

Title: BARREDO vs. GARCIA AND ALMARIO

Facts:

In the early morning of May 3, 1936, a head-on collision occurred on the road between Malabon and Navotas, Rizal, Philippines. A taxi owned by Malate Taxicab and operated by Pedro Fontanilla collided with a carretela guided by Pedro Dimapilis. As a result, the carretela was overturned, resulting in injuries to a 16-year-old passenger named Faustino Garcia, who died two days later. Fontanilla was convicted in the Court of First Instance of Rizal for the crime of homicide through reckless imprudence and was sentenced to prison. The court allowed the reservation of the right to file a separate civil action. Severino Garcia and Timotea Almario, Faustino's parents, later filed an action in the same court against Fausto Barredo, the owner of Malate Taxicab, seeking damages for their son's death. The trial court awarded damages, which was later reduced on appeal. The case eventually reached the Supreme Court on the issue of Barredo's liability.

Procedural Posture:

The case originated in the Court of First Instance of Manila with a ruling in favor of the plaintiffs Garcia and Almario, awarding P2,000 in damages, subsequently affirmed with modification by the Court of Appeals reducing the award to P1,000. Barredo, the petitioner, appealed to the Supreme Court arguing that his liability should only be subsidiary as per the Penal Code, since Fontanilla, his employee, was the primary person criminally liable.

Issues:

1. Whether or not the plaintiffs may bring a separate civil action against Barredo, thereby making him primarily and directly responsible under Article 1903 of the Civil Code due to his negligence in the selection and supervision of his driver.
2. Whether or not Barredo's liability as an employer for the acts of his employee is governed by the provisions of Article 1903 of the Civil Code or by the Revised Penal Code, thereby making his liability only subsidiary after the exhaustion of Fontanilla's (the driver's) property.

Court's Decision:

The Supreme Court held that the plaintiffs could bring a separate civil action against Barredo based on culpa aquiliana under Article 1903 of the Civil Code, making him primarily and directly liable due to his negligence in the selection and supervision of his employee. Hence, Barredo was liable to indemnify the plaintiffs, regardless of whether Fontanilla's property had been exhausted.

Doctrine:

The doctrine established in this case differentiates the civil liability arising from a crime from the responsibility for fault or negligence under Articles 1902 to 1910 of the Civil Code. Thus, the plaintiffs may choose to recover damages from an employer either through the latter's subsidiary civil liability under the Penal Code or through a separate and independent action for culpa aquiliana under the Civil Code without the necessity of proving insolvency of the employee or exhausting the employee's property.

Class Notes:

Key elements:

1. The employer's primary and direct responsibility under Article 1903 of the Civil Code due to negligent acts of employees.
2. The ability for plaintiffs to seek remedy through an independent civil action for culpa aquiliana regardless of criminal proceedings or penalties.
3. The distinction between the employer's subsidiary liability under the Penal Code and their separate responsibility under Articles 1902 to 1910 of the Civil Code.
4. Relevant legal provisions: Civil Code Articles 1902 to 1910 and the Revised Penal Code.

Historical Background:

This case holds a significant place within Philippine jurisprudence as it delineates the separate domains of criminal and civil liability concerning negligence causing death or injury. The decision emphasizes the responsibility of employers for their employees' acts and reiterates the older and less used legal avenue of culpa aquiliana for obtaining civil damages independently of criminal proceedings, which has implications on the Philippine legal system's approach to negligence cases up to today.