

**\*\*Title:\*\*** Mallari Sr. and Mallari Jr. vs. Court of Appeals and Bulletin Publishing Corporation: A Case of Liability for Negligence as a Common Carrier

**\*\*Facts:\*\*** On the early morning of October 14, 1987, a tragic accident occurred along the National Highway in Barangay San Pablo, Dinalupihan, Bataan involving a passenger jeepney, driven by petitioner Alfredo Mallari Jr. and owned by petitioner Alfredo Mallari Sr., and a delivery van owned by the respondent Bulletin Publishing Corporation (BULLETIN). The collision resulted in injuries to passengers and the death of one, Israel Reyes.

On December 16, 1987, Claudia G. Reyes filed a complaint for damages against the Mallaris, BULLETIN, its driver Felix Angeles, and the N.V. Netherlands Insurance Company, attributing negligence to both drivers. The Regional Trial Court of Olongapo City dismissed the complaint against the Mallaris, finding BULLETIN's driver at fault, and ordered compensatory payments from BULLETIN and its driver to Claudia G. Reyes.

The case escalated to the Court of Appeals (CA), which reversed the trial court's decision, absolving BULLETIN, its driver, and the insurance company from liability and instead found Alfredo Mallari Jr. solely negligent. The Mallaris, discontent with the CA's decision, elevated the matter to the Supreme Court via a petition for review on certiorari.

**\*\*Issues:\*\***

1. Whether the Court of Appeals erred in finding Alfredo Mallari Jr. solely negligent for the collision, thereby reversing the trial court's finding against BULLETIN's driver.
2. Whether the negligence of Alfredo Mallari Jr., if established, binds Alfredo Mallari Sr., the owner of the jeepney operated as a common carrier.

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

The Supreme Court affirmed the decision of the Court of Appeals. It meticulously analyzed the sequence of events leading to the collision, emphasizing the testimonial evidence provided by Alfredo Mallari Jr. himself, which inadvertently confirmed his overtaking maneuver in violation of traffic regulations immediately before the collision. The Court underscored that the act of overtaking at a curve contravened specific provisions of RA 4136 (The Land Transportation and Traffic Code), establishing a prima facie case of negligence on the part of Mallari Jr.

Regarding the liability of Alfredo Mallari Sr., the Court held that as the owner of the jeepney and as a common carrier, he is automatically presumed negligent unless extraordinary diligence is proven, which in this case, was not. The Court thus held both Mallaris, jointly

and severally, liable to pay damages to Claudia G. Reyes.

**\*\*Doctrine:\*\*** This decision reiterates the doctrine that a common carrier is bound to carry its passengers safely using the utmost diligence of very cautious persons, and in case of death or injuries to passengers, it is presumed to have acted negligently unless it proves otherwise. Furthermore, the doctrine emphasizes that violating traffic regulations at the time of the mishap invokes a presumption of negligence on the part of the driver.

**\*\*Class Notes:\*\***

- In liability cases involving common carriers, the presumption of negligence arises with the occurrence of an accident resulting in injuries or death to passengers (Art. 1756, Civil Code).
- Violation of traffic regulations at the time of the mishap constitutes prima facie evidence of negligence (Art. 2185, Civil Code).
- The owner of a vehicle operated as a common carrier is liable for damages caused by the negligence of the driver (Common Carrier Doctrine, Art. 1759, Civil Code).

**\*\*Historical Background:\*\*** The case underlines the strict liability imposed on common carriers for ensuring the safety of their passengers. It showcases the legal challenges encountered in attributing negligence, particularly involving road accidents, and the jurisprudential efforts to delineate responsibility among parties involved. This adherence to strict standards of care for common carriers stems from their crucial role in public transportation and the paramount importance of safeguarding passenger safety under Philippine law.