

**PHILIPPINE SOAP BOX DERBY, INC., PETITIONER, VS. THE
HONORABLE COURT OF APPEALS AND JOSE ELSTON YABUT,
REPRESENTED BY HIS FATHER, GEMINIANO E. YABUT, JR., AND
ROADWAY EXPRESS, I...**

G.R. No. 108115. October 27, 1995

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

This is a petition for review on certiorari under Rule 45 of the Revised Rules of Court of the Amended Decision dated December 9, 1992 of the Court of Appeals in C.A.-G.R. CV No. 22347 reversing the Regional Trial Court's decision sentencing petitioner Philippine Soap Box Derby, Inc. to pay the sums of P25,000.00 as moral damages, P25,000.00 as exemplary damages, and P15,000.00 as attorney's fees and costs to the private respondents. The facts are undisputed:

On July 3, 1983, the defendants Philippine Soap Box Derby, Inc., a duly organized non-stock corporation, held a soap box derby on the grounds of the Folk Arts Theater. Jose Elston Yabut, a ten-year old student and son of Geminiano Yabut, Jr., joined the contest as one of the racers, sponsored by the Roadway Express, Inc. (Roadway for brevity). The young Yabut won first place in one of the morning races and was (sic) qualified to run for the second race. After lunch and preparatory for the second race, Yabut was weighed while seated on his race car and was found overweight by the derby officials. The derby rules provide that the maximum combined weight of car and driver should not exceed 206 pounds. The derby officials removed a half-pound weight at the back of the soap box car, which was handed to the boy and the boy gave it to his father. The father kept the half-pound weight. The boy lost in the second race. Thereafter, the father returned the weight to the boy in order that it could be screwed back to where it was originally attached. He was to participate again in the third race in the afternoon of the same day so his father instructed him to put back the half-pound weight at the back of the derby car. The boy did not screw the weight to its proper place and instead, he placed it inside his back pocket. With the half-pound weight in his back pocket, he was weighed for the third time with the box car. While he was about to climb the ramp to ride the soap box car, a derby official tapped his back pocket and discovered the half-pound weight inside the pocket. The official removed the lead weight from the boy's pocket. When confronted, the boy admitted that he did not screw the lead weight. The boy was not allowed to participate in the third race inspite of the efforts of the father to talk with the derby officials.[1]

As a result of his son's disqualification private respondent Geminiano Yabut, Jr. (together with Roadway Express, Inc.) filed a complaint for actual, moral and exemplary damages with the Regional Trial Court of Caloocan City alleging that the arbitrary disqualification of his son "became a nightmare,"[2] resulting in his son's embarrassment and humiliation, "not only to relatives, classmates and friends but (also) to the public in general,"[3] resulting in "mental anguish, serious anxiety, social humiliation and sleepless nights." [4] Additionally, as "the father of plaintiff and a representative of Roadway Enterprises," who paid the P5,000.00 fee both to sponsor his son and to advertise his business as a common carrier, and who consequently demanded- but was refused- an investigation of the incident, he was entitled to moral and compensatory damages because the

resulting unpleasant publicity of the incident affected the goodwill of his company before the public in general.[5] Exemplary damages and attorney's fees were likewise sought by private respondents from the trial court.[6]

On January 23, 1989 the trial court rendered its decision dismissing the complaint for lack of merit, and ordering petitioner to pay the sum of P15,000.00 as attorney's fees and costs. It found that "the discovery of the unbolted half pound lead weight in the body of plaintiff Jose Elston Yabut was a brazen violation which undoubtedly was a valid reason for his disqualification." [7] The trial court concluded:

Indeed the plaintiffs are wanting in good faith. After plaintiff John Elston Yabut had created a cause for his disqualification in the race, he should not be expected to complain when he was eliminated from the contest much less put the blame on herein defendant. The latter merely implemented and promulgated the rules governing the derby. Likewise, the plaintiffs are not entitled to the return of the registration fee after the young Yabut was allowed to race for two (2) games. If he was prevented from pursuing the third race, it was already through his own fault. The court is therefore constrained to deny the grant for damages in favor of the plaintiffs because Art. 21 of the New Civil Code must necessarily be construed as granting the right to recover the damages only to aggrieved persons who are not themselves at faults.[8]

