

****Title: Julian del Rosario vs. Manila Electric Company****

****Facts:****

On the afternoon of August 4, 1930, an electrical wire used by the Manila Electric Company (defendant) for lighting purposes suffered damage on Dimas-Alang Street, Caloocan, Rizal. Jose Noguera, a nearby shopkeeper, noticed the wire sparking and its connections emitting smoke. Shortly after, the wire broke and fell to the ground. Noguera informed Jose Soco, who communicated the issue to the Manila Electric Company's Malabon station at 2:25 p.m. The company responded but only sent an inspector over an hour later, during which time the wire remained hazardous.

At 4:00 p.m., Alberto del Rosario, a 9-year-old student, encountered the live wire while on his way home from school. Despite warnings from his friends, Alberto touched the wire and was electrocuted, dying almost immediately.

Julian del Rosario (plaintiff), Alberto's father, sued the defendant for damages amounting to P30,000, citing negligence leading to his son's death. The trial court absolved the defendant, leading the plaintiff to appeal.

****Issues:****

1. Whether the Manila Electric Company was negligent in maintaining its electrical wires.
2. Whether Manila Electric Company's delay in responding to the reported hazard constituted further negligence.
3. Whether contributory negligence on Alberto del Rosario's part affected the case's outcome.
4. The appropriate amount of damages due to the plaintiff for the wrongful death of his son.

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

1. ****Negligence in Maintenance****:

- The Court held that there was a presumption of negligence due to the breakage of the electrical wire, which was not adequately countered by the defendant. The company was thus responsible for maintaining safe conditions.

2. ****Delay in Response****:

- The Court concluded that the company's delayed response after receiving the report at 2:25 p.m. amounted to further negligence. The company's failure to promptly address the live wire hazard contributed directly to the incident, as no protective measures were taken between the time the message was received and when the accident occurred.

3. **Contributory Negligence**:

- The Court opined that attributing contributory negligence to Alberto, given his young age and natural curiosity, was not appropriate. Some members of the court debated this point, but the prevailing opinion was that an eight-year-old's cautionary advice did not change the responsibility of the company to ensure safety.

4. **Amount of Damages**:

- The Court awarded the plaintiff P250 for expenses related to the incident and P1,000 for general damages. The Court referenced precedents, asserting that these amounts were consistent with previous rulings.

Justice Abad Santos dissented regarding the damages, arguing that the amount should be higher considering the company's liability and negligence.

Doctrine:

The case reiterates the principle that an entity responsible for infrastructure, like electrical wires, must exercise due care to prevent harm. Delays in addressing reported hazards can constitute negligence. It also affirms that minor contributory negligence does not necessarily preclude recovery of damages in wrongful death cases, especially concerning children.

Class Notes:

- **Negligence**: For negligence to be established, there must be a duty of care, a breach of that duty, causation, and damages. (Relevant Statute: Civil Code of the Philippines, Articles 2176-2179)
- **Presumption of Negligence**: Damage to public utilities (like electrical wires) leading to injury can create a prima facie case of negligence.
- **Contributory Negligence**: Minimized for minors, not automatically barring recovery of damages.
- **Damages**: Consider precedent cases to establish compensatory amounts in wrongful death claims.

Historical Background:

In the early 20th century, the Philippines was navigating the complexities of modern infrastructure, including electrical utilities. This case highlights early judicial interactions with emerging industrial risks, setting precedents for standard care in public utilities and addressing the balance between technological progress and public safety.