

****Title: De Roy and Ramos vs. Court of Appeals and Bernal, et al.****

****Facts:****

Felisa P. De Roy and Virgilio Ramos owned a building that had been burned out. The collapse of a firefighter's weakened wall resulted in serious consequences. The Bernal family occupied a tailoring shop near this wall. Despite being warned by De Roy and Ramos about the dangers of staying near the weakened wall, the Bernals did not vacate their shop. Tragically, the wall eventually collapsed, causing injuries to the Bernal family and the death of Marissa Bernal.

The Regional Trial Court (RTC), First Judicial Region, Branch XXXVIII, presided over by Hon. Antonio M. Belen, found De Roy and Ramos guilty of gross negligence and awarded damages to the Bernal family. On appeal, the Court of Appeals (CA) affirmed the RTC's decision in its entirety in a decision promulgated on August 17, 1987. De Roy and Ramos received the decision on August 25, 1987.

Seeking to appeal further, De Roy and Ramos filed a motion for an extension of time to file a motion for reconsideration on September 9, 1987, the last day of the fifteen-day period to file an appeal. This motion for extension was denied in the CA's resolution on September 30, 1987. Despite the denial, De Roy and Ramos filed their motion for reconsideration on September 24, 1987, which was again denied by the CA on October 27, 1987, citing it was filed out of time.

****Issues:****

1. Did the Court of Appeals commit grave abuse of discretion in denying the petitioners' motion for extension of time to file a motion for reconsideration?
2. Was the Court of Appeals correct in affirming the RTC's finding of gross negligence by De Roy and Ramos and their liability under Article 2190 of the Civil Code?
3. Is the doctrine of "last clear chance" applicable to this case?

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

1. ****Denial of Motion for Extension of Time:****

The Supreme Court held that the CA did not commit grave abuse of discretion in denying De Roy and Ramos' motion for an extension of time to file a motion for reconsideration. The Court emphasized the rule established in *Habaluyas Enterprises, Inc. v. Japzon* which states

that the fifteen-day period for appealing or filing a motion for reconsideration cannot be extended. This rule had been reiterated and clarified several times, and there was no grace period applicable at the time De Roy and Ramos filed their motion on September 9, 1987.

2. **Gross Negligence and Liability Under Article 2190:**

The Supreme Court agreed with the CA in affirming the RTC's finding of gross negligence and the applicability of Article 2190 of the Civil Code. Article 2190 holds the proprietor of a building liable for damage caused by its collapse due to lack of necessary repairs. The Court found no error or grave abuse of discretion in the CA's decision.

3. **Doctrine of Last Clear Chance:**

The Court rejected the petitioners' argument that the Bernal family had the "last clear chance" to avoid the accident by vacating the shop. It found the doctrine inapplicable, stating that it primarily applies to vehicular accidents and was not relevant in this scenario.

Doctrine:

- **Adherence to Procedural Rules:** The rule that no motion for an extension of time to file a motion for reconsideration can be filed with lower courts must be strictly enforced. Only the Supreme Court may exercise discretion regarding such extensions.
- **Proprietor's Liability Under Article 2190:** The owner of a building or structure is responsible for damages resulting from its collapse due to lack of necessary repairs.
- **Inapplicability of "Last Clear Chance" Doctrine:** This doctrine, used in vehicular accidents, is not applicable in situations where prior negligence of another party (building owner) was the cause of the damage.

Class Notes:

- **Civil Code Article 2190:** Proprietor liability for building collapse due to lack of repairs.
- **Prohibited Extensions:** No extensions for filing motions for reconsideration in lower courts post-Habaluyas ruling.
- **Doctrine of Last Clear Chance:** Non-applicability beyond vehicular accidents.

Historical Background:

This case arose during a time when the Supreme Court of the Philippines was emphasizing strict adherence to procedural rules to ensure timely administration of justice. The Habaluyas ruling marked a significant point in enforcing deadlines firmly, which reflects a

broader judicial effort to enhance efficiency and reduce procedural delays in the Philippine judicial system. The *De Roy and Ramos v. CA* case underlined the importance of legal practitioners being updated with the latest jurisprudence and procedural directives, illustrating the dynamic nature of legal practice and the necessity for constant vigilance in observing procedural laws.