The Court of Appeals initially affirmed the trial court's decision and dismissed respondent's appeal in a 3 to 2 decision by a division of five promulgated on March 6, 1992.[9] Not satisfied, the private respondents filed a motion for reconsideration. With the elevation of Justice Jose C. Campos to the Supreme Court and the retirement of Justice Filemon M. Mendoza, a new majority then amended the original Court of Appeals' decision, reversing on December 9, 1992, the lower court's earlier dismissal of herein respondents' complaint. The dispositive portion of the said amended decision reads:

WHEREFORE, plaintiffs-appellants' motion for reconsideration of the decision of this Court dated April 6, 1992 is GRANTED; and said decision is accordingly AMENDED and MODIFIED in that the judgment of the lower court is hereby REVERSED and instead, this amended decision is hereby rendered finding merit in the plaintiffs' complaint and sentencing appellee corporation to pay plaintiffs the sum of P25,000.00 by way of moral damages, the additional sum of P25,000.00 by way of exemplary damages, the amount of P15,000.00 as attorney's fees and the costs of this suit.[10]

Hence, this petition, in which the principal issue raised is whether or not, generally, in a private sports competition a court may substitute its judgment for that made by the competition's officials in the interpretation and enforcement of competition rules.

We find for petitioner.

Alongside formal education, society values the primacy of sports in the formative years crucial to the molding of an individual's personality. The clarity of sports rules and the absence of shadings of gray in the otherwise black and white simplicity of the enforcement of those rules normally facilitate the gradual absorption in the yet-pristine and formative minds of children, society's otherwise complex web of governing rules. Before he begins to master the rules of society, the child must first learn to distinguish between right and wrong, good or evil. In a sense, the sports of those formative years play a role in this process of learning.

As the games become much more complex and as they involve more complicated things like bets, money, appearance fees and the trading of professional athletes, the games and the rules which govern them lose their innate simplicity. The legal rules of contract and obligations and torts and damages take over, and courts are sometimes called upon to deal with questions which appear to fall beyond the competence of referees and umpires, or seconds or arbiters. And yet, even within this sphere, the essential rules governing most sports remain simple and unadulterated. A sprinter loses by a hairbreadth of a second on a difference which would otherwise be dismissed as statistically insignificant in other areas. A Ben Johnson is kicked out of athletics and divested of his

Olympic gold medal because a banned substance appears in a laboratory assay of his urine. A weight-lifter is taken out of Olympic competition because weeks before, he had a bad cold and injudiciously took a cough preparation which contained a prohibited compound which later showed up on tests. Our young national team, after winning the Little League World series is divested of its championship on an allegation that certain rules were violated.

In the case of the weightlifter, good faith or bad faith hardly comes into question. He may not have known that the cough preparation he took contained an androgenic steroid. Many of the members of our world series team hardly knew that violations were being made. The ideal simplicity of many of these rules enabled the judges and arbiters, referees and umpires to rule on matters before them with a finality which sometimes puts to shame the complex procedural rules which prevents courts everywhere from dealing with otherwise simple controversies with the same swiftness and finality. However, each belongs to its own sphere. Just as, at a certain stage in life, sports play a role in forming character, the complexity of adult relationships and transactions requires more rules, and then even more rules of greater complexity. Courts of law belong to the latter sphere. It is best, that our courts, as a general rule, leave the former alone.

The idea of justice sometimes harkens to a pristine state in the course of the development of society's ethical and legal norms, exemplified by the rules of the games which children play. Their simplicity serves a purpose, and it would be wrong to impose either harsh legal rules or complicate simple do's and don'ts, with good faith and bad faith doctrines more appropriately applicable to adult transactions. Such doctrines only disrupt and confuse, and would only be apt if the adult enforcement of sport's rules were inherently unfair.

There was nothing unfair in the officials' enforcement of the soap box derby rules[11] in the case before us.

As the undisputed facts show, petitioner John Elston Yabut won his first race. In the second race, he was found to be overweight, and an excess weight, a half-pound bolt, was itself removed by officials of the race to bring him down to acceptable weight limits. He lost the second race. In the third race, the offensive half-pound bolt found[12] its way into his pocket and he was disqualified.

The rule book governing the soap box derby race, as adopted and issued by the defendant firm, provides a simple rule: any "additional weight (should) be securely bolted" to the car, and "[n]o movable or lost weight is allowed." To make sure that the rule book covers every conceivable violation, the rules warn that contestants are not allowed to do anything not specifically stated in the rule book. In any case, the rule book clearly provides for the question of additional weights and the rule is clear enough as to leave no room of interpretation.

