

**FLORDELIZA MENDOZA, PETITIONER, VS. MUTYA SORIANO AND
MINOR JULIE ANN SORIANO DULY REPRESENTED BY HER NATURAL
MOTHER AND GUARDIANAD LITEM MUTYA SORIANO,
RESPONDENTS.**

G.R. No. 164012. June 08, 2007

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In this petition for review under Rule 45 of the Rules of Court, petitioner asks this Court to reverse and set aside the Decision[1] dated November 17, 2003 and the Resolution[2] dated May 24, 2004 of the Court of Appeals in CA-G.R. CV No. 69037. The appellate court found petitioner, as employer of Lomer Macasasa, liable for damages.

The facts are as follows:

At around 1:00 a.m., July 14, 1997, Sonny Soriano, while crossing Commonwealth Avenue near Luzon Avenue in Quezon City, was hit by a speeding Tamaraw FX driven by Lomer Macasasa. Soriano was thrown five meters away, while the vehicle only stopped some 25 meters from the point of impact. Gerard Villaspín, one of Soriano's companions, asked Macasasa to bring Soriano to the hospital, but after checking out the scene of the incident, Macasasa returned to the FX, only to flee. A school bus brought Soriano to East Avenue Medical Center where he later died. Subsequently, the Quezon City Prosecutor recommended the filing of a criminal case for reckless imprudence resulting to homicide against Macasasa.[3]

On August 20, 1997, respondents Mutya Soriano and Julie Ann Soriano, Soriano's wife and daughter, respectively, filed a complaint for damages against Macasasa and petitioner Flordeliza Mendoza, the registered owner of the vehicle. The complaint was docketed as Civil Case No. C-18038 in the Regional Trial Court of Caloocan City, Branch 121. Respondents prayed that Macasasa and petitioner be ordered to pay them: P200,000 moral damages; P500,000 for lost income; P22,250 for funeral services; P45,000 for burial lot; P15,150 for interment and lapida; P8,066 for hospitalization, other medical and transportation expenses; P28,540 for food and drinks during the wake; P50,000 exemplary damages; P60,000 indemnity for Soriano's death; and P25,000 for attorney's fees plus P500 per court appearance.[4]

In her answer, petitioner Mendoza maintained that she was not liable since as owner of the vehicle, she had exercised the diligence of a good father of a family over her employee, Macasasa.

Upon respondents' motion, the complaint for damages against Macasasa was dismissed.

After trial, the trial court also dismissed the complaint against petitioner.[5] It found Soriano negligent for crossing Commonwealth Avenue by using a small gap in the island's fencing rather than the pedestrian overpass. The lower court also ruled that petitioner was not negligent in the selection and supervision of Macasasa since complainants presented no evidence to support their allegation of petitioner's negligence.[6]

Respondents appealed. The Court of Appeals reversed the trial court. The dispositive portion of the appellate court's decision reads:

WHEREFORE, the judgment appealed from is REVERSED, and another one is hereby rendered ordering [petitioner] Flordeliza Mendoza to pay [respondents] Mutya Soriano and Julie Ann Soriano the following amounts:

- Hospital and Burial Expenses P80,926.25
- Loss of earning capacity P77,000.00
- Moral Damages P20,000.00
- Indemnity for the death of Sonny Soriano P50,000.00

Actual payment of the aforementioned amounts should, however, be reduced by twenty (20%) per cent due to the presence of contributory negligence by the victim as provided for in Article 2179 of the Civil Code.

SO ORDERED.[7]

While the appellate court agreed that Soriano was negligent, it also found Macasasa negligent for speeding, such that he was unable to avoid hitting the victim. It observed that Soriano's own negligence did not preclude recovery of damages from Macasasa's negligence. It further held that since petitioner failed to present evidence to the contrary, and conformably with Article 2180[8] of the Civil Code, the presumption of negligence of the employer in the selection and supervision of employees stood.

Petitioner's motion for reconsideration was denied by the appellate court in a Resolution[9] dated May 24, 2004.

Hence, this appeal where petitioner alleges that:

I.

THE TOTAL AMOUNT PRAYED FOR IN THE COMPLAINT IS NOT WITHIN THE JURISDICTION OF THE REGIONAL TRIAL COURT.

II.

[COROLLARILY], THE AWARD OF DAMAGES IN FAVOR OF THE RESPONDENTS [HAS] NO BASIS IN LAW.[10]

The issues are simple: (1) Did the Regional Trial Court have jurisdiction to try the case? and (2) Was there sufficient legal basis to award damages?

