

MARIA THERESA P. AGUILA, PLAINTIFF-APPELLEE, VS. JESSICA P. MAITIM A.K.A. “JEAN GRACIA” AND RESTITUTO A. SANTOS, DEFENDANTS-APPELLANTS.

Ponente: BUESER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b9f80b3bbd5f/>

BUESER, J.:

Before this Court on appeal is the July 27, 2012 Decision[1] of the Regional Trial Court, Branch 100, of Quezon City, the dispositive portion of which reads -

“WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff.

Accordingly, defendants Jessica P. Maitim and Restituto A. Santos are ordered to solidarily pay the plaintiff the following:

1. the amount of One Hundred Sixty-Nine Thousand One Hundred Eighty Seven Pesos and 32/100 (169,198.32) as and for actual damages;
2. the amount of Twenty Thousand Pesos (P20,000.00) as and for moral damages; and
3. the amount of Twenty-Five Thousand Pesos (P25,000.00) as and for attorney's fees.

SO ORDERED.”

The Facts

Maria Theresa P. Aguila (“appellee”) and Jessica Maitim (“appellant Maitim”) were neighbors. Appellant Maitim is the registered owner of one (1) Ford W-150 Chateau Wagon with plate number XPB-723 (“vehicle”).

On April 25, 2006, appellee's daughter, Angela Aserehet (“victim”), was sideswiped by appellant Maitim's speeding vehicle, which was driven by the latter's driver, Restituto Santos (“appellant Santos”). The victim was dragged for about three (3) meters. As a result, the victim's right leg was fractured. However, appellants Maitim and Santos did not immediately take the victim to the hospital. It was only upon the insistence of Lirio Aguila, victim's grandmother, that the victim was brought to St. Luke's Medical Center. The victim was diagnosed to have suffered swelling, hematoma, multiple abrasions, and displaced, complete fracture on the right leg. Consequently, the victim underwent operation at the Asian Hospital and was in a wheelchair from April 25, 2006 to July 18, 2006.

Thereafter, the incident was referred to the baranggay for conciliation but it was only appellee who appeared. By now, appellee's actual expenses has amounted to P169,187.32. Eventually, letters of demand were sent to appellants Maitim and Santos but were ignored. Hence, appellee was constrained to file an action for damages based on quasi-delict.

Appellant Maitim denies the accusation.

On April 25, 2006, she was on board her vehicle, which was being driven, slowly, by her driver, appellant Santos,

when the victim suddenly came running. Because of that, the victim's right leg was sideswiped and fractured. Appellant Maitim's vehicle was covered with comprehensive insurance that included third-party liability. However, due to appellee's refusal to submit the needed documents like police report, medical report, and receipts of actual expenses, appellant Maitim was not able to file for insurance claim. In addition, appellant Santos has been the driver of appellant Maitim for 12 years. He was driving with care at the time the accident happened. Accordingly, appellant Maitim should not be made liable for vicarious liability because she exercised due diligence in the selection and supervision of her employee.

The Trial Court's Ruling

After due proceedings, the trial court rendered the assailed Decision finding appellants Santos and Maitim liable for damages because -

“It is undisputed that plaintiff's daughter suffered injuries when she was hit by the motor vehicle of defendant Maitim. When the incident happened, defendant Santos was driving the motor vehicle while defendant Maitim was inside the vehicle. Under Article 2176 of the New Civil Code, a person who causes damage to another, through fault or negligence, is obliged to pay for the damage done. Under the circumstances obtaining, defendant Santos is presumed negligent in driving the said motor vehicle applying the *res ipsa loquitor* doctrine, and is thus, liable for the damage caused to the plaintiff.”

Aggrieved, appellants Maitim and Santos are now before us with an appeal and raise the following -

Assignment of Error

THE TRIAL COURT ERRED IN FINDING APPELLANTS SOLIDARILY LIABLE FOR DAMAGES TO APPELLEE AND THAT THERE WAS NO CONTRIBUTORY NEGLIGENCE ON THE PART OF THE LATTER.

This Court's Ruling

Appellants Santos and Maitim argue that appellant Santos was not negligent but was driving with due care. The vehicle passed by a narrow driveway thus, the natural tendency is to drive slowly. Appellee, as the mother of the victim, should likewise be held liable for contributory negligence because she did not properly take care of her daughter enabling the latter to ran towards the driveway. Lastly, appellant Maitim should not be be held solidarily liable together with appellant Santos under the doctrine of vicarious liability since she exercised due diligence of a good father of the family in the selection and supervision of the employee.

