

****Title:****

Picart vs. Smith (37 Phil. 809)

****Facts:****

- ****December 12, 1912:**** Amado Picart was riding his pony over Carlatan Bridge in San Fernando, La Union.
- ****Simultaneously:**** Frank Smith, Jr. approached from the opposite direction in an automobile at approximately 10-12 miles per hour.
- ****Actions Taken:**** Smith blew his horn to warn Picart as he neared the bridge and again after taking the bridge. Picart, disturbed by the situation, did not follow the rule of the road and moved his pony to the right side of the bridge instead of the left.
- ****Width and Length of the Bridge:**** The bridge was 75 meters long and 4.80 meters wide.
- ****Smith's Response:**** Smith continued on his side (the correct side) expecting Picart to move. Upon realizing Picart had not moved, Smith quickly turned the car to the right to avoid hitting Picart. The car passed so close to the pony that it frightened the animal which then moved and was struck by the car resulting in a broken limb and subsequent death of the horse.
- ****Injuries:**** Picart received contusions, resulting in temporary unconsciousness and required medical treatment.
- ****Initial Legal Proceeding:**** Picart sued Smith for P31,100 in damages in the Court of First Instance of La Union. The court absolved Smith from liability, leading Picart to appeal to the Supreme Court.

****Issues:****

1. ****Negligence:**** Did Smith's actions constitute negligence?
2. ****Contributory Negligence:**** Was Picart's antecedent negligence a factor diminishing Smith's liability?
3. ****Doctrine of Last Clear Chance:**** Did Smith have the last clear chance to avoid the accident?

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

- ****Negligence:**** The Supreme Court found that Smith was negligent. A prudent person in Smith's situation should have taken greater care upon realizing that the horse wasn't moving to the left side. Smith should have either stopped the car or moved to the other side of the bridge to avoid a collision.
- ****Application of Negligent Conduct Test:**** Smith did not exhibit the reasonable care expected of an ordinarily prudent person by continuing at speed towards the pony.

- **Contributory Negligence:** The Supreme Court noted the antecedent negligence of Picart but emphasized the doctrine of the last clear chance, noting that Smith had the final opportunity to prevent the mishap.
- **Last Clear Chance Doctrine:** Despite Picart's initial negligence, Smith had the last clear chance to avoid the accident and failed to take appropriate action.

Doctrine:

1. **Negligence:** The standard applied is that of the prudent person (paterfamilias) and not the individual judgment of the actor. Negligence is determined by what is expected of a reasonable person under similar circumstances.
2. **Last Clear Chance:** When the negligent acts of two parties are not contemporaneous, the party with the last opportunity to avoid harm is primarily responsible for the consequences of the accident.

Class Notes:

- **Key Elements of Negligence:**
 - Duty of care: Obligations to behave with the level of care expected from a prudent person.
 - Breach of duty: Failure to exercise reasonable care.
 - Causation: The breach must directly cause harm.
 - Harm: Actual damage must be proven.
- **Last Clear Chance Doctrine:** It modifies liability in cases where both parties are negligent by focusing on the party that had the final opportunity to avoid the harm.
- **Relevant Statutes:**
 - **Civil Code (Old) Articles 20, 2176:** These articles outline the definition and implications of quasi-delicts or negligence.
 - **Roman Law Principles:** These principles influence the interpretation of reasonable care through the lens of the prudent head of household standard.

Historical Background:

- **1912-1915 Period:** The Philippines under American territorial rule was grappling with integrating U.S. legal principles with local customs.
- **Early 20th Century:** Rapid modernization, including the introduction of automobiles, brought new challenges in terms of roadway safety and legal liability.
- **Supreme Court Decisions:** These decisions were laying the groundwork for future tort law principles in a mixed legal system influenced by both civil and common-law traditions.