

Title: ****Abrogar v. Cosmos Bottling Company and Intergames, Inc.: A Litmus Test for Organizer’s Liability and Negligence in Sports Events****

Facts

The tragic death of Rommel Abrogar, a minor and participant in the “1st Pop Cola Junior Marathon” organized by Intergames, Inc. and sponsored by Cosmos Bottling Company, led his parents, Romulo and Erlinda Abrogar, to file a claim for damages. The marathon, meant to promote Cosmos’s product “Pop Cola” and sports development, wound through public roads from the premises of the Interim Batasang Pambansa to the Quezon Memorial Circle.

Rommel was fatally injured by a passenger jeepney while running the marathon, leading to a legal battle that traversed from the Regional Trial Court (RTC) of Quezon City to the Court of Appeals (CA), and ultimately the Supreme Court. Key points of contention included the liability and negligence of the organizing bodies, the applicability of the assumption of risk doctrine, and claims for damages, including loss of earning capacity for the deceased who was still a minor.

Issues

1. Whether Cosmos Bottling Company and Intergames, Inc. were negligent in organizing the marathon.
2. Whether such negligence, if proven, was the proximate cause of Rommel’s death.
3. Applicability of the doctrine of assumption of risk.
4. Entitlement of the heirs to damages for loss of earning capacity and other compensatory claims.

Court’s Decision

1. ****Negligence****: The Supreme Court found Intergames, Inc. negligent in organizing the marathon without adequately safe measures, failing in its duty to provide a safe course for the participants. However, Cosmos Bottling Company, being only the sponsor and not involved in the organization or conduct of the event, was absolved from liability.
2. ****Proximate Cause****: The negligence of Intergames, Inc. was the proximate cause of Rommel’s death, despite the intervening negligent act of the jeepney driver. Intergames set the conditions that led to the tragic event, which foreseeable risks it failed to mitigate.
3. ****Doctrine of Assumption of Risk****: The doctrine was deemed inapplicable. Rommel

couldn't have fully appreciated or consented to the risk of fatality involved, and participation in the race did not equate to an assumption of such a grave risk.

4. **Damages**: The Court granted damages for the loss of earning capacity, pointing out that notwithstanding Rommel's minor status and lack of employment, his potential for future earnings was unlawfully curtailed by Intergames' negligence. The awarded damages include actual, moral, exemplary damages, and attorney's fees, with legal interest from the RTC's original judgment date.

Doctrine

This case underscored the heightened duty of care owed by organizers of public events, particularly involving minors. It reaffirmed that sponsorship does not equate to organizing liability unless involvement in the conduct of the event is proven. Moreover, it established that minors and their heirs could claim for loss of future earning capacity despite the absence of current employment.

Class Notes

- **Negligence** entails the failure to exercise the care expected in safeguarding others from foreseeable risks.
- **Proximate Cause** is identified as the primary negligence act setting a chain of events that lead to the injury, without being significantly altered by an efficient intervening cause.
- **Doctrine of Assumption of Risk** necessitates actual knowledge, appreciation of the risk, and voluntary acceptance thereof, proving non-applicable when the risk entails death or grievous harm not fully comprehensible to the participant.
- **Damages for Loss of Earning Capacity**: Even minors have compensable potential earnings, calculable based on assumptions of average expected earnings less living expenses, adjusted for life expectancy.

Historical Background

This case reflects evolving jurisprudence on the duty of care in organizing sports events where participants traverse public roads, establishing standards for safety measures, responsibility boundaries between sponsors and organizers, and the legal consideration for minors' future earning capacity in damage claims.