The appeal has no merit.

We are convinced that appellants Santos and Maitim are solidarily liable for damages.

Appellant Maitim and appellee were residents of Grand Pacific Manor Townhouse. The townhouse units were approximately nine (9) meters apart, separated only by a driveway jointly used by the townhouse unit owners. The victim exited the main door of their unit and was about to walk towards their family car, parked inside their garage, when she was sideswiped by appellant Maitim's vehicle. The driveway that appellant Maitim's vehicle passed through was narrow. If appellant Santos was, indeed, driving slowly and carefully, he could have avoided the child even assuming that the latter was running. It is more plausible that when townhouse guard signalled that the driveway is clear appellant Santos stepped on the gas.

We find no contributory negligence on the part of appellee, in allowing the victim to exit their door and walk towards the car garage, since the victim was still within the premises of their residence and not on the street where vehicles ordinarily drive by. The victim did not run or loiter around but was on her way to board their car. As for

the victim, no contributory negligence can likewise be attributed to her. In *Jarco Marketing Corporation vs. Court of Appeals*[2] the Supreme Court explained -

“In our jurisdiction, a person under nine years of age is conclusively presumed to have acted without discernment, and is, on that account, exempt from criminal liability. The same presumption and a like exemption from criminal liability obtains in a case of a person over nine and under fifteen years of age, unless it is shown that he has acted with discernment. Since negligence may be a felony and a quasi-delict and required discernment as a condition of liability, either criminal or civil, a child under nine years of age is, by analogy, conclusively presumed to be incapable of negligence; and that the presumption of lack of discernment or incapacity for negligence in the case of a child over nine but under fifteen years of age is a rebuttable one, under our law. The rule, therefore, is that a child under nine years of age must be conclusively presumed incapable of contributory negligence as a matter of law.”

Having thus settled the negligence of appellant Santos, this created a presumption of negligence on the part of his employer, appellant Maitim. Under Article 2180 of the New Civil Code, when an injury is caused by the negligence of the employee, there instantly arises a presumption of law that there was negligence on the part of the master or employer either in the selection of the servant or employee, or in the supervision over him after selection or both. For the employer to avoid the solidary liability for a tort committed by her employee, an employer must rebut the presumption by presenting adequate and convincing proof that in the selection and supervision of her employee, he exercised the care and diligence of a good father of a family.[3] Therefore, the employer must submit proof, other than verbal assertions, that she complied with everything that was incumbent on her. Appellant Maitim feebly attempts to escape vicarious liability by averring that before appellant Santos was hired, he was required to submit police clearance and NBI clearance. Regrettably, appellant Maitim's evidence which consisted mainly of testimonial evidence remained unsubstantiated and are thus, barren of significant weight. There is nothing on the records which would support her bare allegation of appellant Santos' 12-year unblemished driving record. She failed to present convincing proof that she went to the extent of verifying appellant Santos' qualifications, safety record, and driving history.

While there is no rule which requires that testimonial evidence, to hold sway, must be corroborated by documentary evidence, or even subject evidence for that matter, inasmuch as the witnesses' testimonies dwelt on mere generalities, we cannot consider the same as sufficiently persuasive proof that there was observance of due diligence in the selection and supervision of employees.[4] Appellant Maitim's attempt to prove its diligentissimi patris familias in the selection and supervision of her employee through oral evidence must fail as she was unable to buttress the same with any other evidence, object or documentary, which might obviate the apparent biased nature of the testimony.[5]

WHEREFORE, the Decision of the Regional Trial Court, Branch 100, of Quezon City dated July 27, 2012 is AFFIRMED in toto.

SO ORDERED.

De Guia-Salvador (Chairman) and Garcia, JJ., concur.

[1] Records, pp. 250-258.

[2] G.R. No. 129792, December 21, 1999.

[3] *Filipinas Synthetic Fiber Corporation vs. De Los Santos*, G.R. No. 152033, March 16, 2011.

[4] *Metro Manila Transit Corporation vs. Court of Appeals*, G.R. No. 104408, June 21, 1993.

[5]Ibid.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.