

PEDRO T. LAYUGAN, PETITIONER, VS. INTERMEDIATE APPELLATE COURT, GODOFREDO ISIDRO, AND TRAVELLERS MULTI-INDEMNITY CORPORATION, RESPONDENTS.

G.R. No. 73998. November 14, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

Assailed in this petition for review on certiorari are 1) the decision[1] of the then Intermediate Appellate Court[2] in AC-G.R. CV No. 01055, entitled "Pedro T. Layugan, Plaintiff- Appellee, versus Godofredo Isidro, Defendant-Appellant and Third-Party Plaintiff-Appellee, versus Travellers Multi-Indemnity Corporation, Third Party Defendant-Appellant," which reversed and set aside the decision[3] of the Regional Trial Court, Third Judicial Region, Branch XXVI, Cabanatuan City, and also dismissed the complaint, third party complaint, and the counter claims of the parties and 2) the resolution[4], denying the plaintiff-appellee's (herein petitioner) motion for reconsideration, for lack of merit.

The findings of fact by the trial court which were adopted by the appellate court are as follows:[5]

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"Pedro T. Layugan filed an action for damages against Godofredo Isidro, alleging that on May 15, 1979 while at Baretbet, Bagabag, Nueva Vizcaya, the plaintiff and a companion were repairing the tire of their cargo truck with Plate No. SU-730 which was parked along the right side of the National Highway; that defendant's truck bearing plate No. PW-583, driven recklessly by Daniel Serrano bumped the plaintiff; that as a result, plaintiff was injured and hospitalized at Dr. Paulino J. Garcia Research and Medical Center and the Our Lady Of Lourdes Hospital; that he spent TEN THOUSAND PESOS (P10,000.00) and will incur more expenses as he recuperates from said injuries; that because of said injuries he would be deprived of lifetime income in the sum of SEVENTY THOUSAND pesos (P70,000.00); and that he agreed to pay his lawyer the sum of TEN THOUSAND PESOS (P10,000.00).

As prayed for by the plaintiff's counsel, the Court declared the defendant in default on October 12, 1979, and plaintiff's evidence was received ex-parte on January 11, 1978 and February 19, 1980. The decision on behalf of the plaintiff was set aside to give a chance to the defendant to file his answer and later on, a third-party complaint.

Defendant admitted his ownership of the vehicle involved in the accident driven by Daniel Serrano. Defendant countered that the plaintiff was merely a bystander, not a truck helper being a brother-in-law of the driver of said truck; that the truck allegedly being repaired was parked, occupying almost half of the right lane towards Solano, Nueva Vizcaya, right after the curve; that the proximate cause of the incident was the failure of the driver of the parked truck in installing the early warning device, hence the driver of the parked car should be liable for damages sustained by the truck of the herein defendant in the amount of more than P20,000.00; that plaintiff being a mere bystander and hitchhiker must suffer all the damages he incurred. By way of counterclaim defendant alleged that due to plaintiff's baseless complaint he was constrained to engage the services of counsel for P5,000.00 and

P200.00 per court appearance; that he suffered sleepless nights, humiliation, wounded feelings which may be estimated at P30,000.00.

On May 29, 1981, a third-party complaint was filed by the defendant against his insurer, the Travellers Multi Indemnity Corporation; that the third-party plaintiff, without admitting his liability to the plaintiff, claimed that the third-party defendant is liable to the former for contribution, indemnity and subrogation by virtue of their contract under Insurance Policy No. 11723 which covers the insurer's liability for damages arising from death, bodily injuries and damage to property.

Third-party defendant answered that, even assuming that the subject matter of the complaint is covered by a valid and existing insurance policy, its liability shall in no case exceed the limit defined under the terms and conditions stated therein; that the complaint is premature as no claim has been submitted to the third party defendant as prescribed under the Insurance Code; that the accident in question was proximately caused by the carelessness and gross negligence of the plaintiff; that by reason of the third-party complaint, third-party defendant was constrained to engage the services of counsel for a fee of P3,000.00.

