

MERCEDES M. TEAGUE, PETITIONER, VS. ELENA FERNANDEZ, ET AL., RESPONDENTS.*G.R. No. L-29745. June 04, 1973*

Ponente: MAKALINTAL, ACTING CJ.

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The facts are stated in the decision of the Court of Appeals as follows:

"The Realistic Institute, admittedly owned and operated by defendant-appellee Mercedes M. Teague, was a vocational school for hair and beauty culture situated on the second floor of the Gil-Armi Building, a two-storey, semi-concrete edifice (Exhs. "C", "C-1" to "C-5" and "4") located at the corner of Quezon Boulevard and Soler Street, Quiapo, Manila. The said second floor was unpartitioned, had a total area of about 400 square meters, and although it had only one stairway, of about 1.50 meters in width, it had eight windows, each of which was provided with two fire-escape ladders (Exh. "4"), and the presence of each of said fire-exits was indicated on the wall (Exh. "5").

"At about four o'clock in the afternoon of October 24, 1955, a fire broke out in a store for surplus materials located about ten meters away from the institute. Soler Street lay between that store and the institute. Upon seeing the fire, some of the students in the Realistic Institute shouted 'Fire! Fire!' and thereafter, a panic ensued. Four instructresses and six assistant instructresses of the institute were present and they, together with the registrar, tried to calm down the students, who numbered about 180 at the time, telling them not to be afraid because the Gil-Armi Building would not get burned as it is made of concrete, and that the fire was anyway, across the street. They told the students not to rush out but just to go down the stairway two by two, or to use the fire-escapes. Mrs. Justina Prieto, one of the instructresses, took to the microphone so as to convey to the students the above admonitions more effectively, and she even slapped three students in order to quiet them down. Miss Frino Meliton, the school registrar, whose desk was near the stairway, stood up and tried with outstretched arms to stop the students from rushing and pushing their way to the stairs. The panic, however, could not be subdued and the students, with the exception of the few who made use of fire-escapes, kept on rushing and pushing their way through the stairs, thereby causing stampede therein.

"Indeed, no part of the Gil-Armi Building caught fire. But, after the panic was over, four students, including Lourdes Fernandez, a sister of plaintiffs-appellants, were found dead and several others injured on account of the stampede.

"x x x x x x x x."

The injuries sustained by Lourdes Fernandez consisted of lacerations in both eyes and on the upper lip, contused abrasions in different parts of the body, internal hemorrhage and fractures in the second and third right ribs. The cause of death, according to the autopsy report, was "Shock due to traumatic fractures of the ribs with perinephric hematoma and lacerations of the conjunctiva of both eyes."

The deceased's five brothers and sisters filed an action for damages against Mercedes M. Teague, as owner and operator of Realistic Institute. The Court of First Instance of Manila found for the defendant and dismissed the

case. The plaintiffs thereupon appealed to the Court of Appeals, which by a divided vote of 3 to 2 (a special division of five members having been constituted) rendered a judgment of reversal and sentenced the defendant to pay damages to the plaintiffs in the sum of P11,000.00, plus interest at the legal rate from the date the complaint was filed.

The case came up to this Court on a petition for review filed by the defendant below.

The decision of the appellate court declared that the defendant, hereinafter to be referred to as the petitioner, was negligent and that such negligence was the proximate cause of the death of Lourdes Fernandez. This finding of negligence is based primarily on the fact that the provision of Section 491 of the Revised Ordinances of the City of Manila had not been complied with in connection with the construction and use of the Gil-Armi building where the petitioner's vocational school was housed. This provision reads as follows:

"Sec. 491. Fireproof partitions, exits and stairways. - x x x All buildings and separate sections of buildings or buildings otherwise known as accessorias having less than three stories, having one or more persons domiciled therein either temporarily or permanently, and all public or quasi-public buildings having less than three stories, such as hospitals, sanitarium, schools, reformatories, places of human detention, assembly halls, clubs, restaurants or panciterias, and the like, shall be provided with at least two unobstructed stairways of not less than one meter and twenty centimeters in width and an inclination of not less than forty degrees from the perpendicular, in case of large buildings more than two stairways shall likewise be provided when required by the chief of the fire department, said stairways shall be placed as far apart as possible."

