

****Title:**** Mr. and Mrs. Amador C. Ong vs. Metropolitan Water District, 104 Phil. 397 (1958)

****Facts:****

1. Plaintiffs, Mr. and Mrs. Amador C. Ong, sought damages of P50,000, P5,000 for funeral expenses, and P11,000 in attorney's fees from the defendant, Metropolitan Water District, a government-owned corporation, following the drowning of their son, Dominador Ong, in a pool operated by the defendant.
2. Defendant admitted Dominador's drowning but claimed it was due to his negligence or an unavoidable accident, asserting it exercised due diligence in managing the premises and supervising its employees.
3. Procedural Posture: After the lower court dismissed the complaint without costs, the plaintiffs appealed directly to the Supreme Court due to the amount involved exceeding P50,000.
4. On July 5, 1952, Dominador Ong, his brothers Ruben and Eusebio arrived at the swimming pools around 1:45 PM.
5. Dominador left his brothers to get a drink around 4:35 PM.
6. Two lifeguards, Manuel Abano and Mario Villanueva, were on duty during the relevant times.
7. By 4:40-4:45 PM, bathers noticed someone underwater for an unusual duration and alerted Abano, who retrieved the lifeless body of Dominador Ong.
8. Efforts to revive him using artificial respiration, injections, and an oxygen resuscitator were unsuccessful, and Dr. Ayuyao declared him dead upon arrival.
9. An autopsy confirmed death by asphyxia due to submersion in water.

****Issues:****

1. Whether the Metropolitan Water District was negligent in its duty to ensure the safety of its patrons, which would make it liable for Dominador Ong's death.
2. Whether the doctrine of "last clear chance" applied to this case, making the defendant liable.

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

1. ****Negligence:**** The Supreme Court found no sufficient evidence proving the defendant's negligence. The defendant had implemented numerous safety measures, including the employment of trained lifeguards, presence of life-saving equipment, and regulations prohibiting swimming alone. Contrary evidence of negligence by lifeguards was unsupported or contradicted by written statements.

2. **Last Clear Chance Doctrine:** The court held that the doctrine did not apply as it was unclear how Dominador moved from the shallow to the deep pool. Given that Dominador may have violated the pool's usage rule (swimming alone), and all feasible life-saving measures were promptly executed once his situation was identified, the defendant could not be held liable under this doctrine.

3. The court affirmed the dismissal of the complaint, ruling that the Metropolitan Water District was not negligent and had performed due diligence in the supervision and safety protocols of its swimming facilities.

Doctrine:

1. **Negligence in Quasi-Delict:** Liability for negligence requires proving that damage was directly caused by the negligent act or omission of the defendant or their employees (Article 2176, Civil Code of the Philippines).

2. **Last Clear Chance Doctrine:** This doctrine does not apply if the situation demands immediate action, where no prior negligence of the party charged directly contributed to the injury, and previous negligence by the claimant is evident (Picart vs. Smith, 37 Phil., 809).

Class Notes:

1. **Quasi-Delict Elements (Article 2176):**

- Act or omission causing damage.
- Fault or negligence must be proven.
- Obligation arises not only for personal actions but for those one is responsible for (Article 2080).

2. **Negligence and Duty of Care:** Proprietors inviting public use must show ordinary care and prudence for safety (Larkin vs. Saltair Beach Co.).

3. **Last Clear Chance Doctrine:** Applied when a defendant, who had the last opportunity to avoid harm, failed to do so, thereby bearing sole legal responsibility (common in contributory negligence cases) (38 Am. Jur. pp. 900-902).

4. **Key principle:** Prior negligence of injured parties (violation of rules, self-imposed risk) may diminish the applicability of doctrines shifting liability.

Historical Background:

The decision delved into the legal standards of premises liability and the obligations of public facility operators during a period where urban recreational spaces were more accessible, and incidents like drowning necessitated clear guidelines on liability and safety.

The emphasis on procedural diligence and immediate response reflected evolving standards in tort law, shifting focus towards an integrated approach for risk management and necessary immediate actions by operators to foster public safety.