

****Title:** Viron Transportation Co., Inc. vs. Alberto delos Santos y Natividad and Rudy Samidan******

****Facts:****

On August 16, 1993, a passenger bus owned by Viron Transportation Co., Inc., collided with a Forward Cargo Truck owned by Rudy Samidan and operated by Alberto Delos Santos in Barangay Parsolingan, Gerona, Tarlac. According to Viron, the cargo truck swerved erratically, causing the collision. Contrarily, Delos Santos and Samidan claimed the bus tried to overtake the truck in unsafe conditions, resulting in the accident. Subsequently, Viron filed a civil case for damages based on quasi-delict against Delos Santos and Samidan. The trial court ruled against Viron, awarding damages to the defendants. The Court of Appeals affirmed this decision. Viron then filed a petition for review on certiorari with the Supreme Court, challenging the findings on negligence and the awards made.

****Issues:****

1. Whether the Court of Appeals erred in finding Viron's driver at fault for the accident.
2. Whether the counterclaim by Delos Santos and Samidan failed to state a cause of action due to a lack of an explicit assertion regarding Viron's negligence in the selection and supervision of drivers.
3. The appropriateness of awarded damages and attorney's fees.
4. Denial of Viron's motion to present rebuttal evidence.

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

1. The Supreme Court upheld the findings of the lower courts, attributing fault to Viron's driver based on the evidence and witness testimonies. It emphasized the general rule that factual findings by lower courts are binding unless a clear oversight or misinterpretation is evident.
2. On the issue of the counterclaim's validity, the Court held that explicit statements regarding negligence in selection and supervision of employees were unnecessary, as Viron's negligence is presumed under the law. It was Viron's responsibility to demonstrate diligence in selection and supervision, which it failed to do.
3. The Court found merit in Viron's challenge to the awards of actual damages and additional expenses due to lack of substantiation. It thus modified the decision, awarding temperate damages of P10,000 instead, but eliminating attorney's fees and accommodation and transportation expenses awards due to insufficient factual basis.
4. Regarding the refusal to allow Viron's rebuttal, the Court found no error, citing the company's own requests for postponements and eventual failure to present the said

evidence.

****Doctrine:****

- An employer's liability for damages caused by the negligence of an employee performing assigned tasks is established under Article 2180 of the Civil Code. This presumes the employer's negligence, rebuttable by demonstrating diligence in the selection and supervision of the employee.

****Class Notes:****

- Liability based on quasi-delict: When negligence results in damage or harm, the responsible party is liable for damages. The negligence here was established based on the failure of Viron's driver to safely overtake.

- Employer's presumption of negligence: Under Article 2180, there is a *juris tantum* presumption that an employer is negligent when an employee causes damage under the scope of their work. This can only be rebutted by showing due diligence in employee selection and supervision.

- Critical Distinction on Damages: Actual vs. Temperate damages. Actual damages require concrete proof of loss, while temperate damages may be awarded when the court deems some pecuniary loss has been suffered but cannot be proven with certainty.

****Historical Background:****

This case epitomizes the legal principles surrounding vehicular accidents and the resultant liabilities under Philippine law. It highlights the challenges in proving negligence and the standards set forth for the awarding of damages in civil cases stemming from quasi-delicts. The decision reinforces the responsibility of employers to exercise due diligence in hiring and supervising their employees, underlining the importance of safety and caution in public transportation.