Pedro Layugan declared that he is a married man with one (1) child. He was employed as security guard in Mandaluyong, Metro Manila, with a salary of SIX HUNDRED PESOS (P600.00) a month. When he is off-duty, he worked as a truck helper and while working as such, he sustained injuries as a result of the bumping of the cargo truck they were repairing at Baretbet, Bagabag, Nueva Vizcaya by the driver of the defendant. He used to earn TWO HUNDRED PESOS (P200.00) to THREE HUNDRED PESOS (P300.00) monthly, at the rate of ONE HUNDRED PESOS (P100.00) per trip. Due to said injuries, his left leg was amputated so he had to use crutches to walk. Prior to the incident, he supported his family sufficiently, but after getting injured, his family is now being supported by his parents and brother.

GODOFREDO ISIDRO, defendant/third party plaintiff, testified that his truck involved in this vehicular accident is insured with the Travellers Multi Indemnity Corporation covering own damage and third-party liability, under vehicle policy no. 11723 (Exh. '1') dated May 30, 1978; that after he filed the insurance claim the insurance company paid him the sum of P18,000.00 for the damages sustained by this truck but not the third party liability.

DANIEL SERRANO, defendant driver, declared that he gave a statement before the municipal police of Bagabag, Nueva Vizcaya on May 16, 1979; that he knew the responsibilities of a driver; that before leaving, he checked the truck. The truck owner used to instruct him to be careful in driving. He bumped the truck being repaired by Pedro Layugan, plaintiff, while the same was at a stop position.

From the evidence presented, it has been established clearly that the injuries sustained by the plaintiff was caused by defendant's driver, Daniel Serrano. The police report confirmed the allegation of the plaintiff and admitted by Daniel Serrano on cross-examination. The collision dislodged the jack from the parked truck and pinned the plaintiff to the ground. As a result thereof, plaintiff sustained injuries on his left forearm and left foot. The left leg of the plaintiff from below the knee was later on amputated (Exh. 'C') when gangrene had set in, thereby rendering him incapacitated for work depriving him of his income." (pp. 118 to 120, Record on Appeal.)

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Upon such findings, amply supported by the evidence on record, the trial court rendered its decision, the dispositive part of which reads as follows:[6]

WHEREFORE, premises considered, the defendant is hereby ordered:

a)

To pay the plaintiff SEVENTY THOUSAND (P70,000.00) PESOS actual and compensatory damages;

b)

TWO THOUSAND (P2,000.00) PESOS for attorney's fees;

c)

FIVE THOUSAND (P5,000.00) PESOS for moral damages; and

d)

To pay the costs of this suit.

On the third party complaint, the third-party defendant is ordered to indemnify the defendant/third party plaintiff:

a)

The sum of FIFTY THOUSAND (P50,000.00) PESOS for actual and compensatory damages; and

b)

The costs of this suit.

The Intermediate Appellate Court as earlier stated reversed the decision of the trial court and dismissed the complaint, the third-party complaint, and the counter-claims of both appellants.[7]

Hence, this petition.

The petitioner alleges the following errors.[8]

- WHETHER UPON THE GIVEN FACTS, THE INTERMEDIATE APPELLATE COURT ACTED CORRECTLY IN REVERSING AND SETTING ASIDE AND DISMISSING THE PLAINTIFF-APPELLEE'S COMPLAINT.

- WHETHER THE INTERMEDIATE APPELLATE COURT ACTED CORRECTLY IN APPLYING THE DOCTRINE OF "RES IPSA LOQUITUR" WITH PROPER JURIS-PRUDENTIAL (sic) BASIS.

The crux of the controversy lies in the correctness or error of the decision of the respondent court finding the petitioner negligent under the doctrine of Res ipsa loquitur (The thing speaks for itself). Corollary thereto, is the question as to who is negligent, if the doctrine is inapplicable.

The respondent corporation stresses that the issues raised in the petition being factual, the same is not reviewable by this Court in a petition for review by certiorari.[9]

Indeed, it is an elementary rule in the review of decisions of the Court of Appeals that its findings of fact are entitled to great respect and will not ordinarily be disturbed by this Court.[10] For if we have to review every question of fact elevated to us, we would hardly have any more time left for the weightier issues compelling and deserving our preferential attention.[11] Be that as it may, this rule is not inflexible. Surely there are established exceptions[12] -- when the Court should review and rectify the findings of fact of the lower court, such as:

1) when the conclusion is a finding grounded entirely on speculation, surmise, or conjecture; 2) the inference made is manifestly mistaken; 3) there is grave abuse of discretion; 4) the judgment is based on misapprehension

of facts; 5) the Court of Appeals went beyond the issues of the case if the findings are contrary to the admission of both the appellant and the appellee; 6) the findings of fact of the Court of Appeals are contrary to those of the trial court; 7) the said findings of fact are conclusions without citation of specific evidence on which they are based; 8) the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and 9) when the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted on record.

