

****Title: Pajarito v. Señeris: A Landmark Case on the Enforcement of Subsidiary Liability in the Philippines****

****Facts:**** The case revolves around an incident that occurred on May 9, 1975, in Zamboanga City, Philippines, where Joselito Aizon, while driving an Isuzu Passenger Bus owned and operated by Felipe Aizon, caused an accident due to reckless driving, resulting in the death of two passengers: Myrna Pajarito de San Luis and Musa Baring. Following a plea of guilty to Double Homicide Through Reckless Imprudence, the court convicted Joselito Aizon and sentenced him to indemnify the heirs of Myrna Pajarito de San Luis P12,000. Upon the Writ of Execution for the indemnity amount returned unsatisfied due to Joselito's insolvency, Lucia S. Pajarito, Myrna's mother, filed a motion for a Subsidiary Writ of Execution against Felipe Aizon, the employer. Felipe Aizon opposed the motion, claiming he was not the employer at the time of the accident and pointed to Joselito's insolvency necessitating subsidiary imprisonment instead. The lower court denied the motion for execution against Felipe Aizon, asserting the necessity of filing a separate civil action to enforce his subsidiary liability.

****Issues:**** The primary legal issue was whether the subsidiary civil liability of an employer under Article 103 of the Revised Penal Code can be enforced within the same criminal case or requires a separate civil action. Additionally, it questioned whether Felipe Aizon's claim of not being the employer at the time could negate his liability and whether the decision in the criminal case regarding indemnity was conclusive for enforcing subsidiary liability against the employer.

****Court's Decision:**** The Supreme Court set aside the lower court's orders denying the motion for a Subsidiary Writ of Execution against Felipe Aizon. It ruled that the enforcement of an employer's subsidiary liability under Article 103 of the Revised Penal Code could be conveniently addressed within the same criminal proceedings. The Court based its decision on the principles established in prior cases (such as *Martinez v. Barredo* and *Miranda v. Malate Garage & Taxicab, Inc.*) that the judgment of conviction and its corresponding civil liability are conclusive on the employer regarding their subsidiary liability. Consequently, the case was remanded to the lower court for determination of Felipe Aizon's liability based on whether he was the employer at the time of the incident and Joselito Aizon's insolvency.

****Doctrine:**** This case reiterates the principle that an employer's subsidiary civil liability for damages awarded against the employee can be enforced within the same criminal proceedings where the judgment was made. The employer, by virtue of Article 103 of the

Revised Penal Code, becomes ipso facto subsidiarily liable upon the employee's conviction and provided the latter's insolvency.

****Class Notes:****

- ****Subsidiary Liability:**** Article 103 of the Revised Penal Code holds an employer subsidiarily liable for the damages awarded against an insolvent employee who commits an offense in the discharge of their duties.
- ****Conclusiveness of Judgment:**** A criminal conviction and the corresponding award of civil indemnity are conclusive upon the employer regarding their subsidiary liability.
- ****Enforcement within Criminal Proceedings:**** The enforcement of subsidiary civil liability does not necessitate a separate civil action but can be effectively addressed within the same criminal proceedings.

****Historical Background:**** This case highlights the complexities involved in enforcing subsidiary liabilities and addresses the procedural concerns in situations where an employee's insolvent. It underscores the Supreme Court's role in clarifying legal principles to balance the interests of justice and efficiency in the judicial process.