The Court of Appeals' original Division of Five, which affirmed the trial court's decision was therefore correct in stating that the presence of a half pound weight in petitioner's pocket was a brazen violation of the soap box derby rules. Without reservation, we agree with the respondent court's original majority's holding, written by former Supreme Court Justice Jose C. Campos, Jr., that:[13]

There is no need for a keen imagination or a stretch of unusual imagination to comprehend that the keeping by Jose Elston Yabut of a half pound lead weight in his back pocket was a brazen violation of the derby rules. The rules are prescribed and enforced to prevent any participant from taking any unusual advantage of additional weight to accelerate speed going downhill or prevent risks of serious or grave injuries. Should any accident happen while the box car is coming down the high altitude ramp at tremendous speed, the driver may lose control of the box car and hurt himself.

The boy was not disqualified only for having the lead weight in his back pocket. This is only one of the multi-violations committed by Jose Elston Yabut with the father's unwitting assistance in not properly attaching the half-pound lead weight with the screw prescribed for such purpose. We take note of the fact that

the weight was handed to the father after it was removed from its attachment at the back of the box car. He knew that it was removed from the car because the car and his son were overweight and that it could only be attached with the consent or approval of derby officials. The father did not follow this rule. Why did he give it to his son instead of asking the derby officials to put it back where it was removed? The father's actuation in this regard is full of uncertainties replete with speculations that he intended to give his son the added weight without knowledge of the derby officials and thus give the boy an advantage over the others.

We can overlook the son's shortcomings or lack of detailed knowledge of the rules but we cannot accept that the father was not aware of the derby rules or that his giving back the weight to his son without putting the weight back where it was removed was done in good faith. It was certainly a clear manifestation of bad faith in giving the lead weight to his son knowing that there was no order from the officials to attach it back.

The soap box derby is a worldwide sports competition for boys. Participation by the minors is by sponsorship by some business or civic organization. The rules are strict and the participants are required to comply strictly with said rules. Any deviation from the rules is a ground for disqualification, unless, like all sports, the disqualification was done arbitrarily to favor one or a few or to discriminate against others. Like all kinds of sporting events, the rules must be strictly followed to insure equality in the sports competition; and respect for decisions of officials duly authorized to execute the rules of the game must at all times be shown. Otherwise, there will be anarchy and chaos and the event will cease to be a sport but a test of guile, trickery and fraud. The rules of sports do not consider exceptions; it exacts obedience to the rules to promote and develop a keen sense of fairness in the field of competition and in the spirit of sportsmanship.

Moreover, the soap box derby race is a privately sponsored event with rules and regulations which mirror the same rules and regulations followed by international soap box derby competitions. As Justice Campos in his ponencia observed:[14]

It is not a public sporting event where everybody is free to join and compete. It has rules which must be strictly followed and it has officials duly selected and authorized to enforce the rules... Anyone who joins the derby, does so with the clear cut understanding that he shall abide strictly by the rules... [D]ecisions may not be pleasant to participants, like the plaintiffs, but the latter may not be allowed to substitute their own judgments over those authorized by the sponsoring body, to conduct the race.

Contrary to the assertions of the respondent court in its amended decision, the question of a contestant's good faith or bad faith hardly comes into the picture in the enforcement of simple competition rules and regulations in sports of this nature. The motive (or absence of motive) behind the presence of the half pound weight in the private respondent's pocket was of no moment. If there was intent to cheat, it was wrong and the rules disqualified him. If there was no intent to cheat, and the offending weight found its way in his pocket for one or another reason, it was there and its presence violated the derby rules, which led to private respondent's disqualification. Simple as that. If legal notions were allowed to intrude at every level in the enforcement of rules of private (or even public) sporting events, there will result anarchy and chaos, as virtually every decision by an umpire, or referee or sports judge could be subject to question and every disqualification based on a clear-cut rule would be qualified by the presence or absence of good faith or bad faith, or the question of motive or intent. Spectators will then have to await the result of sporting events, not from rafters or from media, but from announcements made by judges through court personnel reading aloud legal decisions.

What will prevent our athletes for national or international competitions- when found to have a banned substance in their urine- from asserting that the substance was taken as part of regular medication in good faith? How may courts ascertain with definiteness a competitor's excuse based on good faith in a claim for damages against his disqualification by the sponsors of a competitive athletic event? In an increasingly litigious society, the ramifications of courts' increasing intrusions into matters which ought to be settled by sports bodies are many.

Encouraging the trend would ultimately pervert the yet-untouched area of childhood sporting events. Unless a clear case is found for arbitrary and brazen violations or applications of sports rules by officials and sponsors themselves, and no such thing happened here, it is best for courts to prudently leave things where they are.

