



Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
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SECOND DIVISION

DAVAO ACF BUS LINES, INC.,  
Petitioner,

G.R. No. 218516

Present:

CARPIO, J., Chairperson,  
PERLAS-BERNABE,  
CAGUIOA,  
J. REYES, JR., and  
LAZARO-JAVIER, JJ.

- versus -

ROGELIO ANG,  
Respondent.

Promulgated:

27 MAR 2019

*[Handwritten signature]*

X-----X

DECISION

CAGUIOA, J.:

Before this Court is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) under Rule 45 of the Rules of Court filed by petitioner Davao ACF Bus Lines, Inc. (ACF) assailing the Decision<sup>2</sup> dated June 27, 2014 (assailed Decision) and Resolution<sup>3</sup> dated May 5, 2015 (assailed Resolution) of the Court of Appeals<sup>4</sup> (CA) in CA-G.R. SP No. 04400-MIN, which affirmed the Regional Trial Court of Davao City, Branch 16's (RTC) Decision<sup>5</sup> dated February 23, 2011 (RTC Decision) in SP Civil Case No. 31,984-07.

The Facts and Antecedent Proceedings

As narrated by the CA in its assailed Decision, the essential facts and antecedent proceedings of the instant case are as follows:

<sup>1</sup> Rollo, pp. 4-20.  
<sup>2</sup> Id. at 22-31. Penned by Associate Justice Edward B. Contreras with Associate Justices Edgardo T. Lloren and Rafael Antonio M. Santos, concurring.  
<sup>3</sup> Id. at 33-34.  
<sup>4</sup> Twenty-Third Division.  
<sup>5</sup> Rollo, pp. 70-74. Penned by Presiding Judge Emmanuel C. Carpio.

*[Handwritten signature]*

The present controversy is a consequence of the execution of judgment in the case of "*People of the Phils. vs. Rodolfo Borja Tanio*," for Reckless Imprudence Resulting in Serious Physical Injuries, docketed as Criminal Case No. 99,282-E-2000 filed before the Municipal Trial Court in Cities (MTCC), Branch 5, Davao City, wherein accused Rodolfo Borja Tanio [(Tanio)], then the driver of a Daewoo Bus with plate number LVX-883, registered under the name of [ACF] was charged with reckless imprudence resulting in serious physical injuries.<sup>[6]</sup> The crime charged was an offshoot of an incident wherein Tanio bumped a Mitsubishi sedan driven by one Leo B. Delgara causing damage to the said vehicle and inflicting serious physical injuries upon its passenger, [herein] respondent Rogelio Bajao Ang [(Ang)].

In a Judgment<sup>[7]</sup> dated December 27, 2005, the MTCC convicted Tanio and awarded in favor of [Ang] the following damages: P500,000.00 as nominal damages; P250,000.00 as moral damages; P100,000.00 as exemplary damages; and P50,000.00 as attorney's fees. No appeal from the judgment was interposed, and in time, the decision became final and executory. In view of its finality, the prosecution filed a Motion for Execution against the accused Tanio which was granted. However, the writ was returned unsatisfied as the latter had allegedly no properties that can be levied to satisfy the money judgment. Hence, upon motion, the MTCC issued a writ of execution against [ACF,] being the employer of accused Tanio.

Consequently, [ACF] filed a Motion to Recall and/or Quash The Writ of Execution<sup>[8]</sup> against it which was, however, denied by the MTCC in its Order<sup>[9]</sup> dated March 21, 2007, thus:

WHEREFORE, PREMISES CONSIDERED, the Motion to Recall and/or Quash The Writ of Execution filed by ACF Bus Lines, Inc. is hereby DENIED for the reasons above stated. However, the implementation of the Writ of Execution issued against ACF Bus Lines, Inc. is hereby ordered to be held in abeyance pending the determination of the existence of the requisites for subsidiary liability under Article 103 of the Revised Penal Code to attach. For this reason, for the purpose of determining (1) the existence of an employer-employee relationship; (2) that the employer is engaged in some kind of industry; (3) that the employee is adjudged guilty of the wrongful act and found to have committed the offense in the discharge (*sic*) of his duties (not necessarily any offense he commits "while" in the discharge of such duties; (4) that said employee is insolvent, this case is set for hearing on May 03, 2007, at 8:30 in the morning where both the prosecution and [ACF] shall be required to present evidence to prove or disprove the existence of the foregoing elements.