Petitioner argues that the amount claimed by respondents is within the jurisdiction of the Metropolitan Trial Court. She posits that to determine the jurisdictional amount, what should only be considered are the following: P22,250 for funeral services; P45,000 for burial lot; P15,150 for interment and lapida; P8,066 for hospitalization and transportation; P28,540 for food and drinks during the wake; and P60,000 indemnity for Soriano's death. She maintains that the sum of these amounts, P179,006, is below the jurisdictional amount of the Regional Trial Court. She states that under Section 19(8) of the Judiciary Reorganization Act of 1980, the following claims of respondents must be excluded: P200,000 moral damages, P500,000 for lost income; P50,000 exemplary damages; P25,000 attorney's fees plus P500 per court appearance. Petitioner thus prays that the decision of the Court of Appeals be reversed, and the dismissal of the case by the trial court be affirmed on the ground of lack of jurisdiction.

Section 19(8) of Batas Pambansa Blg. 129,[11] as amended by Republic Act No. 7691, states the pertinent law.

SEC. 19. Jurisdiction in civil cases.—Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x

(8) In all other cases in which the demand, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs or the value of the property in controversy exceeds One hundred thousand pesos (P100,000.00) or, in such other cases in Metro Manila, where the demand, exclusive of the abovementioned items exceeds Two hundred thousand pesos (P200,000.00).

But relatedly, Administrative Circular No. 09-94[12] expressly states:

x x x x

2. The exclusion of the term "damages of whatever kind" in determining the jurisdictional amount under Section 19(8) and Section 33(1) of BP Blg. 129, as amended by RA No. 7691, applies to cases where the damages are merely incidental to or a consequence of the main cause of action. However, in cases where the claim for damages is the main cause of action, or one of the causes of action, the amount of such claim shall be considered in determining the jurisdiction of the court. (Underscoring supplied.)

Actions for damages based on quasi-delicts, as in this case, are primarily and effectively actions for the recovery of a sum of money for the damages for tortious acts.[13] In this case, respondents' claim of P929,006 in damages and P25,000 attorney's fees plus P500 per court appearance represents the monetary equivalent for compensation of the alleged injury. These money claims are the principal reliefs sought by respondents in their complaint for damages.[14] Consequently then, we hold that the Regional Trial Court of Caloocan City possessed and properly exercised jurisdiction over the case.[15]

Petitioner further argues that since respondents caused the dismissal of the complaint against Macasasa, there is no longer any basis to find her liable. She claims that "no iota of evidence" was presented in this case to prove Macasasa's negligence, and besides, respondents can recover damages in the criminal case against him.

Respondents counter that as Macasasa's employer, petitioner was presumed negligent in selecting and supervising Macasasa after he was found negligent by the Court of Appeals.

The records show that Macasasa violated two traffic rules under the Land Transportation and Traffic Code. First, he failed to maintain a safe speed to avoid endangering lives.[16] Both the trial and the appellate courts found Macasasa speeding.[17] The records show also that Soriano was thrown five meters away after he was hit.[18] Moreover, the vehicle stopped only some 25 meters from the point of impact.[19]

Both circumstances support the conclusion that the FX vehicle driven by Macasasa was speeding. Second, Macasasa, the vehicle driver, did not aid Soriano, the accident victim, in violation of Section 55,[20] Article V of the Land Transportation and Traffic Code. While Macasasa at first agreed to bring Soriano to the hospital, he fled the scene in a hurry. Contrary to petitioner's claim, there is no showing of any factual basis that Macasasa fled for fear of the people's wrath. What remains undisputed is that he did not report the accident to a police officer, nor did he summon a doctor. Under Article 2185[21] of the Civil Code, a person driving a motor vehicle is presumed negligent if at the time of the mishap, he was violating traffic regulations.

While respondents could recover damages from Macasasa in a criminal case and petitioner could become subsidiarily liable, still petitioner, as owner and employer, is directly and separately civilly liable for her failure to exercise due diligence in supervising Macasasa.[22] We must emphasize that this damage suit is for the quasi-delict of petitioner, as owner and employer, and not for the delict of Macasasa, as driver and employee.

Under Article 2180 of the Civil Code, employers are liable for the damages caused by their employees acting

within the scope of their assigned tasks. The liability arises due to the presumed negligence of the employers in supervising their employees unless they prove that they observed all the diligence of a good father of a family to prevent the damage.

