

**ST. JOSEPH'S COLLEGE, SR. JOSEPHINI AMBATALI, SFIC, AND ROSALINDA TABUGO, PETITIONERS, VS. JAYSON MIRANDA, REPRESENTED BY HIS FATHER, RODOLFO S. MIRANDA, RESPONDENT.**

*G.R. No. 182353. June 29, 2010*

Ponente: NACHURA, J.

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**NACHURA, J.:**

This petition for review on certiorari seeks to set aside the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 68367, which affirmed in toto the decision[2] of the Regional Trial Court (RTC), Branch 221, Quezon City, in Civil Case No. Q-95-22889.

The facts, as found by the CA, follow:

On November 17, 1994, at around 1:30 in the afternoon inside St. Joseph College's [SJC's] premises, the class to which [respondent Jayson Val Miranda] belonged was conducting a science experiment about fusion of sulphur powder and iron fillings under the tutelage of [petitioner] Rosalinda Tabugo, she being the subject teacher and employee of [petitioner] SJC. The adviser of [Jayson's] class is x x x Estefania Abdan.

Tabugo left her class while it was doing the experiment without having adequately secured it from any untoward incident or occurrence. In the middle of the experiment, [Jayson], who was the assistant leader of one of the class groups, checked the result of the experiment by looking into the test tube with magnifying glass. The test tube was being held by one of his group mates who moved it close and towards the eye of [Jayson]. At that instance, the compound in the test tube spurted out and several particles of which hit [Jayson's] eye and the different parts of the bodies of some of his group mates. As a result thereof, [Jayson's] eyes were chemically burned, particularly his left eye, for which he had to undergo surgery and had to spend for his medication. Upon filing of this case [in] the lower court, [Jayson's] wound had not completely healed and still had to undergo another surgery.

Upon learning of the incident and because of the need for finances, [Jayson's] mother, who was working abroad, had to rush back home for which she spent P36,070.00 for her fares and had to forego her salary from November 23, 1994 to December 26, 1994, in the amount of at least P40,000.00.

Then, too, [Jayson] and his parents suffered sleepless nights, mental anguish and wounded feelings as a result of his injury due to [petitioners'] fault and failure to exercise the degree of care and diligence incumbent upon each one of them. Thus, they should be held liable for moral damages. Also, [Jayson] sent a demand letter to [petitioners] for the payment of his medical expenses as well as other expenses incidental thereto, which the latter failed to heed. Hence, [Jayson] was constrained to file the complaint for damages. [Petitioners], therefore, should likewise compensate [Jayson] for litigation expenses, including attorney's fees.

On the other hand, [petitioners SJC, Sr. Josephini Ambatali, SFIC, and Tabugo] alleged that [Jayson] was a grade six pupil of SJC in the school year 1994-1995. On November 17, 1994, at about 1:30 in the afternoon, the class to which [Jayson] belong[s] was conducting a science experiment under the guidance and supervision

of Tabugo, the class science teacher, about fusion of sulphur powder and iron fillings by combining these elements in a test tube and heating the same. Before the science experiment was conducted, [Jayson] and his classmates were given strict instructions to follow the written procedure for the experiment and not to look into the test tube until the heated compound had cooled off. [Jayson], however, a person of sufficient age and discretion and completely capable of understanding the English language and the instructions of his teacher, without waiting for the heated compound to cool off, as required in the written procedure for the experiment and as repeatedly explained by the teacher, violated such instructions and took a magnifying glass and looked at the compound, which at that moment spurted out of the test tube, a small particle hitting one of [Jayson's] eyes.

Jayson was rushed by the school employees to the school clinic and thereafter transferred to St. Luke's Medical Center for treatment. At the hospital, when Tabago visited [Jayson], the latter cried and apologized to his teacher for violating her instructions not to look into the test tube until the compound had cooled off.

After the treatment, [Jayson] was pronounced ready for discharge and an eye test showed that his vision had not been impaired or affected. In order to avoid additional hospital charges due to the delay in [Jayson's] discharge, Rodolfo S. Miranda, [Jayson's] father, requested SJC to advance the amount of P26,176.35 representing [Jayson's] hospital bill until his wife could arrive from abroad and pay back the money. SJC acceded to the request.

On December 6, 1994, however, the parents of [Jayson], through counsel, wrote SJC a letter demanding that it should shoulder all the medical expenses of [Jayson] that had been incurred and will be incurred further arising from the accident caused by the science experiment. In a letter dated December 14, 1994, the counsel for SJC, represented by Sr. Josephini Ambatali, SFIC, explained that the school cannot accede to the demand because "the accident occurred by reason of [Jayson's] failure to comply with the written procedure for the experiment and his teacher's repeated warnings and instruction that no student must face, much less look into, the opening of the test tube until the heated compound has cooled.[3]

Since SJC did not accede to the demand, Rodolfo, Jayson's father, on Jayson's behalf, sued petitioners for damages.