SO ORDERED.

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<sup>6</sup> Id. at 35-40.

<sup>7</sup> Id. at 41-44.

<sup>8</sup> Id. at 45-49.

<sup>9</sup> Id. at 50-53-A. Penned by Presiding Judge Daydews D. Villamor.



[ACF] moved for a reconsideration [of the said Order,<sup>10</sup>] but [this] was denied by the MTCC in its Order<sup>[11]</sup> dated May 18, 2007.

In view of the denial, petitioner filed before [the] [RTC] a Petition for Review on *Certiorari*<sup>[12]</sup> under Rule 65 of the Rules of Court, docketed as Civil Case No. 31,984-07, praying among others, that the March 21, 2007 and May 18, 2007 Orders of the MTCC be nullified.

In its now assailed [Decision], the RTC denied [ACF's] petition for *certiorari*, to wit:

**WHEREFORE, premises considered**, the Petition is **DENIED**. The Municipal Trial Court in Cities, Branch 5, Davao City is directed to proceed with the hearing for the determination of whether or not the requisites under Article 103 of the Revised Penal Code are present to issue the Writ of Execution against the employer.

**SO ORDERED.** [(Emphasis in the original)]

[ACF's] motion for reconsideration<sup>[13]</sup> was denied by the RTC in its Order dated April 4, 2011.

On May 27, 2011, [ACF] filed a Notice of Appeal.<sup>14</sup>

### The Ruling of the CA

In its assailed Decision, the CA denied the appeal filed by ACF, the dispositive portion of which states that:

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED** and the assailed Decision dated February 23, 2011 of the Regional Trial Court, Branch 16, Davao City in Civil Case No. 31,984-07 is **AFFIRMED**.

**SO ORDERED.**<sup>15</sup>

The CA held that the RTC did not err in holding that the Municipal Trial Court in Cities (MTCC) did not commit grave abuse of discretion in issuing its Order denying ACF's Motion to Recall and/or Quash The Writ of Execution and ordering the conduct of a hearing to determine whether ACF should be held subsidiarily liable under Article 103 of the Revised Penal Code for the civil liability *ex delicto* of its employee, accused Tanio.

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<sup>10</sup> Id. at 54-55.

<sup>11</sup> Id. at 56.

<sup>12</sup> Id. at 57-69.

<sup>13</sup> Id. at 75-83.

<sup>14</sup> Id. at 22-24.

<sup>15</sup> Id. at 31.

ACF filed a Motion for Reconsideration<sup>16</sup> assailing the aforesaid Decision of the CA, which was eventually denied by the latter in its Resolution dated May 5, 2015.<sup>17</sup>

Hence, ACF filed the instant Petition under Rule 45 of the Rules of Court, asking this Court to reverse the CA's assailed Decision and Resolution.

### Issue

Stripped to its core, the critical question to be resolved by the Court is whether the CA was correct in affirming the RTC's holding that the MTCC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in issuing its Order denying ACF's Motion to Recall and/or Quash The Writ of Execution and ordering the conduct of a hearing to determine whether or not ACF should be held subsidiarily liable under Article 103 of the Revised Penal Code for the civil liability *ex delicto* of its employee, accused Tanio.

### The Court's Ruling

The aforesaid question should be answered in the affirmative; the instant appeal is denied.

ACF's argument that grave abuse of discretion was purportedly committed by the MTCC centers primarily on the latter court's supposed erroneous Order directing the execution of judgment against ACF with respect to the civil liability *ex delicto* of its employee, accused Tanio, for nominal, moral, and exemplary damages, and attorney's fees. ACF alleges that the said order of execution was issued by the MTCC with grave abuse of discretion because, to begin with, the MTCC's final and executory Judgment dated December 27, 2005 convicting accused Tanio is supposedly null and void.

Simply stated, ACF ascribes grave abuse of discretion on the part of the MTCC for ordering the execution upon ACF for subsidiary civil liability *ex delicto* of the latter's employee based on a judgment that is supposedly void.

ACF's arguments fail to convince.

First and foremost, it must be stressed that **the basic factual premise of ACF is mistaken**. ACF alleges that the MTCC has ordered the execution upon ACF as regards the subsidiary civil liability *ex delicto* of ACF's employee, accused Tanio. The facts clearly belie that assertion.

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<sup>16</sup> Id. at 84-93.

<sup>17</sup> Id. at 33-34.

In the Order dated March 21, 2007 issued by the MTCC, which ACF alleges is tainted with grave abuse of discretion, the MTCC actually ordered that “the implementation of the Writ of Execution issued against ACF Bus Lines, Inc. is **hereby ordered to be held in abeyance** pending the determination of the existence of the requisites for subsidiary liability under Article 103 of the Revised Penal Code to attach.”<sup>18</sup> In fact, the MTCC ordered the conduct of a hearing “where both, the prosecution and [ACF] shall be required to present evidence to prove or disprove the existence of the foregoing elements.”<sup>19</sup>

Hence, with the very act alleged to be stained with grave abuse of discretion on the part of the MTCC, *i.e.*, the implementation of the Writ of Execution against ACF, having not been committed at all, on this point alone, the instant Petition should already be dismissed for lack of merit.

Further, it must be stressed that, as correctly held by the CA, *certiorari* is a remedy designed for the correction of errors of jurisdiction, not errors of judgment. When a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error was committed. Otherwise, every error committed by a court would deprive it of its jurisdiction and every erroneous judgment would be a void judgment. This cannot be allowed.<sup>20</sup>

The administration of justice would not survive such a rule. Consequently, an error of judgment that the court may commit in the exercise of its jurisdiction is not correctible through the original civil action of *certiorari*.<sup>21</sup> **Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of *certiorari*.**<sup>22</sup>

In the instant case, the primary argument of ACF is centered on the supposed erroneous award of damages against the ACF’s employee, accused Tanio, made by the MTCC in its Judgment dated December 27, 2005 convicting the latter. But as amply explained by the court *a quo*, **such supposed errors merely pertain only to mistakes of law and not of jurisdiction, thus putting them beyond the ambit of *certiorari*.**

Furthermore, ACF’s act of assailing the award of damages made by the MTCC in its Judgment dated December 27, 2005 is tantamount to an attack against a final and executory judgment, being a clear violation of the doctrine of immutability of judgment.

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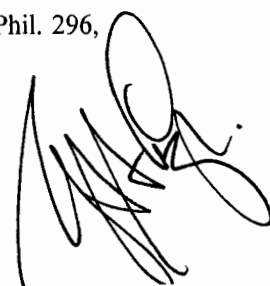
<sup>18</sup> Id. at 53-A; emphasis and underscoring supplied.

<sup>19</sup> Id.

<sup>20</sup> *Vios v. Pantangco, Jr.*, 597 Phil. 705, 720 (2009), citing *People v. Judge Laguio, Jr.*, 547 Phil. 296, 316 (2007).

<sup>21</sup> Id.

<sup>22</sup> *Vios v. Pantangco, Jr.*, *id.*, citing *People v. Judge Laguio, Jr.*, *id.* at 317.



It must be emphasized that the aforesaid Judgment of the MTCC awarding civil indemnity, which is now being assailed by ACF, was not appealed; thus making it final and executory. Hence, ACF cannot now assail the MTCC's Judgment lest the elementary principle of immutability of judgments be disregarded. It is established that once a judgment attains finality, it thereby becomes immutable and unalterable. Such judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest Court of the land. The doctrine is founded on considerations of public policy and sound practice that, at the risk of occasional errors, judgments must become final at some definite point in time.<sup>23</sup>

While it is true that the rule on the immutability and finality of judgments admits of certain exceptions, such as when the questioned final and executory judgment is void,<sup>24</sup> a *catena* of cases has held that a mere erroneous judgment, though rendered according to the course and practice of the court is contrary to law, is not a void judgment.<sup>25</sup> A wrong judgment is not a void judgment, provided the court which renders it had jurisdiction to try the case.<sup>26</sup>

To reiterate, ACF merely questions the issuance of the MTCC's Judgment dated December 27, 2005 mainly on the basis of the supposed erroneous awarding of civil indemnity. Hence, assuming *arguendo* that the MTCC's act of awarding damages was wrong, such does not make the Judgment void as an exception to the principle of immutability of judgments, considering that the court indisputably had jurisdiction to try the case.

Lastly, ACF inserted a novel argument raised for the first time on appeal in the instant Petition: that is, assuming *arguendo* that Ang is entitled to civil indemnity, the MTCC was supposedly divested with jurisdiction to render judgment on the damages "considering that the aggregate amount of damages is P900,000.00 which amount is way beyond the jurisdiction of the MTCC to grant."<sup>27</sup>

Not only is the foregoing assertion an argument that should be denied for being raised for the first time on appeal,<sup>28</sup> such argument is patently erroneous. As it is a basic rule that jurisdiction over the subject matter is determined by the allegations in the complaint,<sup>29</sup> it is an established

<sup>23</sup> *Office of the Ombudsman v. Borja*, 772 Phil. 470, 479-480 (2015).

<sup>24</sup> *See Heirs of Maura So v. Obliosca*, 566 Phil. 397, 408 (2008).

<sup>25</sup> *Barco v. Court of Appeals*, 465 Phil. 39, 62 (2004).

<sup>26</sup> *Villanueva v. CFI of Oriental Mindoro, Pinamalayan, Br. II*, 204 Phil. 629 (1982).

<sup>27</sup> *Rollo*, p. 14.

<sup>28</sup> *Chinatrust (Phils.) Commercial Bank v. Turner*, G.R. No. 191458, July 3, 2017, 828 SCRA 499, 515.

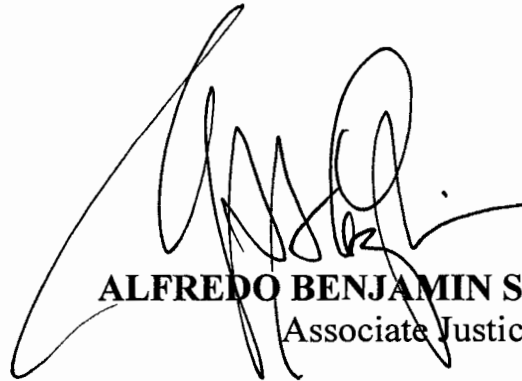
<sup>29</sup> *Mendoza v. Germino*, 650 Phil. 74, 81 (2010).

principle that **jurisdiction is not determined by the amount ultimately substantiated and awarded by the trial court.**<sup>30</sup>

Therefore, for the foregoing reasons, the instant Petition is without merit and should be denied.

**WHEREFORE**, the appeal is hereby **DENIED**. The Decision dated June 27, 2014 and Resolution dated May 5, 2015 issued by the Court of Appeals in CA-G.R. SP No. 04400-MIN are **AFFIRMED**.

**SO ORDERED.**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

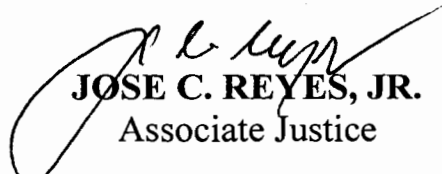
WE CONCUR:



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice




**AMY C. LAZARO-JAVIER**  
Associate Justice

<sup>30</sup> *Dionisio v. Puerto*, 158 Phil. 671, 677 (1974).

**ATTESTATION**

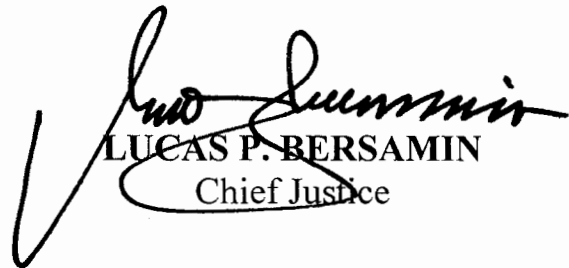
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson, Second 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.



**LUCAS P. BERSAMIN**  
Chief Justice