The alleged violation of the ordinance above-quoted consisted in the fact that the second storey of the Gil-Armi building had only one stairway, 1.5 meters wide, instead of two of at least 1.2 meters each, although at the time of the fire the owner of the building had a second stairway under construction.

In ruling that such non-compliance with the City Ordinances was an act of negligence and that such negligence was the proximate cause of the death of Lourdes Fernandez, reliance is based on a number of authorities in the American jurisdiction, thus:

"The mere fact of violation of a statute is not sufficient basis for an inference that such violation was the proximate cause of the injury complained. However, if the very injury has happened which was intended to be prevented by the statute, it has been held that violation of the statute will be deemed to be the proximate cause of the injury." (65 C.J.S. 1156).

"The generally accepted view is that violation of a statutory duty constitutes negligence, negligence as a matter of law, or, according to the decisions on the question, negligence per se, for the reason that non-observance of what the legislature has prescribed as a suitable precaution is failure to observe that care which an ordinarily prudent man would observe, and, when the state regards certain acts as so liable to injure others as to justify their absolute prohibition, doing the forbidden act is a breach of duty with respect to those who may be injured thereby; or, as it has been otherwise expressed, when the standard of care is fixed by law, failure to conform to such standard is negligence, negligence per se or negligence in and of itself, in the absence of a legal excuse. According to this view it is immaterial, where a statute has been violated, whether the act or omission constituting such violation would have been regarded as negligence in the absence of any statute on the subject or whether there was, as a matter of fact, any reason to anticipate that injury would result from such violation. x x x." (65 C.J.S. pp. 623-628).

"But the existence of an ordinance changes the situation. If a driver causes an accident by exceeding the speed limit, for example, we do not inquire whether his prohibited conduct was unreasonably dangerous. It is enough that it was prohibited. Violation of an ordinance intended to promote safety is negligence. If by creating the hazard which the ordinance was intended to avoid it brings about the harm which the ordinance was intended to prevent, it is a legal cause of the harm. This comes only to saying that in such circumstances the law has no

reason to ignore the causal relation which obviously exists in fact. The law has excellent reason to recognize it, since it is the very relation which the makers of the ordinance anticipated. This court has applied these principles to speed limits and other regulations of the manner of driving." (Ross vs. Hartman, 139 Fed. 2d 14 at 15).

"x x x However, the fact that other happenings causing or contributing toward an injury intervened between the violation of a statute or ordinance and the injury does not necessarily make the result so remote that no action can be maintained. The test is to be found not in the number of intervening events or agents, but in their character and in the natural and probable connection between the wrong done and the injurious consequence. The general principle is that the violation of a statute or ordinance is not rendered remote as the cause of an injury by the intervention of another agency if the occurrence of the accident, in the manner in which it happened, was the very thing which the statute or ordinance was intended to prevent." (38 Am Jur 841).

The petitioner has raised a number of issues. The first is that Section 491 of the Revised Ordinances of the City of Manila refers to public buildings and hence did not apply to the Gil-Armi building which was of private ownership. It will be noted from the text of the ordinance, however, that it is not ownership which determines the character of buildings subject to its requirements, but rather the use or the purpose for which a particular building is utilized. Thus the same may be privately owned, but if it is devoted to any one of the purposes mentioned in the ordinance - for instance as a school, which the Realistic Institute precisely was - then the building is within the coverage of the ordinance. Indeed the requirement that such a building should have two (2) separate stairways instead of only one (1) has no relevance or reasonable relation to the fact of ownership, but does have such relation to the use or purpose for which the building is devoted.

It is next contended that the obligation to comply with the ordinance devolved upon the owners of the building and therefore it is they and not the petitioner herein, who is a mere lessee, who should be liable for the violation. The contention ignores the fact that it was the use of the building for school purposes which brought the same within the coverage of the ordinance; and it was the petitioner and not the owners who was responsible for such use.