After trial, the RTC rendered judgment, to wit:

WHEREFORE, premises considered, judgment is hereby rendered in favor of [Jayson] and against [petitioners]. This Court orders and holds the [petitioners] joint[ly] and solidarily liable to pay [Jayson] the following amount:

1. To pay [Jayson] the amount of P77,338.25 as actual damages; However, [Jayson] is ordered to reimburse [petitioner] St. Joseph College the amount of P26,176.36 representing the advances given to pay [Jayson's] initial hospital expenses or in the alternative to deduct said amount of P26,176.36 from the P77,338.25 actual damages herein awarded by way of legal compensation;
2. To pay [Jayson] the sum of P50,000.00 as mitigated moral damages;
3. To pay [Jayson] the sum of P30,000.00 as reasonable attorney's fees;
4. To pay the costs of suit.

#### **SO ORDERED.[4]**

Aggrieved, petitioners appealed to the CA. However, as previously adverted to, the CA affirmed in toto the ruling of the RTC, thus:

WHEREFORE, in view of the foregoing, the assailed decision of the RTC of Quezon City, Branch 221 dated

September 6, 2000 is hereby AFFIRMED IN TOTO. Costs against [petitioners].[5]

Undaunted, petitioners appealed` by certiorari to this Court, adamant that the CA grievously erred, thus:

I. THE COURT OF APPEALS GRIEVOUSLY ERRED IN NOT FINDING THAT THE PROXIMATE CAUSE OF JAYSON'S INJURY WAS HIS OWN ACT OF LOOKING AT THE HEATED TEST TUBE BEFORE THE COMPOUND HAD COOLED IN COMPLETE DISREGARD OF INSTRUCTIONS GIVEN PRIOR TO THE EXPERIMENT.

II. THE COURT OF APPEALS FAILED TO APPRECIATE THAT, IN LIGHT OF THE RULING IN THE CASE OF ST. MARY'S COLLEGE V. WILLIAM CARPITANOS, x x x JAYSON'S CONTRIBUTORY NEGLIGENCE OF PEEKING INTO THE TEST TUBE WAS IN FACT THE PROXIMATE CAUSE OF HIS INJURY FOR WHICH THE PETITIONERS SHOULD NOT BE HELD LIABLE.

III. THE COURT OF APPEALS GRIEVOUSLY ERRED IN AFFIRMING THE AWARD OF ACTUAL DAMAGES DESPITE THE ABSENCE OF PROOF TO SUPPORT THE SAME.

IV. THE LOWER COURT GRIEVOUSLY ERRED IN AWARDING MORAL DAMAGES TO [JAYSON].

V. THE COURT OF APPEALS GRIEVOUSLY ERRED IN AFFIRMING THE AWARD OF ATTORNEY'S FEES TO [JAYSON].

VI. THE LOWER COURT GRIEVOUSLY ERRED IN DENYING THE PETITIONERS' COUNTERCLAIM.[6]

We find no reason to depart from the uniform rulings of the lower courts that petitioners were "negligent since they all failed to exercise the required reasonable care, prudence, caution and foresight to prevent or avoid injuries to the students."

Jurisprudence dictates that factual findings of the trial court, especially when affirmed by the appellate court, are accorded the highest degree of respect and are considered conclusive between the parties.[7] A review of such findings by this Court is not warranted except for highly meritorious circumstances when: (1) the findings of a trial court are grounded entirely on speculation, surmises or conjectures; (2) a lower court's inference from its factual findings is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion in the appreciation of facts; (4) the findings of the appellate court go beyond the issues of the case, or fail to notice certain relevant facts which, if properly considered, will justify a different conclusion; (5) there is a misappreciation of facts; (6) the findings of fact are conclusions without mention of the specific evidence on which they are based, are premised on the absence of evidence, or are contradicted by evidence on record.[8] None of the foregoing exceptions which would warrant a reversal of the assailed decision obtains in this instance.

Yet, petitioners maintain that the proximate cause of Jayson's injury was his own negligence in disregarding the instructions given by Tabugo prior to the experiment and peeking into the test tube. Petitioners invoke our ruling in St. Mary's Academy v. Carpitanos[9] which absolved St. Mary's Academy from liability for the untimely death of its student during a school sanctioned activity, declaring that "the negligence of petitioner St. Mary's Academy was only a remote cause of the accident."

We are not convinced.