Finally, petitioner's assertion that other contestants likewise violated the derby rules by placing illegal weights on their caps or in other parts of their body (an assertion given credence by respondent court in its amended decision) is a bare statement which was never supported or proven by competent evidence in the trial court. According to the respondent court, videotaped evidence was supposed to have been introduced^[15] in support of the allegation that other contestants may have been as guilty as the private respondent in possessing illegal weights during the third race. However, no specific allegations as to whether or not specific contestants were allowed to race in spite of their being overweight and it would be impossible to estimate even relative weights from a television screen replaying a videotape of the event.

In fine, the circuitous route the case at bench has taken through our courts would have been unnecessary had private respondents observed ordinary rules of sportsmanship and sporting play following John Elston Yabut's disqualification. The maxim that "the judges decision is final" simplifies sports adjudication to a degree which the larger arena of life does not ordinarily mirror. Nonetheless, it is a simplicity in procedure which we of the courts ought to altogether idealize or sometimes aim for.

WHEREFORE, premises considered, the Court of Appeals Amended Decision dated December 9, 1992 is hereby REVERSED and the trial court's decision REINSTATED.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Hermosisima, Jr., JJ., concur.

[1] Rollo, pp. 64-65.

[2] Id., at 46.

[3] Id.

[4] Id.

[5] Rollo, p. 47.

[6] Id.

[7] Rollo, p. 61.

[8] Rollo, p. 62.

[9] The case was originally assigned to Justice Filemon Mendoza for decision. For failure to obtain unanimity in the division, two additional justices were added to form a division of five members pursuant to the Revised Internal Rules of Procedure of the Court of Appeals. Three justices affirmed the trial court's decision, namely Justice Jose Campos, Jr., who penned the decision and Justices Arturo Buena and Jorge G. Imperial. Justice Alicia Sempio-Diy and Justice Filemon Mendoza dissented.

[10] Rollo p. 42.

[11] The Rule Book governing the soap box derby, as adopted and issued by the defendant firm, in so far as they are relevant and material to the case at bar, provides as follows:

(1) "Exh 4-A which is Sec. J-7.04 par. 6 of the Rule Book (p. 11, Exh. 4), provides that the "additional weight must be securely bolted through. x x x No movable or loose weight is allowed.

(2) Exh. 4-B which is in the introduction of the Rule Book (p. 6, Exh. 4), states that "It is important that the Derby car operates with maximum safety and that there are no car parts which would cause injury in the event of loss of control."

(3) Exh. 4-C which is Sec. J-6.01 of the Rule Book (Exh. 4), says that "the Derby Director or special committee may disqualify any car or driver that, in their opinion, endangers the driver or other drivers or spectators, x x x."

(4) Exh. 4-D which is Sec. J-6.04 of the Rule Book (p. 10, Exh. 4), provides that "If not specifically stated in the plans of Rule Book, you CAN NOT DO IT!!!"

(5) Also, J-6.03 (p. 10) says: "The Derby Director or special committee may disqualify any driver who attempts to gain unfair advantage or shows poor sportsmanship."

(6) Exh. 4-F which is on page 44 of the Rule Book (Exh. 4), clearly illustrates the placement of additional weights. The rule (S-12-04) says: "The minimum amount of adjustment weight x x x mounted securely x x x and installed within reach of the cockpit are for easy adjustment."

(7) Exh. 4-G which is Sec. J-7.11 of the Rule Book (p. 14, Exh. 4) specifically directs as prohibited, "no loose materials".

(8) On page 15 of the Rule Book (Exh. 4), it provides: "ADDED WEIGHT - Must be securely bolted with a 5/16 inch bolt to the top of the floorboard. NO MOVABLE WEIGHT. NO LOSE WEIGHT."

[12] How the bolt found its way into the pocket of petitioner was the subject of great deal of discussion in the dissenting opinions of Justices Filemon Mendoza and Alicia Sempio Diy in the original case. Justice Mendoza concluded that the bolt found its way there "due to excitement or inadvertence". Justice Sempio Diy wrote that: "in his excitement that he was being allowed to run again in the third race...he unwittingly placed the half-pound adjustable lead weight earlier removed" in his pocket. The presence of the offending weight was never denied by either the private respondents or the original dissenters.

[13] Rollo, pp. 67-A-68.

[14] Rollo, p. 65.

[15] Rollo, p. 31.

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