

Title: **Phoenix Construction, Inc. and Armando U. Carbonel vs. The Intermediate Appellate Court and Leonardo Dionisio**

Facts:

On November 15, 1975, at approximately 1:30 a.m., Leonardo Dionisio was driving home from a dinner and cocktails meeting. He had consumed a small amount of alcohol. While driving his Volkswagen on General Lacuna Street, his car headlights allegedly failed. Dionisio switched his lights onto "bright," revealing a Ford dump truck owned by Phoenix Construction, Inc. ("Phoenix"), parked improperly on the road. The truck was facing oncoming traffic and extending into the street without any lights or warning reflectors. It had been driven home by Armando U. Carbonel, Phoenix's driver, pursuant to work planned for the next morning. Dionisio attempted to swerve but collided with the truck, resulting in physical injuries, permanent facial scars, a nervous breakdown, and the loss of two gold dentures.

Dionisio filed a suit for damages against Phoenix and Carbonel, asserting that the negligent parking of the dump truck was the proximate cause of his injuries. Phoenix and Carbonel countered, claiming Dionisio's own recklessness (speeding, driving while intoxicated, without headlights, and without a curfew pass) was the true cause of the accident. Phoenix additionally claimed they had exercised due care in supervising Carbonel.

The Court of First Instance ruled in favor of Dionisio, awarding him a total of P279,500.00 in various damages and costs. Phoenix and Carbonel appealed to the Intermediate Appellate Court (CA-G.R. No. 65476), which upheld the trial court's decision but reduced the damages to a total of P170,960.71.

Phoenix and Carbonel then petitioned the Supreme Court for review, challenging the findings of negligence and the damages awarded.

Issues:

1. **Primary Negligence**: Whose negligence was the proximate cause of the accident?
2. **Contributory Negligence**: Did Dionisio contribute to the accident through his own actions, and to what extent?
3. **Applicability and Relevance of "Last Clear Chance" Doctrine**: Should this doctrine be applied to absolve Phoenix and Carbonel of liability?
4. **Employer Liability**: Was Phoenix negligent in its supervision of Carbonel?

Court's Decision:

1. **Primary Negligence**: The Supreme Court affirmed the finding that Carbonel's parking of the dump truck in a negligent manner was the proximate cause of the accident. The Court emphasized that the truck's improper parking without lights or reflective warning devices posed a significant and foreseeable hazard.

2. **Contributory Negligence**: Dionisio's actions were examined in detail:

- **No Curfew Pass**: The Court found sufficient evidence that Dionisio did not possess a valid curfew pass.

- **Speeding**: Testimony by Patrolman Cuyno, admissible under the res gestae exception, indicated Dionisio was speeding.

- **Turning off Headlights**: The Court found it more credible that Dionisio deliberately turned off his headlights to avoid detection by the police.

- **Intoxication**: The evidence of intoxication was considered insufficient to prove Dionisio was heavily under the influence.

The Court concluded that although Dionisio was negligent, his negligence was contributory rather than the proximate cause. The damages were adjusted to reflect his contributory negligence.

3. **Last Clear Chance Doctrine**: The Court held this doctrine inapplicable in jurisdictions governed by civil law principles, where contributory negligence reduces, but does not bar, recovery. The doctrine can't contradict Philippine principles of quasi-delicts and comparative negligence.

4. **Employer Liability**: Phoenix was found to have failed in its duty to properly supervise Carbonel, evidenced by allowing him to take the truck home without implementing adequate controls over its parking.

Doctrine:

- **Proximate Cause**: The proximate cause of an injury must be the one that natural and foreseeably produces the injury. Negligent actions creating foreseeable risks lead to liability.

- **Contributory Negligence**: Under Article 2179 of the Civil Code, contributory negligence of the plaintiff mitigates damages but does not bar recovery completely.

- **Employer's Liability**: Employers are liable for the negligent acts of their employees if they fail to exercise due supervision (culpa in vigilando).

Class Notes:

- **Quasi-Delicts**: Article 2179 - Contributory negligence does not bar recovery, but the award is reduced.
- **Negligence**: Foreseeable risk created by negligent actions leads to liability.
- **Res Gestae**: Excited utterances made during startling events are admissible as exceptions to the hearsay rule.
- **Employer Liability** (Culpa in vigilando): Employers must ensure proper supervision and control over employees' actions.

Historical Background:

In the historical context of the 1970s Philippines, driving during curfew hours was an aspect governed by various permissible laws and social norms. The case reflects the legal system's approach to balancing issues of negligence between multiple parties and adapting doctrines such as "last clear chance" within the Philippine Civil Code framework.