In this case, we hold petitioner primarily and solidarily liable for the damages caused by Macasasa.[23] Respondents could recover directly from petitioner[24] since petitioner failed to prove that she exercised the diligence of a good father of a family in supervising Macasasa.[25] Indeed, it is unfortunate that petitioner harbored the notion that the Regional Trial Court did not have jurisdiction over the case and opted not to present her evidence on this point.

Lastly, we agree that the Court of Appeals did not err in ruling that Soriano was guilty of contributory negligence for not using the pedestrian overpass while crossing Commonwealth Avenue. We even note that the respondents now admit this point, and concede that the appellate court had properly reduced by 20% the amount of damages it awarded. Hence, we affirm the reduction[26] of the amount earlier awarded, based on Article 2179 of the Civil Code which reads:

When the plaintiff's own negligence was the immediate and proximate cause of his injury, he cannot recover damages. But if his negligence was only contributory, the immediate and proximate cause of the injury being the defendant's lack of due care, the plaintiff may recover damages, but the courts shall mitigate the damages to be awarded.

WHEREFORE, we DENY the petition for lack of merit and hereby AFFIRM the Decision dated November 17, 2003 and the Resolution dated May 24, 2004 of the Court of Appeals in CA-G.R. CV No. 69037.

Costs against petitioner.

SO ORDERED.

Carpio, Tinga, and Velasco, Jr., JJ., concur.

Carpio-Morales, J., on official leave.

[1] Rollo, pp. 40-49. Penned by Associate Justice Bienvenido L. Reyes, with Associate Justices Conrado M. Vasquez, Jr. and Arsenio J. Magpale concurring.

[2] Id. at 51-53.

[3] Id. at 27 and 82.

[4] Id. at 19.

[5] Id. at 38.

[6] Id. at 37-38.

[7] Id. at 48-49.

[8] ART. 2180. The obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those of persons for whom one is responsible.

x x x x

Employers shall be liable for the damages caused by their employees and household helpers acting within the scope of their assigned tasks, even though the former are not engaged in any business or industry.

x x x x

The responsibility treated of in this article shall cease when the persons herein mentioned prove that they observed all the diligence of a good father of a family to prevent damage.

[9] Rollo, pp. 51-53.

[10] Id. at 10.

[11] Also known as the "Judiciary Reorganization Act of 1980."

[12] Guidelines in the Implementation of Republic Act No. 7691, Entitled "An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as the 'Judiciary Reorganization Act of 1980.'"

[13] Iniego v. Purganan, G.R. No. 166876, March 24, 2006, 485 SCRA 394, 401.

[14] Id.

[15] Under Section 5 of Rep. Act No. 7691, the jurisdictional amounts under Section 19(8) shall increase five years after its effectivity.

[16] Rep. Act No. 4136, Chapter IV–TRAFFIC RULES, Article I.–Speed Limit and Keeping to the Right

SEC. 35. Restriction as to speed.–(a) Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed, not greater nor less than is reasonable and proper, having due regard for the traffic, the width of the highway, and of any other condition then and there existing; and no person shall drive any motor vehicle upon a highway at such a speed as to endanger the life, limb and property of any person, nor at a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead.

x x x x

[17] Rollo, pp. 38, 43.

[18] Id. at 35, 43.

[19] Id.

[20] Rep. Act No. 4136, Chapter IV–TRAFFIC RULES, Article V.–Miscellaneous Traffic Rules SEC. 55. Duty of driver in case of accident.–...

No driver of a motor vehicle concerned in a vehicular accident shall leave the scene of the accident without aiding the victim, except under any of the following circumstances:

- If he is in imminent danger of being seriously harmed by any person or persons by reason of the accident;
- If he reports the accident to the nearest officer of the law; or
- If he has to summon a physician or nurse to aid the victim.

[21] Art. 2185. Unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation.

[22] See Cerezo v. Tuazon, G.R. No. 141538, March 23, 2004, 426 SCRA 167, 186-187.

[23] See Victory Liner, Inc. v. Heirs of Andres Malecdan, G.R. No. 154278, December 27, 2002, 394 SCRA 520, 524.

[24] Id. at 524-525; Cerezo v. Tuazon, *supra* at 186.

[25] CIVIL CODE, Art. 2180.

[26] See *Phoenix Construction, Inc. v. Intermediate Appellate Court*, No. L-65295, March 10, 1987, 148 SCRA 353, 370-371.

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