The next issue, indeed the basic one, raised by the petitioner is whether or not the failure to comply with the requirement of the ordinance was the proximate cause of the death of Lourdes Fernandez. The case of Villanueva Vda. de Bataclan, et al. vs. Medina, G. R. No. L-10126, October 22, 1957, is cited in support of the contention that such failure was not the proximate cause. It is there stated by this Court:

"The proximate legal cause is that acting first and producing the injury, either immediately or by settling other events in motion, all constituting a natural and continuous chain of events, each having a close causal connection with its immediate predecessor, the final event in the chain immediately affecting the injury as a natural and probable result of the cause which first acted, under such circumstances that the person responsible for the first event should, as an ordinarily prudent and intelligent person, have reasonable ground to expect at the moment of his act or default that an injury to some person might probably result therefrom."

Having in view the decision just quoted, the petitioner relates the chain of events that resulted in the death of Lourdes Fernandez as follows: (1) violation of ordinance; (2) fire at a neighboring place; (3) shouts of "Fire!, Fire!"; (4) panic in the Institute; (5) stampede; and (6) injuries and death.

As thus projected the violation of the ordinance, it is argued, was only a remote cause, if at all, and cannot be the basis of liability since there intervened a number of independent causes which produced the injury complained of. A statement of the doctrine relied upon is found in Manila Electric Co. vs. Remoquillo, L-8328, May 18, 1956, wherein this Court, citing Corpus Juris, said:

"A prior and remote cause cannot be made the basis of an action if such remote cause did nothing more than

furnish the condition or give rise to the occasion by which the injury was made possible, if there intervened between such prior or remote cause and the injury a distinct, successive, unrelated, and efficient cause of the injury, even though such injury would not have happened but for such condition or occasion. If no danger existed in the condition except because of the independent cause, such condition was not the proximate cause. And if an independent negligent act or defective condition sets into operation the circumstances which result in injury because of the prior defective condition, such subsequent act or condition is the proximate cause. (45 C.J. p. 931.)"

According to the petitioner "the events of fire, panic and stampede were independent causes with no causal connection at all with the violation of the ordinance." The weakness in the argument springs from a faulty juxtaposition of the events which formed a chain and resulted in the injury. It is true that the petitioner's non-compliance with the ordinance in question was ahead of and prior to the other events in point of time, in the sense that it was coetaneous with its occupancy of the building. But the violation was a continuing one, since the ordinance was a measure of safety designed to prevent a specific situation which would pose a danger to the occupants of the building. That situation was undue overcrowding in case it should become necessary to evacuate the building, which, it could be reasonably foreseen, was bound to happen under emergency conditions if there was only one stairway available. It is true that in this particular case there would have been no overcrowding in the single stairway if there had not been a fire in the neighborhood which caused the students to panic and rush headlong for the stairs in order to go down. But it was precisely such contingencies or events that the authors of the ordinance had in mind, for under normal conditions one stairway would be adequate for the occupants of the building. Thus, as stated in 38 American Jurisprudence, page 841: "The general principle is that the violation of a statute or ordinance is not rendered remote as the cause of an injury by the intervention of another agency if the occurrence of the accident, in the manner in which it happened, was the very thing which the statute or ordinance was intended to prevent." To consider the violation of the ordinance as the proximate cause of the injury does not portray the situation in its true perspective; it would be more accurate to say that the overcrowding at the stairway was the proximate cause and that it was precisely what the ordinance intended to prevent by requiring that there be two stairways instead of only one. Under the doctrine of the cases cited by the respondents, the principle of proximate cause applies to such violation.

A procedural point mentioned by the petitioner is that the complaint did not specifically allege that the ordinance in question had been violated. The violation, however, as an act of negligence which gave rise to liability, was sufficiently comprehended within paragraph 7 of the complaint, which reads:

"Par. 7. That the death of Lourdes Fernandez was due to the gross negligence of the defendant who failed to exercise due care and diligence for the safety of its students in not providing the building with adequate fire exits and in not practicing fire drill exercises to avoid the stampede, aside from the fact that the defendant did not have a permit to use the building as a school-house."

The decision appealed from is affirmed, with costs.

Zaldivar, Fernando, Teehankee, Makasiar, Antonio, and Esguerra, JJ., concur.
Castro and Barredo, JJ., reserve their votes.

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