Exceptions 1, 2, 4, 6, 7, and 9 obtain in the instant case to warrant a deviation from the general rule.

From its finding that the parked truck was loaded with ten (10) big round logs,[13] the Court of Appeals inferred that because of its weight the truck could not have been driven to the shoulder of the road and concluded that the same was parked on a portion of the road[14] at the time of the accident. Consequently, the respondent court inferred that the mishap was due to the negligence of the driver of the parked truck.[15] The inference or conclusion is manifestly erroneous. In a large measure, it is grounded on speculation, surmise, or conjecture. How the respondent court could have reversed the finding of the trial court that a warning device was installed[16] escapes us because it is evident from the record that really such a device, in the form of a lighted kerosene lamp, was installed by the driver of the parked truck three to four meters from the rear of his parked truck.[17] We see this negative finding of the respondent appellate court as a misreading of the facts and the evidence on record and directly contravening the positive finding of the trial court that an early warning device was in proper place when the accident happened and that the driver of the private respondent was the one negligent. On the other hand, the respondent court, in refusing to give its "imprimatur to the trial court's finding and conclusion that Daniel Serrano (private respondent Isidro's driver) was negligent in driving the truck that bumped the parked truck", did not cite specific evidence to support its conclusion. In cavalier fashion, it simply and nebulously adverted to unspecified "scanty evidence on record." [18]

On the technical aspect of the case, the respondent corporation would want us to dismiss this petition on the ground that it was filed out of time. It must be noted that there was a motion for extension,[19] albeit filed erroneously with the respondent court, dated March 19, 1986, requesting for 30 days from March 20, 1986, "to file the necessary petition or pleading before the Supreme Court". Also, on April 1, 1986, an appearance of a new lawyer for the petitioner before the Supreme Court" with motion[20] was filed, again erroneously, with the Court of Appeals, requesting for 20 days extension "to file the Petition for Review on Certiorari." Likewise a similar motion[21] was filed with this Court also on April 1, 1986. On the other hand, the instant petition for review was filed on April 17, 1986[22] but it was only after three months, on August 1, 1986, in its comment,[23] that the respondent corporation raised the issue of tardiness. The respondent corporation should not have waited in ambush before the comment was required and before due course was given. In any event, to exact its "a pound of flesh", so to speak, at this very late stage, would cause a grave miscarriage of justice. Parenthetically, it must be noted that private respondent Isidro did not raise this issue of late filing.

We now come to the merits of this petition.

The question before us is who was negligent? Negligence is the omission to do something which a reasonable man, guided by those considerations which ordinarily regulate the conduct of human affairs, would do, or the doing of something which a prudent and reasonable man would not do,[24] or as Judge Cooley defines it, "(T)he failure to observe for the protection of the interests of another person, that degree of care, precaution, and vigilance which the circumstances justly demand, whereby such other person suffers injury." [25]

In *Picart vs. Smith*, [26] decided more than seventy years ago but still a sound rule, we held:

The test by which to determine the existence of negligence in a particular case may be stated as follows: Did

the defendant in doing the alleged negligent act use that reasonable care and caution which an ordinarily prudent person would have used in the same situation? If not, then he is guilty of negligence. The law here in effect adopts the standard supposed to be supplied by the imaginary conduct of the discreet paterfamilias of the Roman law. The existence of negligence in a given case is not determined by reference to the personal judgment of the actor in the situation before him. The law considers what would be reckless, blameworthy, or negligent in the man of ordinary intelligence and prudence and determines liability by that.

