

**\*\*Title\*\*:** Margarita Afialda vs. Basilio Hisole and Francisco Hisole

**\*\*Facts\*\*:**

Margarita Afialda, the plaintiff and appellant, filed an action for damages due to an injury that led to the death of Loreto Afialda, her brother, on March 21, 1947. Loreto Afialda was employed as a caretaker of carabaos (water buffaloes) by the defendant spouses, Basilio and Francisco Hisole. It was alleged that while tending the animals, Loreto was gored by one of them and succumbed to his injuries. The incident, according to the complaint, was neither due to Loreto's own fault nor to force majeure. Margarita depended on Loreto for support and sought to hold the Hisoles liable under Article 1905 of the Spanish Civil Code which imposes liability on the animal's possessor for damages it may cause.

Before providing their answer, the defendants moved to dismiss the complaint for lack of cause of action. The lower court granted this motion, prompting the appeal to the Supreme Court with Margarita arguing that Article 1905 does not distinguish between damage caused to a stranger and to the caretaker, making the owner liable regardless of negligence or fault.

**\*\*Issues\*\*:**

1. Whether the owner of an animal is liable for damages when the damage is caused to its caretaker under Article 1905 of the Civil Code.
2. Whether negligence or fault on the part of the defendants is a necessary element to establish their liability for the damage caused.

**\*\*Court's Decision\*\*:**

The Supreme Court upheld the lower court's decision, affirming the dismissal of the complaint. The Court differentiated between injuries caused to a stranger by the animal and those caused to a caretaker. It emphasized that the possessor or user of the animal is liable for damages since they have custody and control over the animal. However, in this case, the caretaker (Loreto Afialda) had custody and was in control of the animal, which made him responsible for preventing any harm, including harm to himself. Since being injured was a risk inherent in his occupation, he must bear the consequences.

The Court also referenced a decision by the Spanish Supreme Court, which treated a similar incident as a labor accident, falling under labor laws rather than Article 1905 of the Civil Code. Moreover, for liability to be based on Article 1902 of the Civil Code, there must be an allegation and proof of fault or negligence on the part of the defendants, which was not

present in the complaint. Thus, the action under Article 1905 was not tenable, and no negligence or fault was alleged for an action under Article 1902.

**\*\*Doctrine\*\*:**

This decision clarifies that under Philippine law, specifically Article 1905 of the Civil Code, liability for damage caused by an animal does not extend to individuals who have custody and control over the animal, such as caretakers, when they are injured in the course of their duties. Liability under this article is restricted to damages caused to third parties (strangers), not in control or possession of the animal.

**\*\*Class Notes\*\*:**

- **\*\*Article 1905 of the Civil Code\*\*:** Imposes liability on the possessor of an animal for damages it may cause, exempt in cases of force majeure or when the damage is due to the fault of the damaged party.
- **\*\*Distinction Between Liability to Strangers vs. Caretakers\*\*:** The liability for damages caused by animals under Article 1905 does not apply to caretakers who are in control of the animals. The risk of injury is part of their occupational hazards.
- **\*\*Necessity of Alleging Fault or Negligence\*\*:** For action under Article 1902, there must be an explicit allegation and proof of fault or negligence by the defendants which was not present in this case.

**\*\*Historical Background\*\*:**

This decision elucidates the interpretation of liabilities under the Spanish Civil Code, particularly Articles 1902 and 1905, as applied in the Philippines. It also highlights the distinction in liability for animal-caused injuries depending on the injured party's relationship and control over the animal, reflecting the adaptation of Spanish legal principles within the Philippine legal system.