

****Title:**** Baritua vs. Mercader - Carrier's Liability for Passenger Death Due to Negligence

****Facts:****

Dominador Mercader, a businessman involved in the buy-and-sell of dry goods between Manila and Laoang, Northern Samar, boarded Bus No. 142 of JB Lines on March 16, 1983. While traveling on March 17, 1983, at the Bugko Bailey Bridge in Barangay Roxas, Northern Samar, the bus fell into the river, leading to Mercader's death by drowning.

Mercader's heirs filed a complaint for damages against JB Lines, alleging negligence and recklessness on the part of the bus driver. JB Lines filed a motion to dismiss on grounds of failure to implead Jose Baritua, the indispensable party and real owner of JB Lines.

The trial court denied JB Lines' motion and admitted the amended complaint which included Baritua as a defendant. The trial court rendered a decision awarding various damages to Mercader's heirs totaling more than Php 1,800,000.

Upon appeal, the Court of Appeals modified the trial court's decision by reducing the loss of earnings to Php 798,000 while affirming other monetary damages.

****Issues:****

1. Whether the trial court had jurisdiction over the case despite respondents allegedly not paying the correct docket fees.
2. Whether the trial court erred in not frontally ruling on petitioners' plea for a bill of particulars.
3. Whether the Court of Appeals ignored petitioners' right to procedural due process by not considering their evidence.
4. Whether the awarded damages were excessive and if the trial court clearly stated the facts and law on which their decision was based.

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

1. ****Jurisdiction:**** The Supreme Court upheld the trial court's jurisdiction, citing that jurisdiction is determined by the law in force at the commencement of the action. The Manchester ruling, which requires exact amounts for damages in complaints to establish filing fees and jurisdiction, became final in 1987, thus not applicable retroactively to this case filed in 1984.

2. **Bill of Particulars:** The contention regarding the bill of particulars was moot because petitioners filed the motion late after already responding to the complaint. Rule 12 requires such motions before responding to the pleading, which the petitioners failed to comply with.

3. **Procedural Rights:** The court found no basis for procedural due process violations. Though petitioners criticized the trial judges for bias, the findings showed that judges evaluated witness credibility and maintained due process.

4. **Damages and Decision Clarity:** The trial court's judgment was affirmed in terms of clarity and law basis. The Court detailed circumstances showing the lack of exceptional diligence by the bus operator and his driver, including speeding and overloading, leading to the bus incident.

Doctrine:

The ruling reiterated doctrines regarding common carriers' extraordinary diligence and the presumption of fault in case of passenger death or injury. Under Articles 1733, 1755, and 1756 of the Civil Code, carriers must carry passengers with utmost care. Failure to deliver passengers safely subjects carriers to presumed fault unless proven otherwise.

Class Notes:

1. **Common Carriers Liability:** Articles 1733, 1755, and 1756 of the Civil Code emphasize the requirement for extraordinary diligence by carriers in passenger safety.

2. **Jurisdiction:** Jurisdiction is established upon filing fees and determined by the law at action commencement.

3. **Procedural Requirements:** Motions for particulars precede responsive pleadings.

4. **Due Process:** Judges rely on witness credibility and comprehensive evidence without bias.

Historical Background:

The Manchester ruling, crucial in determining jurisdiction via docket fees, was a critical development during the late 80s addressing procedural propriety. The Baritua case underscores applying due diligence in passenger safety by carriers and solidifies the judiciary's adherence to precedents ensuring that even procedural requirements are met retrospectively but not applied retrospectively.