Respondent Isidro posits that any immobile object along the highway, like a parked truck, poses serious danger to a moving vehicle which has the right to be on the highway. He argues that since the parked cargo truck in this case was a threat to life and limb and property, it was incumbent upon the driver as well as the petitioner, who claims to be a helper of the truck driver, to exercise extreme care so that the motorist negotiating the road would be properly forewarned of the peril of a parked vehicle. Isidro submits that the burden of proving that care and diligence were observed is shifted to the petitioner, for, as previously claimed, his (Isidro's) Isuzu truck had a right to be on the road, while the immobile cargo truck had no business, so to speak, to be there. Likewise, Isidro proffers that the petitioner must show to the satisfaction of a reasonable mind that the driver and he (petitioner) himself, provided an early warning device, like that required by law, or, by some other adequate means that would properly forewarn vehicles of the impending danger that the parked vehicle posed considering the time, place, and other peculiar circumstances of the occasion. Absent such proof of care, as in the case at bar, Isidro concludes, would, under the doctrine of *Res ipsa loquitur*, evoke the presumption of negligence on the part of the driver of the parked cargo truck as well as his helper, the petitioner herein, who was fixing the flat tire of the said truck.[27]

Respondent Isidro's contention is untenable.

The evidence on record discloses that three or four meters from the rear of the parked truck, a lighted kerosene lamp was placed.[28] Moreover, there is the admission of respondent Isidro's driver, Daniel Serrano, to wit:[29]

"Question No. 8 (by Patrolman Josefino Velasco) - Will you narrate to me in brief how the accident happens (sic) if you can still remember?

Answer: (by Daniel Serrano)

That on or about 10:40 p.m., 15 May 1979 while driving Isuzu truck at Baretbet, Bagabag, Nueva Vizcaya and at KM 285, I met another vehicle who (sic) did not dim his (sic) lights which cause (sic) me to be blinded with intense glare of the light that's why I did not notice a parked truck who (sic) was repairing a front flat tire. When I was a few meters away, I saw the truck which was loaded with round logs. I step (sic) on my foot brakes but it did not function with my many attempts. I have (sic) found out later that the fluid pipe on the rear right was cut that's why the brakes did not function." (Italics in the text).

Whether the cargo truck was parked along the road or on half the shoulder of the right side of the road would be no moment taking into account the warning device consisting of the lighted kerosene lamp placed three or four meters from the back of the truck[30] But despite this warning, which we rule as sufficient, the Isuzu truck driven by Daniel Serrano, an employee of the private respondent, still bumped the rear of the parked cargo truck. As a direct consequence of such accident the petitioner sustained injuries on his left forearm and left foot. His left leg was later amputated from below the knee when gangrene had set in.[31]

It is clear from the foregoing disquisition that the absence or want of care of Daniel Serrano has been established by clear and convincing evidence. It follows that in stamping its imprimatur upon the invocation by respondent Isidro of the doctrine of *Res ipsa loquitur* to escape liability for the negligence of his employee, the respondent court committed reversible error.

The respondent court ruled:[32]

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In addition to this, we agree with the following arguments of appellant Godofredo Isidro which would show that the accident was caused due to the negligence of the driver of the cargo truck:

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"x x x In the case at bar, the burden of proving that care and diligence was (sic) observed is shifted evidently to the plaintiff, for, as adverted to, the motorists have the right to be on the road, while the immobile truck has no business, so to speak, to be there. It is thus for the plaintiff to show to the satisfaction of a reasonable mind that the driver and he himself did employ early warning device such as that required by law or by some other adequate means or device that would properly fore-warn vehicles of the impending danger that the parked vehicle posed considering the time, place and other peculiar circumstances of the occasion. Absent such proof of care, as in the case at bar, will evoke the pre-sumption of negligence under the doctrine of *res ipsa loquitur*, on the part of the driver of the parked cargo truck as well as plaintiff who was fixing the flat tire of said truck. (pp. 14-17, Appellant's Brief)." (Italics in the text)

At this juncture, it may be enlightening and helpful in the proper resolution of the issue of negligence to examine the doctrine of *Res ipsa loquitur*.