Contrary to petitioners' assertions, the lower courts' conclusions are borne out by the records of this case. Both courts correctly concluded that the immediate and proximate cause of the accident which caused injury to Jayson was the sudden and unexpected explosion of the chemicals, independent of any intervening cause. The assailed Decision of the CA quotes with favor the RTC decision, thus:

In this case, [petitioners] failed to show that the negligence of [Jayson] was the proximate cause of the latter's injury. We find that the immediate cause of the accident was not the negligence of [Jayson] when he curiously looked into the test tube when the chemicals suddenly exploded which caused his injury, but the sudden and unexpected explosion of the chemicals independent of any intervening cause. [Petitioners] could have prevented the mishap if they exercised a higher degree of care, caution and foresight. The court a quo correctly ruled that:

"All of the [petitioners] are equally at fault and are liable for negligence because all of them are responsible for exercising the required reasonable care, prudence, caution and foresight to prevent or avoid injuries to the students. The individual [petitioners] are persons charged with the teaching and vigilance over their students as well as the supervision and ensuring of their well-being. Based on the facts presented before this Court, these [petitioners] were remiss in their responsibilities and lacking in the degree of vigilance expected of them. [Petitioner] subject teacher Rosalinda Tabugo was inside the classroom when the class undertook the science experiment although [Jayson] insisted that said [petitioner] left the classroom. No evidence, however, was presented to establish that [petitioner] Tabugo was inside the classroom for the whole duration of the experiment. It was unnatural in the ordinary course of events that [Jayson] was brought to the school clinic for immediate treatment not by [petitioner] subject teacher Rosalinda Tabugo but by somebody else. The Court is inclined to believe that [petitioner] subject teacher Tabugo was not inside the classroom at the time the accident happened. The Court is also perplexed why none of the other students (who were eyewitnesses to the incident) testified in Court to corroborate the story of the [petitioners]. The Court, however, understands that these other students cannot testify for [Jayson] because [Jayson] is no longer enrolled in said school and testifying for [Jayson] would incur the ire of school authorities. Estefania Abdan is equally at fault as the subject adviser or teacher in charge because she exercised control and supervision over [petitioner] Tabugo and the students themselves. It was her obligation to insure that nothing would go wrong and that the science experiment would be conducted safely and without any harm or injury to the students. [Petitioner] Sr. Josephini Ambatali is likewise culpable under the doctrine of command responsibility because the other individual [petitioners] were under her direct control and supervision. The negligent acts of the other individual [petitioners] were done within the scope of their assigned tasks.

x x x x

"The defense of due diligence of a good father of a family raised by [petitioner] St. Joseph College will not exculpate it from liability because it has been shown that it was guilty of inexcusable laxity in the supervision of its teachers (despite an apparent rigid screening process for hiring) and in the maintenance of what should have been a safe and secured environment for conducting dangerous experiments. [Petitioner] school is still liable for the wrongful acts of the teachers and employees because it had full information on the nature of dangerous science experiments but did not take affirmative steps to avert damage and injury to students. The fact that there has never been any accident in the past during the conduct of science experiments is not a justification to be complacent in just preserving the status quo and do away with creative foresight to install safety measures to protect the students. Schools should not simply install safety reminders and distribute safety instructional manuals. More importantly, schools should provide protective gears and devices to shield students from expected risks and anticipated dangers.

"Ordinarily, the liability of teachers does not extend to the school or university itself, although an educational institution may be held liable under the principle of RESPONDENT SUPERIOR. It has also been held that the liability of the employer for the [tortuous] acts or negligence of its employees is primary and solidary, direct and immediate and not conditioned upon the insolvency of or prior recourse against the negligent employee."[10]

Under the foregoing circumstances, we are hard pressed to disturb the findings of the RTC, which the CA affirmed.

Nonetheless, petitioners make much of the fact that Tabugo specifically instructed her students, including Jayson, at the start of the experiment, not to look into the heated test tube before the compound had cooled off. Petitioners would allocate all liability and place all blame for the accident on a twelve (12)-year-old student, herein respondent Jayson.

We disagree.

As found by both lower courts, the proximate cause of Jayson's injury was the concurrent failure of petitioners to prevent the foreseeable mishap that occurred during the conduct of the science experiment. Petitioners were negligent by failing to exercise the higher degree of care, caution and foresight incumbent upon the school, its administrators and teachers.

Article 218 of the Family Code, in relation to Article 2180 of the Civil Code, bestows special parental authority on the following persons with the corresponding obligation, thus:

Art. 218. The school, its administrators and teachers, or the individual, entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody.

Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

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

Lastly, teachers or heads of establishments of arts and trades shall be liable for damages caused by their pupils and students or apprentices, so long as they remain in their custody.

