

Title: D.M. Consunji, Inc. v. Court of Appeals and Maria J. Juego

Facts:

On November 2, 1990, Jose A. Juego, a construction worker for D.M. Consunji, Inc., fell from the 14th floor of the Renaissance Tower in Pasig City and died. PO3 Rogelio Villanueva investigated the incident and concluded that Juego's fall was caused by the failure of a pin connecting the chain block to the platform he was working on. The platform and Juego fell to the basement, but Juego's two companions jumped to safety.

On May 9, 1991, Maria Juego, Jose's widow, filed a complaint for damages against D.M. Consunji, Inc. in the Regional Trial Court (RTC) of Pasig. D.M. Consunji argued that Maria had already availed of benefits from the State Insurance Fund, among other defenses.

The RTC ruled in favor of Maria Juego, awarding various damages totaling P644,000.00. D.M. Consunji appealed to the Court of Appeals (CA), arguing several points of procedural and substantive errors. The CA affirmed the RTC's decision in full.

Issues:

1. Whether the police report was admissible evidence of D.M. Consunji's alleged negligence.
2. Whether the doctrine of *res ipsa loquitur* applies to establish negligence on part of D.M. Consunji.
3. Whether D.M. Consunji is presumed negligent under Article 2180 of the Civil Code.
4. Whether Maria Juego is precluded from recovering damages under the Civil Code due to her previous acceptance of compensation from the State Insurance Fund under the Labor Code.

Court's Decision:

1. Admissibility of the Police Report:

The Supreme Court held that the police report was inadmissible to prove the truth of its contents but was admissible as part of PO3 Villanueva's testimony. Since PO3 Villanueva testified and was available for cross-examination, portions of his testimony based on personal knowledge were sufficient to establish certain facts about Juego's death.

2. Doctrine of *Res Ipsa Loquitur*:

The Court ruled that the CA correctly applied the doctrine of *res ipsa loquitur*. The facts of the accident—Juego falling from the 14th floor due to a platform failure in a construction site managed exclusively by D.M. Consunji—warranted an inference of negligence. The Court noted that the accident was the type that would not normally occur if proper care had

been exercised, fitting well within the requisites for the application of *res ipsa loquitur*.

3. Presumption of Negligence:

The Supreme Court affirmed that the requisites for presuming negligence under Article 2180 were present, given that the construction site was under the control of D.M. Consunji and the accident did not ordinarily happen without negligence.

4. Recovery of Damages under the Civil Code:

The Court found that Maria Juego's filing for benefits under the Labor Code did not preclude her from seeking damages under the Civil Code. Echoing *Floresca v. Philex Mining Corporation*, the Court allowed the simultaneous pursuit of remedies, stressing that ignorance or mistake of fact could nullify the waiver of rights. The Court remanded the case to determine the total benefit from the State Insurance Fund and whether this amount exceeded the damages awarded by the trial court.

Doctrine:

1. *Res Ipsa Loquitur*: This doctrine applies when (1) the accident is of a kind that does not ordinarily occur without negligence, (2) the instrumentality causing the injury was under the defendant's control, and (3) the injury was not due to any voluntary action or contribution on the plaintiff's part.
2. Article 2180 of the Civil Code: Employers may be held liable for the acts of employees if negligence can be established directly or inferred.
3. Waiver under Choice of Remedies: In cases of ignorance or mistake of fact, claimants can pursue both remedies under the Labor Code and the Civil Code without preclusion.

Class Notes:

- *Res Ipsa Loquitur*: Allows inference of negligence without direct proof.
- Rule 130, Section 44: Official entries are exceptions to the hearsay rule.
- Article 2180, Civil Code: Employers' liability for employees' actions.
- Labor Code Article 173 vs. Civil Code Remedies: Claimants can concurrently pursue remedies if there is a mistake of fact.
- Doctrine of Waiver: Requires knowledge of rights; ignorance negates a waiver.

Historical Background:

This case reflects the evolving jurisprudence on labor rights and the application of dual remedies in cases of workplace accidents. The ruling aligns with the precedent set in *Floresca v. Philex Mining Corporation*, which laid down principles allowing victims to

pursue civil damages beyond statutory compensation. The case underscores the judiciary's recognition of worker protections and employer accountability.