This doctrine is stated thus: "Where the thing which causes injury is shown to be under the management of the defendant, and the accident is such as in the ordinary course of things does not happen if those who have the management use proper care, it affords reasonable evidence, in the absence of an explanation by the defendant, that the accident arose from want of care." [33] Or as Black's Law Dictionary [34] puts it:

Res ipsa loquitur. The thing speaks for itself. Rebuttable presumption or inference that defendant was negligent, which arises upon proof that instrumentality causing injury was in defendant's exclusive control, and that the accident was one which ordinarily does not happen in absence of negligence. *Res ipsa loquitur* is rule of evidence whereby negligence of alleged wrongdoer may be inferred from mere fact that accident happened provided character of accident and circumstances attending it lead reasonably to belief that in absence of negligence it would not have occurred and that thing which caused injury is shown to have been under management and control of alleged wrongdoer. *Hillen v. Hooker Const. Co.*, Tex. Civ. App., 484 S.W. 2d 113, 115. Under doctrine of "*res ipsa loquitur*" the happening of an injury permits an inference of negligence where plaintiff produces substantial evidence that injury was caused by an agency or instrumentality under exclusive control and management of defendant, and that the occurrence was such that in the ordinary course of things would not happen if reasonable care had been used.

In this jurisdiction we have applied this doctrine in quite a number of cases, notably in *Africa et al. vs. Caltex, Inc., et al.*, [35] and the latest is in the case of *F.F. Cruz and Co. Inc. vs. C.A.* [36]

The doctrine of *Res ipsa loquitur* as a rule of evidence is peculiar to the law of negligence which recognizes that *prima facie* negligence may be established without direct proof and furnishes a substitute for specific proof of negligence. [37] The doctrine is not a rule of substantive law [38] but merely a mode of proof or a mere procedural convenience. [39] The rule, when applicable to the facts and circumstances of a particular case, is not intended to and does not dispense with the requirement of proof of culpable negligence on the part of the party charged. [40] It merely determines and regulates what shall be *prima facie* evidence thereof and facilitates the burden of plaintiff of proving a breach of the duty of due care. [41] The doctrine can be invoked when and only when, under the circumstances involved, direct evidence is absent and not readily available. [42] Hence, it has generally been held that the presumption of inference arising from the doctrine cannot be availed of, or is overcome, where plaintiff has knowledge and testifies or presents evidence as to the specific act of negligence which is the cause of the injury complained of or where there is direct evidence as to the precise cause of the accident and all the facts and circumstances attendant on the occurrence clearly appear. [43] Finally, once the actual cause of injury is

established beyond controversy, whether by the plaintiff or by the defendant, no presumptions will be involved and the doctrine becomes inapplicable when the circumstances have been so completely elucidated that no inference of defendant's liability can reasonably be made, whatever the source of the evidence,[44] as in this case.

The private respondent is sued under Art. 2176 in relation to Art. 2180, paragraph 5, of the Civil Code. In the latter, when an injury is caused by the negligence of a servant or 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 supervision over him after selection, or both. Such presumption is *juris tantum* and not *juris et de jure* and consequently, may be rebutted. It follows necessarily that if the employer shows to the satisfaction of the court that in the selection and in the supervision he has exercised the care and diligence of a good father of a family, the presumption is overcome and he is relieved from liability.[45] In disclaiming liability for the incident, the private respondent stresses that the negligence of his employee has already been adequately overcome by his driver's statement that he knew his responsibilities as a driver and that the truck owner used to instruct him to be careful in driving.[46]

We do not agree with the private respondent in his submission. In the first place, it is clear that the driver did not know his responsibilities because he apparently did not check his vehicle before he took it on the road. If he did he could have discovered earlier that the brake fluid pipe on the right was cut, and could have repaired it and thus the accident could have been avoided. Moreover, to our mind, the fact that the private respondent used to instruct his driver to be careful in his driving, that the driver, was licensed, and the fact that he had no record of any accident, as found by the respondent court, are not sufficient to destroy the finding of negligence of the Regional Trial Court given the facts established at the trial.[47] The private respondent or his mechanic, who must be competent, should have conducted a thorough inspection of his vehicle before allowing his driver to drive it. In the light of the circumstances obtaining in the case, we hold that Isidro failed to prove the diligence of a good father of a family in the supervision of his employees which would exculpate him from solidary liability with his driver to the petitioner. But even if we concede that the diligence of a good father of a family was observed by Isidro in the supervision of his driver, there is not an iota of evidence on record of the observance by Isidro of the same quantum of diligence in the supervision of his mechanic, if any, who would be directly in charge in maintaining the road worthiness of his (Isidro's) truck. But that is not all. There is paucity of proof that Isidro exercised the diligence of a good father of a family in the selection of his driver, Daniel Serrano, as well as in the selection of his mechanic, if any, in order to insure the safe operation of his truck and thus prevent damage to others. Accordingly, the responsibility of Isidro as employer treated in Article 2180, paragraph 5, of the Civil Code has not ceased.