Petitioners' negligence and failure to exercise the requisite degree of care and caution is demonstrated by the following:

1. Petitioner school did not take affirmative steps to avert damage and injury to its students although it had full information on the nature of dangerous science experiments conducted by the students during class;
2. Petitioner school did not install safety measures to protect the students who conduct experiments in class;
3. Petitioner school did not provide protective gears and devices, specifically goggles, to shield students from expected risks and dangers; and
4. Petitioner Tabugo was not inside the classroom the whole time her class conducted the experiment, specifically, when the accident involving Jayson occurred. In any event, the size of the class--fifty (50) students-- conducting the experiment is difficult to monitor.

Moreover, petitioners cannot simply deflect their negligence and liability by insisting that petitioner Tabugo gave specific instructions to her science class not to look directly into the heated compound. Neither does our ruling in *St. Mary's* preclude their liability in this case.

Unfortunately for petitioners, *St. Mary's* is not in point. In that case, respondents thereat admitted the documentary exhibits establishing that the cause of the accident was a mechanical defect and not the recklessness of the minor, James Daniel II, in driving the jeep. We held, thus:

Significantly, respondents did not present any evidence to show that the proximate cause of the accident was

the negligence of the school authorities, or the reckless driving of James Daniel II. x x x.

Further, there was no evidence that petitioner school allowed the minor James Daniel II to drive the jeep of respondent Vivencio Villanueva. It was Ched Villanueva, grandson of respondent Vivencio Villanueva, who had possession and control of the jeep. He was driving the vehicle and he allowed James Daniel II, a minor, to drive the jeep at the time of the accident.

Hence, liability for the accident, whether caused by the negligence of the minor driver or mechanical detachment of the steering wheel guide of the jeep, must be pinned on the minor's parents primarily. The negligence of petitioner St. Mary's Academy was only a remote cause of the accident. Between the remote cause and the injury, there intervened the negligence of the minor's parents or the detachment of the steering wheel guide of the jeep.[11]

In marked contrast, both the lower courts similarly concluded that the mishap which happened during the science experiment was foreseeable by the school, its officials and teachers. This neglect in preventing a foreseeable injury and damage equates to neglect in exercising the utmost degree of diligence required of schools, its administrators and teachers, and, ultimately, was the proximate cause of the damage and injury to Jayson. As we have held in St. Mary's, "for petitioner [St. Mary's Academy] to be liable, there must be a finding that the act or omission considered as negligent was the proximate cause of the injury caused because the negligence must have a causal connection to the accident." [12]

As regards the contributory negligence of Jayson, we see no need to disturb the lower courts' identical rulings thereon:

As earlier discussed, the proximate cause of [Jayson's] injury was the explosion of the heated compound independent of any efficient intervening cause. The negligence on the part of [petitioner] Tabugo in not making sure that the science experiment was correctly conducted was the proximate cause or reason why the heated compound exploded and injured not only [Jayson] but his classmates as well. However, [Jayson] is partly responsible for his own injury, hence, he should not be entitled to recover damages in full but must likewise bear the consequences of his own negligence. [Petitioners], therefore, should be held liable only for the damages actually caused by their negligence.[13]

Lastly, given our foregoing ruling, we likewise affirm the lower courts' award of actual and moral damages, and grant of attorney's fees. The denial of petitioners' counterclaim is also in order.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals in CA-G.R. CV No. 68367 is AFFIRMED. Costs against petitioners.

**SO ORDERED.**

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

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[1] Penned by Associate Justice Sesinando E. Villon, with Associate Justices Martin S. Villarama, Jr. (now a member of this Court) and Ramon A. Garcia, concurring; rollo, pp. 49-60.

[2] Penned by Judge Noel G. Tijam (now an Associate Justice of the CA); rollo, pp. 73-88.

[3] Rollo, pp. 50-52.

[4] Id. at 87.

[5] Id. at 59.

[6] Id. at 17.

[7] Titan Construction Corporation v. Uni-Field Enterprises, Inc., G.R. No. 153874, March 1, 2007, 517 SCRA 180, 186; Sigaya v. Mayuga, G.R. No. 143254, August 18, 2005, 467 SCRA 341, 353.

[8] Ilao-Quianay v. Mapile, G.R. No. 154087, October 25, 2005, 474 SCRA 246, 253; see Child Learning Center, Inc. v. Tagorio, G.R. No. 150920, November 25, 2005, 476 SCRA 236, 241-242.

[9] G.R. No. 143363, February 6, 2002, 376 SCRA 473, 479.

[10] Rollo, pp. 54-56.

[11] St. Mary's Academy v. Carpitanos, *supra* note 9, at 479.

[12] Id. at 478, citing Sanitary Steam Laundry, Inc. v. CA, 360 Phil. 199, 208 (1998).

[13] Rollo, p. 58.

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