

Title: Martinez vs. Van Buskirk, G.R. No. 18 Phil. 79 (1907)

Facts:

- Incident Date and Location:** On September 11, 1908, Carmen Ong de Martinez was riding in a carromata on Calle Real, Ermita, Manila.
- Collision Description:** A delivery wagon belonging to William Van Buskirk, used for transporting fodder and driven by his employee (a cochero), was traveling in the opposite direction at high speed. Seeing this, the carromata driver moved close to the sidewalk and stopped. Despite this, Van Buskirk's delivery wagon collided with the carromata, causing it to overturn and injure Martinez and her child.
- Evidence Presented by Defendant:**
 - The delivery wagon's driver was experienced and the horses were considered gentle and tractable.
 - The driver had tied the reins to the front of the wagon and entered the back to unload the forage.
 - The incident occurred when another vehicle's driver frightened the horses by cracking a whip, which caused them to run away.
- Procedural Posture:**
 - The trial court found William Van Buskirk liable for negligence and awarded damages of ₱442.50 plus 6% interest from October 17, 1908, and costs of action.
 - Van Buskirk appealed this decision to the Supreme Court.

Issues:

- Negligence - Cochero's Conduct:** Whether the cochero was negligent in handling the horses during the incident.
- Liability of Employer Under Article 1903:** Whether William Van Buskirk, as the owner, is liable for the acts of his employee (the cochero) under Article 1903 of the Civil Code.

Court's Decision:

- Non-Negligence of Cochero:**
 - The Supreme Court found that the cochero had acted reasonably and prudently according to customs and practices widely accepted in the community.
 - The horses were under the reputed control, and there was no evidence of negligence on

the part of the cochero in leaving the horses alone temporarily, given their history of being gentle and tractable.

2. **Reversal of Trial Court's Ruling:**

- The Court concluded that the evidence did not support a finding of negligence by the cochero.
- The universal practice of leaving horses unhitched and unattended while unloading merchandise, which had not resulted in previous accidents, cannot be considered negligent.
- The case's circumstances and conditions demonstrated that defendant's employee reasonably exercised care and thus negated the prima facie case for negligence.

Doctrine:

- **Reasonable Care Principle:** Liability for negligence requires the failure to use reasonable care under the circumstances. Customs and practices that have been safely followed without incident may not be deemed negligent solely based on a single accident.
- **Employer Liability:** An employer is liable for the acts of employees performed within the scope of their duties, barring proof of due diligence, under Article 1903 of the Civil Code. However, if the employee acts with due care, the employer may not be held liable.

Class Notes:

- **Negligence:** Defined as the failure to exercise the care that a reasonably prudent person would exercise in similar circumstances (Article 1902, Civil Code).
- **Employer Liability (Article 1903, Civil Code):** Outlines the responsibilities of employers for the acts of their employees within the scope of employment. Employers must prove due diligence to avoid liability.
- **Customary Practices:** Practices widely accepted and followed without previous incidents are generally not considered negligent.

Historical Background:

- In early 20th-century Manila, transportation of goods by horse-drawn wagons was common. The liability framework under the Civil Code was transitioning from Spanish law, influencing the understanding and application of negligence and employer liability.
- This case reflects the judicial consideration of reasonableness and customary practices in determining negligence, shaping the legal standards around employer liability and negligence in the Philippine legal system.