such distances and speed that if either of them proceeds without regard to the other a collision is likely to occur.¹³² Nevertheless, the right of way accorded to vehicles approaching an intersection is by no means a legal straitjacket, and is subject to and is affected by the relative distances of the vehicles from the point of intersection, and their respective speeds.¹³³ **Notably, the Court here declared that “it is much unsafe as it is unjust to assume”¹³⁴ that the one making a left turn had performed a risky maneuver at the intersection in simply “failing to keep a proper lookout for oncoming vehicles.”¹³⁵**

Likewise, in *Adzuara v. Court of Appeals*,¹³⁶ a criminal case involving reckless imprudence resulting in damage to property with less serious physical injuries, it was established that a motorist crossing a through stop street has the right of way over the one making a turn; but if the person making the turn has already negotiated half of the turn and is almost on the other side so that he or she is already visible to the person on the through street, the latter, having the last clear chance to avoid the accident, is bound to give way to the former.¹³⁷

In sum, a motorist’s liability for a road accident is not determined simply by who among the parties had the right of way or was in the proper lane. Rather, the same is determined by various factors, which include, among others, the relative distances and respective speeds of the vehicles,¹³⁸ or who among the parties had the last clear chance to avoid the accident.¹³⁹

To stress, here, the prosecution, and later the lower courts, proceeded on the theory that Robles came from Calceta Street, and not CPG Avenue. As such, the prosecution did not, at all, present any evidence as to the speed and distance of Robles relative to Ronelo, **had Robles come from CPG Avenue**, and whether such directly caused, or at least materially contributed to, the injuries or damages complained of. Thus, the CA erred in justifying Robles’ conviction based simply on the alternative speculative theory that had Robles

(b) The driver of a vehicle approaching but not having entered an intersection shall yield the right of a way to a vehicle within such intersection or turning therein to the left across the line of travel of such first-mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in this Act. x x x.

¹³² *Caminos, Jr. v. People*, supra note 98, at 441-442.

¹³³ *Id.* Reiterated in *Rebultan v. Spouses Daganta*, 835 Phil. 521, 531-532 (2018).

¹³⁴ *Caminos, Jr. v. People*, *id.* at 443. (Emphasis supplied)

¹³⁵ *Id.* (Emphasis supplied)

¹³⁶ 361 Phil. 585 (1999).

¹³⁷ *Id.* at 593.

¹³⁸ See *Caminos, Jr. v. People*, supra note 98, at 442.

¹³⁹ See *Adzuara v. Court of Appeals*, supra note 136, at 593; *Ladeco v. Angala*, supra note 128, at 316.

been in the correct position on the road, the mishap would not have happened.¹⁴⁰ This undoubtedly does not satisfy the core requirement of proof beyond reasonable doubt.

To be sure, in a prosecution for reckless driving, the contributory negligence of the person who was injured or who was the driver of the motor vehicle with which the accused's vehicle collided does not constitute a complete defense.¹⁴¹ However, it is likewise true that a conviction must rest on the strength of the prosecution's evidence, and not on the weakness — or in this case, the strength — of the defense.¹⁴²

All told, the prosecution failed to establish that Robles committed the act and ultimately, the crime, for which he is being charged. The prosecution likewise neither established that Robles committed inexcusable lack of precaution in driving his motorcycle, nor proved that his alleged negligence was the legal cause of the injury complained of.

Based on the abovementioned premises, the Court is likewise unable to sustain the award of damages in favor of Renilda, Carmelino, and the heirs of Ronelo, considering that the prosecution failed to prove that Robles committed the act complained of.¹⁴³ On this score, the Court also notes that Robles submitted before this Court¹⁴⁴ affidavits of desistance respectively executed by Renilda¹⁴⁵ and Carmelino,¹⁴⁶ wherein both of them waived their respective claims for damages and indemnity against Robles.¹⁴⁷

WHEREFORE, the Petition is **GRANTED**. The Decision of the Court of Appeals in CA-G.R. CR No. CEB-CR No. 02067 is **REVERSED** and **SET ASIDE**. Petitioner Michael John Robles is hereby **ACQUITTED** for failure of the prosecution to prove that he committed the offense charged beyond reasonable doubt. If detained, he is ordered immediately **RELEASED**, unless he is confined for any other lawful cause. Any amount paid by way of a bailbond is ordered **RETURNED**. Let entry of judgment be issued immediately.

¹⁴⁰ *Rollo*, pp. 45-46, assailed Decision.

¹⁴¹ *Genobiagon v. Court of Appeals*, 258-A Phil. 201-203 (1989).

¹⁴² *Polangcos v. People*, supra note 55, at 777.

¹⁴³ See *Dy v. People*, 792 Phil. 672, 684 (2016), citing *Manantan v. Court of Appeals*, 403 Phil. 298 (2001).

¹⁴⁴ Through a *Motion for Leave to File Additional Evidence to Support Petition for Review on Certiorari* dated September 30, 2016, *rollo*, pp. 152-163.

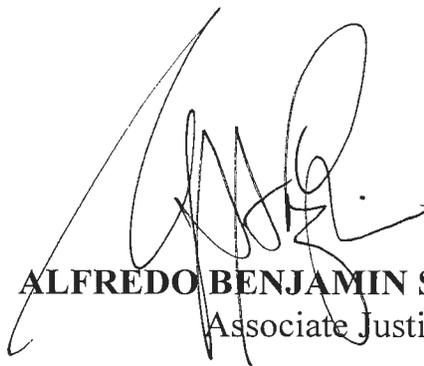
¹⁴⁵ *Id.* at 167-169.

¹⁴⁶ *Id.* at 170-172.

¹⁴⁷ *Id.* at 169 and 171.



SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



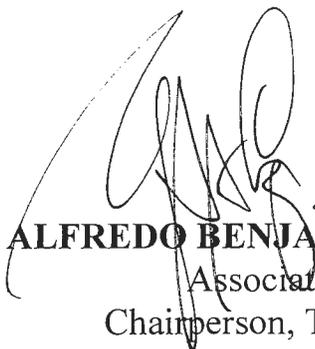
JAFAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

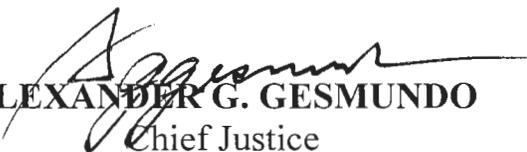
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice

