Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DST MOVERS CORPORATION, Petitioner,	**G.R. No. 198627**
	Present:
-versus-	CARPIO, *Chairperson,* BRION, DEL CASTILLO, MENDOZA, and LEONEN, *JJ.*
PEOPLE'S GENERAL INSURANCE CORPORATION, Respondent.	**Promulgated:** 13 JAN 2016

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DECISION

LEONEN, *J.*:

A determination of where the preponderance of evidence lies is a factual issue which, as a rule, cannot be entertained in a Rule 45 petition. When, however, the sole basis of the trial court for ruling on this issue is evidence that should not have been admitted for being hearsay, this court will embark on its own factual analysis and will, if necessary, reverse the rulings of the lower courts. A traffic accident investigation report prepared by a police officer relying solely on the account of a supposed eyewitness and not on his or her personal knowledge is not evidence that is admissible as an exception to the Hearsay Rule.

This resolves a Petition for Review on Certiorari[1] under Rule 45 of the 1997 Rules of Civil Procedure praying that the assailed May 11, 2011

[1] *Rollo*, pp. 13–60.

Decision[2] and September 8, 2011 Resolution[3] of the Court of Appeals Former Twelfth Division in CA-G.R. SP No. 109163 be reversed and set aside, and that a new one be entered dismissing respondent People's General Insurance Corporation's (PGIC) Complaint for Sum of Money.[4]

In its assailed May 11, 2011 Decision, the Court of Appeals affirmed with modification the ruling of Branch 47 of the Regional Trial Court of Manila in Civil Case No. 07-118093 which, in turn, affirmed in toto the ruling of Branch 22 of the Metropolitan Trial Court of Manila in Civil Case No. 181900. In its assailed September 8, 2011 Resolution, the Court of Appeals denied petitioner DST Movers Corporation's (DST Movers) Motion for Reconsideration.[5]

The Metropolitan Trial Court of Manila found DST Movers liable to pay PGIC the amount of ₱90,000.00 by way of actual damages plus interest as well as ₱10,000.00 for attorney's fees and costs of suit.[6] The Court of Appeals ordered DST Movers to pay PGIC the amount of ₱25,000.00 as temperate damages in lieu of the original award of ₱90,000.00 as actual damages.[7]

In a Complaint for Sum of Money filed before the Metropolitan Trial Court of Manila, PGIC alleged that at about 10:30 p.m. on February 28, 2002, along the South Luzon Expressway and in the area of Bilibid, Muntinlupa City, a Honda Civic sedan with plate number URZ-976 (sedan) was hit on the rear by an Isuzu Elf truck with plate number UAL-295 (truck). PGIC underscored that the sedan was on a stop position when it was hit. The sedan was then allegedly pushed forward, thereby hitting a Mitsubishi Lancer. The driver of the truck then allegedly escaped.[8]

In support of its recollection of the events of February 28, 2002, PGIC relied on a Traffic Accident Investigation Report (Report) prepared by PO2 Cecilio Grospe Tomas (PO2 Tomas) of the Muntinlupa City Traffic Enforcement Unit of the Philippine National Police. This was attached as Annex "E"[9] of PGIC's Complaint and also as Annex "E"[10] of its Position Paper. It stated:

TRAFFIC ACCIDENT INVESTIGATION REPORT

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2 Id. at 62–73. The Decision was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Romeo F. Barza.

3 Id. at 75-77. The Resolution was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Romeo F. Barza.

4 Id at. 78–84, Complaint.

5 Id. at 72–73.

6 Id. at 67.

7 Id.

8 Id. at 79.

9 Id. at 89.

10 Id. at 197.

(Entry No. 805-285-0202)

Time and date	:	At about 10:30 p.m. February 28, 2002
Place	:	along SLEX, Bilibid N/B, Muntinlupa City
Weather con	:	Fair
Nature	:	RIR/DTP/PI (hit and run)

Inv vehicle (3)

Vehicle-1	:	Honda civic
Plate no.	:	URZ-976
Driver (injured)	:	MA. ADELINE YUBOCO Y DELA CRUZ
Lic. no.	:	N03-96-213671
Address	:	24 Hernandez st., BF Homes Paranaque City
Reg. Owner	:	Fidel Yuboco
Address	:	same as driver
Damage	:	rear & front portion, whole right side portion

Vehicle-2	:	Mits. Lancer
Plate no.	:	CMM-373
Driver	:	HARRISON TUQUERO Y VALDEZ
Lic. no.	:	014-02-032855
Address	:	13-16 Carolina st., Villasol Subd., Angeles City
Reg. Owner	:	Edgardo Tuquero
Address	:	518 Obio st., Villasol Subd., Angeles City
Damage	:	left side rear portion

Vehicle-3	:	Truck
Plate no.	:	UAL-295
Driver	:	Unidentified
Damage	:	Undetermine [sic]
Reportee	:	G. Simbahon of PNCC/SLEX

F A C T S:

It appears that while V1 was on stop position facing north at the aforesaid place of occurrence when the rear portion of the same was allegedly hit/bumped by V3 which was moving same direction on the same place due to strong impact V1 pushed forward and hit the left side rear portion of V2 causing damages and injuries thereon. After the impact, V3 escaped towards undisclosed direction and left V1 & V2 at the place of accident. During investigation V1 & V2 driver gave voluntary handwritten statement and they were advised to submit medical certificate, estimate/photos of damages as annexes.

Status of the case: For follow-up. . . . . .

(sgd.)
PO2 Cecilio Grospe Tomas PNP
- on case -[11]

[11] Id.

The truck was supposedly subsequently discovered to be owned by DST Movers.[12] The sedan was covered by PGIC's insurance under Policy No. HAL-PC-1314.[13] As a result of the February 28, 2002 incident, the sedan's owner, Fidel Yuboco, filed a total loss claim with PGIC in the amount of ₱320,000.00. PGIC paid Fidel Yuboco the entire amount of ₱320,000.00.[14]

Asserting that it was subrogated to Fidel Yuboco's rights and that the proximate cause of the mishap was the negligence of the driver of the truck, PGIC, through counsel, sent DST Movers demand letters. PGIC demanded from DST Movers the amount of ₱90,000.00, which represented the difference between the ₱320,000.00 paid by PGIC to Yuboco and the salvage price of ₱230,000.00, at which PGIC was supposedly able to sell what remained of the sedan.[15]

Its demands not having been satisfied, PGIC proceeded to file its Complaint[16] for Sum of Money before the Metropolitan Trial Court of Manila. This case was docketed as Civil Case No. 181900.[17]

In its Answer,[18] DST Movers acknowledged that it was the owner of the truck. However, it claimed that the truck did not make any trips on February 28, 2002 as it was undergoing repairs and maintenance.[19] In support of this affirmative defense, DST Movers attached as Annexes "1" to "1-F"[20] copies of invoices, receipts, and cash vouchers relating to repairs and maintenance procedures that were undertaken on the truck on specific dates, which included February 28, 2002.

Following the submission of the parties' position papers, Branch 22 of the Metropolitan Trial Court Manila rendered its Decision[21] favoring PGIC's version of events and finding DST Movers liable. The dispositive portion of this Decision reads:

> WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant ordering to pay the latter to pay the [sic] of Php90,000.00 as actual damages plus interest of 12% per annum from the date of filing of the complaint and the sum of Php10,000.00 as and for attorney's fees and the costs of suit.

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12 Id. at 79, Complaint.
13 Id.
14 Id. at 80.
15 Id. at 81, and 96–98, Annexes "L" to "M".
16 Id. at 78–83, Complaint.
17 Id.
18 Id. at 103–111.
19 Id. at 104–105, Answer.
20 Id. at 112–118.
21 The case was decided pursuant to the Revised Rule on Summary Procedure considering that petitioner's total claims amounted to less than ₱200,000.00.

SO ORDERED.[22]

On appeal, the ruling of the Metropolitan Trial Court was affirmed in toto by Branch 47 of the Regional Trial Court of Manila.[23]

DST Movers then filed before the Court of Appeals a Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure.

In its assailed May 11, 2011 Decision, the Court of Appeals affirmed the rulings of the Regional Trial Court and the Metropolitan Trial Court. However, it noted that PGIC failed to prove actual loss with reasonable certainty. As such, the Court of Appeals deleted the award of ₱90,000.00 in actual damages and replaced it with an award of ₱25,000.00 in temperate damages.

In its assailed September 8, 2011 Resolution,[24] the Court of Appeals denied DST Movers' Motion for Reconsideration.

Hence, DST Movers filed the present Petition insisting that its liability was not established by a preponderance of evidence. Specifically, it faults the Metropolitan Trial Court for ruling in favor of PGIC despite how its version of events was supported by nothing more the Traffic Accident Investigation Report. It asserts that reliance on this Report was misplaced as it was supposedly "improperly identified [and] uncorroborated."[25]

For resolution is the issue of whether petitioner DST Movers Corporation's liability was established by a preponderance of evidence. Subsumed in this is whether it was an error for the Metropolitan Trial Court to admit and lend evidentiary weight to the piece of evidence chiefly relied upon by respondent People's General Insurance Corporation: the Traffic Accident Investigation Report prepared by PO2 Tomas.

I

Petitioner comes to this court through a Petition for Review on Certiorari under Rule 45 of the 1997 Rules of Civil Procedure. It invites this court to reconsider the consistent rulings of the Court of Appeals, the Regional Trial Court, and the Metropolitan Trial Court that petitioner's liability arising from the February 28, 2002 incident was established by a

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22 Id. at 67, Court of Appeals Decision.
23 Id.
24 Id. at 75–77.
25 Id. at 23, Petition.

preponderance of evidence.

A Rule 45 petition pertains to questions of law and not to factual issues. Rule 45, Section 1 of the 1997 Rules of Civil Procedure is unequivocal:

> SECTION 1. Filing of Petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. *The petition shall raise only questions of law* which must be distinctly set forth.

This court's Decision in *Cheesman v. Intermediate Appellate Court*[26] distinguished questions of law from questions of fact:

> As distinguished from 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;" 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."[27] (Citations omitted)

Seeking recourse from this court through a petition for review on certiorari under Rule 45 bears significantly on the manner by which this court shall treat findings of fact and evidentiary matters. As a general rule, it becomes improper for this court to consider factual issues: the findings of fact of the trial court, as affirmed on appeal by the Court of Appeals, are conclusive on this court. "The reason behind the rule is that [this] Court is not a trier of facts and it is not its duty to review, evaluate, and weigh the probative value of the evidence adduced before the lower courts."[28]

A determination of whether a matter has been established by a preponderance of evidence is, by definition, a question of fact. It entails an appreciation of the relative weight of the competing parties' evidence. Rule 133, Section 1 of the Revised Rules on Evidence provides a guide on what courts may consider in determining where the preponderance of evidence lies:

> SECTION 1. *Preponderance of evidence, how determined.* — In

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26 271 Phil. 89 (1991) [Per J. Narvasa, Second Division].
27 Id. at 97–98.
28 *Frondarina v. Malazarte*, 539 Phil. 279, 290–291 (2006) [Per J. Velasco, Third Division].

> civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

Consistent with *Cheesman*, such determination is a "query [that] 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."[29]

On point as regards civil liability for damages, this court in *Caina v. People of the Philippines*[30] explained:

> 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.[31]

Equally on point, this court has explained in many instances that a determination of the causes of and circumstances relating to vehicular accidents is a factual matter that this court may not revisit when the findings of the trial court and the Court of Appeals are completely in accord.

In *Industrial Insurance Co. v. Bondad*:[32]

> Questions regarding the cause of the accident and the persons responsible for it are factual issues which we cannot pass upon. It is jurisprudentially settled that, as a rule, the jurisdiction of this Court is limited to a review of errors of law allegedly committed by the appellate court. It is not bound to analyze and weigh all over again the evidence already considered in the proceedings below.[33]

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29 *Cheesman v. Intermediate Appellate Court,* 271 Phil. 89, 97–98 (1991) [Per J. Narvasa, Second Division].

30 G.R. No. 78777, September 2, 1992, 213 SCRA 309 [Per J. Gutierrez, Jr., Second Division].

31 Id. at 711.

32 386 Phil. 923 (2000) [Per J. Panganiban, Third Division].

33 Id. at 931.

Likewise, in *Viron Transportation v. Delos Santos*:[34]

> The rule is settled that the findings of the trial court especially when affirmed by the Court of Appeals, are conclusive on this Court when supported by the evidence on record. The Supreme Court will not assess and evaluate all over again the evidence, testimonial and documentary adduced by the parties to an appeal particularly where, such as here, the findings of both the trial court and the appellate court on the maker coincide.[35] (Citation omitted)

However, there are exceptions that leave room for this court to make a factual determination for itself and, ultimately, to overturn the factual findings with which it is confronted:

> (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;
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> (2) When the inference made is manifestly mistaken, absurd or impossible;
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> (3) Where there is a grave abuse of discretion;
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> (4) When the judgment is based on a misapprehension of facts;
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> (5) When the findings of fact are conflicting;
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> (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
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> (7) When the findings are contrary to those of the trial court;
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> (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
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> (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and
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> (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.[36]

In *Dela Llana v. Biong*,[37] this court conducted its own (re-) examination of the evidence as the findings of the Regional Trial Court

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34 399 Phil. 243 (2000) [Per J. Gonzaga-Reyes, Third Division].

35 Id. at 250.

36 *Cirtek Employees Labor Union v. Cirtek Electronics, Inc.,* 665 Phil. 784, 789 (2011) [Per J. Carpio Morales, Third Division].

37 G.R. No. 182356, December 4, 2013, 711 SCRA 522 [Per J. Brion, Second Division].

conflicted with those of the Court of Appeals. The Regional Trial Court held that the proximate cause of the injuries suffered by the petitioner was the supposed reckless driving of the respondent's employee; the Court of Appeals held otherwise. On review, this court sustained the findings of the Court of Appeals.

In *Standard Insurance v. Cuaresma*,[38] the ruling of the Metropolitan Trial Court was reversed by the Regional Trial Court. The latter was then sustained by the Court of Appeals. On review, this court affirmed the decision of the Court of Appeals. This court noted that the Metropolitan Trial Court erroneously gave weight to the traffic accident investigation report presented by the petitioner as proof of the proximate cause of the damage sustained by a motor vehicle.

II

Here, petitioner insists that the Traffic Accident Investigation Report prepared by PO2 Tomas should not have been admitted and accorded weight by the Metropolitan Trial Court as it was "improperly identified [and] uncorroborated."[39] Petitioner, in effect, asserts that the non-presentation in court of PO2 Tomas, the officer who prepared the report, was fatal to respondent's cause.

Unlike in *Dela Llana* and *Standard Insurance*, the findings of the Metropolitan Trial Court, the Regional Trial Court, and the Court of Appeals in this case are all in accord. They consistently ruled that the proximate cause of the damage sustained by the sedan was the negligent driving of a vehicle owned by petitioner. As with *Standard Insurance*, however, this conclusion is founded on the misplaced probative value accorded to a traffic accident investigation report. In the first place, this Report should not have been admitted as evidence for violating the Hearsay Rule. Bereft of evidentiary basis, the conclusion of the lower courts cannot stand as it has been reduced to conjecture. Thus, we reverse this conclusion.

Rule 130, Section 36 of the Revised Rules on Evidence provides for the Hearsay Rule. It renders inadmissible as evidence out-of-court statements made by persons who are not presented as witnesses but are offered as proof of the matters stated. This rule proceeds from the basic rationale of fairness, as the party against whom it is presented is unable to cross-examine the person making the statement:[40]

SECTION 36. Testimony generally confined to personal

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38 G.R. No. 200055, September 10, 2014, 734 SCRA 709 [Per J. Peralta, Third Division].
39 *Rollo*, p. 23.
40 See *Estrella v. Court of Appeals*, 254 Phil. 618 (1989) [Per J. Narvasa, First Division].

> knowledge; hearsay excluded. — A witness can testify only to those facts which he knows of his personal knowledge; that is, which are derived from his own perception, except as otherwise provided in these rules.

The Hearsay Rule, however, is not absolute. Sections 37 to 47 of Rule 130 of the Revised Rules on Evidence enumerate the exceptions to the Hearsay Rule. Of these, Section 44—regarding entries in official records—is particularly relevant to this case:

> SECTION 44. Entries in official records. — Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated.

Precisely as an exception to the Hearsay Rule, Rule 130, Section 44 does away with the need for presenting as witness the public officer or person performing a duty specially enjoined by law who made the entry. This, however, is only true, for as long the following requisites have been satisfied:

> (a) that the entry was made by a public officer or by another person specially enjoined by law to do so;
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> (b) that it was made by the public officer in the performance of his duties, or by such other person in the performance of a duty specially enjoined by law; and
>
> (c) that the public officer or other person had sufficient knowledge of the facts by him stated, which must have been acquired by him personally or through official information.[41]

Respondent, the Metropolitan Trial Court, the Regional Trial Court, and the Court of Appeals are all of the position that the Report prepared by PO2 Tomas satisfies these requisites. Thus, they maintain that it is admissible as prima facie evidence of the facts it states. This despite the admitted fact that neither PO2 Tomas, nor the person who supposedly reported the events of February 28, 2002 to PO2 Tomas – the person identified as "G. Simbahon of PNCC/SLEX"[42] – gave a testimony in support of the Report.

They are in serious error.

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41 *D.M. Consunji, Inc. v. Court of Appeals*, 409 Phil. 275, 286 (2001) [Per J. Kapunan, First Division], *citing Africa, et al. vs. Caltex (Phil.), Inc., et al.* 123 Phil. 272 (1966) [Per J. Makalintal, En Banc] and *People vs. San Gabriel*, 323 Phil. 102 (1996) [Per J. Kapunan, First Division].

42 *Rollo*, p. 89.

The statements made by this court in *Standard Insurance* are on point:

> [F]or the Traffic Accident Investigation Report to be admissible as prima facie evidence of the facts therein stated, the following requisites must be present:
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> > . . . (a) that the entry was made by a public officer or by another person specially enjoined by law to do so; (b) that it was made by the public officer in the performance of his duties, or by such other person in the performance of a duty specially enjoined by law; and (c) that the public officer or other person had sufficient knowledge of the facts by him stated, which must have been acquired by him personally or through official information.
>
> Regrettably, in this case, petitioner failed to prove the third requisite cited above. As correctly noted by the courts below, while the Traffic Accident Investigation Report was exhibited as evidence, the investigating officer who prepared the same was not presented in court to testify that he had sufficient knowledge of the facts therein stated, and that he acquired them personally or through official information. Neither was there any explanation as to why such officer was not presented. *We cannot simply assume, in the absence of proof, that the account of the incident stated in the report was based on the personal knowledge of the investigating officer who prepared it.*
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> Thus, while petitioner presented its assured to testify on the events that transpired during the vehicular collision, his lone testimony, unsupported by other preponderant evidence, fails to sufficiently establish petitioner's claim that respondents' negligence was, indeed, the proximate cause of the damage sustained by Cham's vehicle.[43] [Emphasis supplied]

Respondent presented proof of the occurrence of an accident that damaged Fidel Yuboco's Honda Civic sedan,[44] that the sedan was insured by respondent,[45] and that respondent paid Fidel Yuboco's insurance claims.[46] As to the identity, however, of the vehicle or of the person responsible for the damage sustained by the sedan, all that respondent relies on is the Report prepared by PO2 Tomas.

It is plain to see that the matters indicated in the Report are not matters that were personally known to PO2 Tomas. The Report is candid in admitting that the matters it states were merely reported to PO2 Tomas by "G. Simbahon of PNCC/SLEX."[47] It was this "G. Simbahon," not PO2

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43 *Standard Insurance v. Cuaresma,* G.R. No. 200055, September 10, 2014, 734 SCRA 709 [Per J. Peralta, Third Division].

44 *Rollo,* p. 198, Photographs, Annexes "F" and "G" of respondent's Position Paper.

45 Id. at 196, Private Car Policy, Annex "D" of respondent's Position Paper.

46 Id. at 199–200, Voucher, Annex "H;" and Release of Claim, Annex "I" of respondents Position Paper.

47 Id. at 89.

Tomas, who had personal knowledge of the facts stated in the Report. Thus, even as the Report embodies entries made by a public officer in the performance of his duties, it fails to satisfy the third requisite for admissibility for entries in official records as an exception to the Hearsay Rule.

To be admitted as evidence, it was thus imperative for the person who prepared the Report—PO2 Tomas—to have himself presented as a witness and then testify on his Report. However, even as the Report would have been admitted as evidence, PO2 Tomas' testimony would not have sufficed in establishing the identity of the motor vehicle and/or the person responsible for the damage sustained by the sedan. For this purpose, the testimony of G. Simbahon was necessary.

Of course, we are aware that this case was decided by the Metropolitan Trial Court pursuant to the Revised Rule on Summary Procedure (considering that petitioner's total claims amounted to less than ₱200,000.00[48]). Accordingly, no trial was conducted as, after the conduct of a preliminary conference, the parties were made to submit their position papers. There was, thus, no opportunity to present witnesses during an actual trial. However, Section 9 of the Revised Rule on Summary Procedure calls for the submission of witnesses' affidavits together with a party's position paper and after the conduct of a preliminary conference:

> SECTION 9. Submission of Affidavits and Position Papers. — Within ten (10) days from receipt of the order mentioned in the next preceding section,[49] the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the order, together with their position papers setting forth the law and the facts relied upon by them.

These affidavits take the place of actual testimony in court and serve to expedite the resolution of cases covered by the Revised Rule on Summary

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[48] SECTION 1. Scope. — This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction:
A. Civil Cases:
. . . .
(2) All other cases, except probate proceedings, where the total amount of the plaintiff's claim does not exceed one hundred thousand pesos (₱100,000.00) or, two hundred thousand pesos (₱200,000.00) in Metropolitan Manila, exclusive of interest and costs.

[49] SECTION 8. Record of Preliminary Conference. — Within five (5) days after the termination of the preliminary conference, the court shall issue an order stating the matters taken up therein, including but not limited to:
a) Whether the parties have arrived at an amicable settlement, and if so, the terms thereof;
b) The stipulations or admissions entered into by the parties;
c) Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceedings, in which event the judgment shall be rendered within thirty (30) days from issuance of the order;
d) A clear specification of material facts which remain controverted; and
e) Such other matters intended to expedite the disposition of the case.

Procedure. Thus, it was still insufficient for respondent to have merely annexed the Report to its Position Paper. By its lonesome, and unsupported by an affidavit executed by PO2 Tomas, the Report was hearsay and, thus, inadmissible.

As the sole evidence relied upon by respondent as to the identity of the responsible motor vehicle or person has been rendered unworthy of even the slightest judicial consideration, there is no basis for holding—as the Metropolitan Trial Court did—that the motor vehicle responsible for the damage sustained by the sedan was owned by petitioner. Not only this, petitioner has even adduced proof that on February 28, 2002, its Isuzu Elf truck with plate number UAL-295 was undergoing repairs and maintenance and, thus, could not have been at the South Luzon Expressway. The weight of evidence is clearly in petitioner's favor.

WHEREFORE, the Petition for Review on Certiorari is **GRANTED.** The assailed May 11, 2011 Decision and September 8, 2011 Resolution of the Court of Appeals Former Twelfth Division in CA-G.R. SP No. 109163 are **REVERSED** and **SET ASIDE.** Respondent People's General Insurance Corporation's Complaint is **DISMISSED.**

No pronouncement as to costs.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
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.

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.

MARIA LOURDES P. A. SERENO
Chief Justice