

**\*\*Title:\*\*** Travel & Tours Advisers, Inc. vs. Alberto Cruz, Sr., et al.

**\*\*Facts:\*\***

On January 9, 1998, at approximately 7:50 p.m., an Isuzu Passenger Jitney (jeepney) driven by respondent Edgar Hernandez and owned by him, with plate number DSG-944, was traveling along Angeles-Magalang Road, Barangay San Francisco, Magalang, Pampanga. At the same time, a Daewoo passenger bus (RCJ Bus Lines) with plate number NXM-116 owned by petitioner Travel & Tours Advisers, Inc. and driven by Edgar Calaycay was traveling in the same direction. The bus collided with the jeepney's rear portion, causing the jeepney to crash into an acacia tree. The collision resulted in the death of a passenger, Alberto Cruz, Jr., and inflicted serious injuries on another passenger, Virginia Muñoz.

Consequently, Edgar Hernandez, Virginia Muñoz, and Alberto Cruz Sr. (father of Alberto Cruz Jr.) filed a damages complaint with the Regional Trial Court (RTC), Branch 61 in Angeles City (Civil Case No. 9006). They argued the collision was due to the reckless and negligent driving by the bus driver, Edgar Calaycay, violating traffic laws and regulations. They sought reimbursement and compensation for funeral expenses, hospitalization, vehicle damage, loss of income, moral damages, attorney's fees, and litigation costs.

The petitioner, Travel & Tours Advisers, Inc., defended that it exercised the diligence of a good father of a family in the selection and supervision of its employee. They claimed it was Hernandez's imprudent driving that caused the accident and noted that the jeepney traveled outside its authorized route and was overloaded.

After trial, the RTC ruled in favor of respondents, ordering joint and several liabilities for actual, compensatory, and moral damages, attorney's fees, and litigation costs. The appellate court affirmed the RTC decision with modifications, reducing certain damage awards. The petitioner elevated the case to the Supreme Court.

**\*\*Issues:\*\***

1. Whether the bus driver, Edgar Calaycay, was negligent.
2. Whether Travel & Tours Advisers, Inc. exercised appropriate diligence in the selection and supervision of its employee.
3. Whether Edgar Hernandez's contributory negligence should affect liability.
4. Whether the damages awarded by the lower courts were appropriate.

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

The Supreme Court affirmed the appellate court's decision with modifications:

1. **Negligence of the Bus Driver:**

- The court found the proximate cause of the collision was the negligence of the bus driver. Despite claims of evasive action, the bus hit the rear-left portion of the jeepney, consistent with the testimonies and photographic evidence. The driver of the trailing vehicle is presumed negligent in rear-end collisions unless proven otherwise.

2. **Diligence of Employer:**

- Travel & Tours Advisers, Inc. failed to substantiate their diligence in the selection and supervision of their employee. There was no proof that Edgar Calaycay underwent adequate training or received the promulgated guidelines and policies. Thus, the company was held solidarily liable under Article 2180 of the Civil Code.

3. **Contributory Negligence of Hernandez:**

- Since the jeepney violated its authorized route, Hernandez was considered contributory to the negligence. The court mitigated the damages awarded, reducing the petitioner's liability.

4. **Appropriateness of Damages:**

- The Court found some awards unsupported by adequate evidence. Loss of earning capacity claims required further substantiation which was absent, and thus were properly adjusted.

**Doctrine:**

1. **Presumption of Negligence for the Trailing Vehicle:** Drivers who collide into the rear of a vehicle are presumed negligent.
2. **Liability of Employers (Article 2176 and 2180, Civil Code):** Employers are liable for their employees' negligent acts within the scope of their tasks unless they prove adequate selection and supervision diligence.
3. **Mitigation of Damages (Article 2179, Civil Code):** When contributory negligence is established, damage awards may be appropriately reduced.

**Class Notes:**

1. **Presumption of Negligence:** Understand that rear-end collisions typically presume the trailing driver's fault.
2. **Employer Liability:** Familiarize with Articles 2176 and 2180 regarding quasi-delicts and employer responsibilities.
3. **Mitigation Reductions:** Application of Article 2179 when contributory negligence is a factor.

4. **Diligence in Selection/Supervision Standards:** Grasp the employer's burden to exhibit proof of diligent practices.

**Historical Background:**

This case adds to the jurisprudence on road traffic accidents and employer liabilities in vehicular mishaps. It emphasizes stringent requirements for employers in selecting and supervising employees, thereby impacting corporate policies for public transport operators. Additionally, this case highlights the Supreme Court's application of rules on presumptions of negligence in road safety, contributing to clearer legal precedents in similar future disputes.