

Title: **Cerezo v. Tuazon**

Facts:

1. On June 26, 1993, a Country Bus Lines passenger bus collided with a tricycle along Captain M. Palo Street, Sta. Ines, Mabalacat, Pampanga. The tricycle driver, David Tuazon, suffered serious injuries. On October 1, 1993, Tuazon filed a complaint for damages against Hermana R. Cerezo (owner of the bus line), her husband Attorney Juan Cerezo, and the bus driver Danilo A. Foronda.
2. Tuazon alleged that Foronda negligently operated the bus, causing severe damage to his tricycle and resulting in his disability. He sought actual damages, loss of earnings, moral damages, and costs of suit.
3. The trial court issued summons to the Cerezo spouses at their address in Makati, but the summons could not be served as they no longer resided there. On April 18, 1994, alias summons was issued and served to Atty. Juan Cerezo's new address in Tarlac.
4. The Cerezo spouses participated in the trial proceedings by filing a motion for a bill of particulars and opposing a motion to litigate as a pauper. Despite their participation, they did not file an answer to Tuazon's complaint.
5. On February 6, 1995, the trial court declared the Cerezo spouses in default. Tuazon was allowed to present his evidence, and the trial court ruled in his favor on May 30, 1995, ordering Hermana Cerezo to pay damages for his injuries.
6. Hermana Cerezo filed a petition for relief from judgment on July 10, 1995, alleging non-receipt of prior notices and excusable negligence. The petition was denied by the trial court and later by the Court of Appeals.
7. Feeling aggrieved, Hermana Cerezo filed successive petitions including a petition for annulment of judgment, but all were denied, eventually reaching the Supreme Court.

Issues:

1. Whether or not the trial court acquired jurisdiction over the case despite the lack of service of summons on Foronda.
2. Whether the decision rendered by the trial court given the default status of the Cerezo spouses was valid.
3. Whether the employer's (Hermana Cerezo's) liability was correctly determined under

Article 2180 of the Civil Code.

Court's Decision:

1. **Jurisdiction Over the Case**: The Court ruled that the trial court had acquired jurisdiction over Hermana Cerezo due to her voluntary participation in the court proceedings. Jurisdiction over Foronda was not necessary because the claim was based on quasi-delict, wherein the employer's liability is direct and primary.
2. **Validity of Default Judgment**: The Court found no merit in Cerezo's petition as she failed to avail of the proper remedies available to her. She could have filed an appeal, a motion for a new trial, or even a petition for certiorari within the prescribed periods but failed to do so. Additionally, the relief from judgment petition was incorrect as it provided a remedy only under specific circumstances which were not present in this case.
3. **Liability Under Article 2180**: The Court reaffirmed that Hermana Cerezo was correctly held liable under Article 2180 of the Civil Code. The employer's liability for the negligence of her employee is direct and primary, independent of the employee's presence in the trial.

Doctrine:

- Employers can be directly and primarily liable for the negligence of their employees (Article 2180, Civil Code of the Philippines).
- Participation in court proceedings can waive any jurisdictional issues concerning improper service of summons.
- The remedies for a party declared in default must be availed within the specified periods - appeal, a motion for a new trial, or certiorari, but not extraneous petitions outside these remedies.

Class Notes:

- **Article 2180, Civil Code**: Establishes employer liability for the negligent actions of employees, reinforcing the need for employers to exercise due diligence in hiring and supervising employees.
- **Default Judgment**: Failure to answer a complaint can lead to a default judgment; remedies include appeal, new trial, or certiorari.
- **Quasi-Delict vs. Delict**: Civil liabilities can arise from negligent acts independent of concurrent criminal proceedings.

Historical Background:

The *Cerezo v. Tuazon* case situates itself in the ongoing legal discourse on employer liability for employee negligence, differentiating civil liability under quasi-delict from the subsidiary liability in delicts. The case underscores the jurisprudence evolution ensuring prompt and fair litigation while preventing dilatory legal tactics through misusing procedural remedies, reflecting both historical and modern judicial efficiency imperatives.