WHEREFORE, the petition is hereby GRANTED. The Decision of the respondent court as well as its Resolution denying the petitioner's motion for reconsideration are hereby SET ASIDE and the decision of the trial court, dated January 20, 1983, is hereby REINSTATED in toto. With costs against the private respondents.

SO ORDERED.

Melencio-Herrera, (Chairperson), Paras, and Padilla, JJ., concur.
Regalado, J., no part; did not participate in deliberations.

[1] Veloso, Marcelino R., ponente; Sison, Porfirio V., Bidin, Abdulwahid A., and Britanico Ramon B., JJ., concurring.

[2] Fourth Civil Cases Division.

- [3] Rendered by Judge Leticia P. Morales.
- [4] Veloso, Marcelino R., J., ponente; Sison, Porfirio V., Bidin, Abdulwahid A., and Britanico Ramon B., JJ., concurring.
- [5] Decision of IAC, Rollo, 46-49.
- [6] Decision of the Regional Trial Court, Rollo, 32.
- [7] Ibid., p. 52.
- [8] Petition, Rollo, pp. 8-9.
- [9] Rollo, 108.
- [10] The Executive Secretary, et al. vs. C.A., G.R. No. 37999, June 10, 1988, citing Chan vs. CA, G.R. No. L-27488, June 30, 1970, 33 SCRA 737; Lianga Bay Logging Co., Inc. vs. C.A., G.R. No. L-37783, January 28, 1988.
- [11] Anderson Co., et al. vs. IAC, G.R. No. 65928, June 21, 1988.
- [12] Director of Lands vs. CA, G.R. Nos. L-46068, September 30, 1982, 117 SCRA 346, citing Macadangdang vs. CA, L-49542, September 12, 1980, 100 SCRA 73; Manero vs. CA, G.R. No. L-49824, February 20, 1981, 102 SCRA 817; Pio L. Padilla vs. C.A., January 29, 1988; G.R. 75577, January 29, 1988; Municipality of Meycauayan, Bulacan vs. IAC, G.R. 72126, January 29, 1988.
- [13] Decision, Court of Appeal, 50.
- [14] Id.
- [15] Id.
- [16] id.
- [17] Petition, 13.
- [18] Decision, CA, 50.
- [19] Annex K, 59.
- [20] Annex M, 62.
- [21] Motion for Extension, 2.
- [22] Petition, 4.
- [23] Comment, 65.
- [24] Black Law Dictionary, Fifth Edition, 930.
- [25] Cooley on Torts, Fourth Edition, Vol. 3, 265.
- [26] 37 Phil. 809, 813, No. 12219, March 15, 1918; Hedy Gan vs. The Hon. Court of Appeals, G.R. L-44264, September 19, 1988.
- [27] Memorandum of Private Respondent, 2-3.
- [28] Rollo, 13.

[29] *Id.*, 11, quoting the police investigation report by Patrolman Josefino Velasco at about 10:00 a.m., on May 16, 1979, the morning after the accident, of the statement of Daniel Serrano, the driver of respondent Isidro.

[30] Petition, Rollo, 13.

[31] Decision, RTC, Rollo, 31.

[32] Decision, IAC, Rollo, 50-51, 52.

[33] Cooley on Torts, Vol. 3, 369.

[34] Fifth Edition, 1173.

[35] L-12986, March 31, 1966, 16 SCRA 448.

[36] L-52732, August 29, 1988.

[37] Corpus Juris Secundum, Vol. 65A, 525.

[38] *Id.*, 527.

[39] *Id.*, 529.

[40] *Id.*, 529-530.

[41] *Id.*, 530.

[42] *Id.*, 543-544.

[43] *Id.*, 544-545.

[44] *Id.*, 548.

[45] *Bahia vs. Litonpia and Leynes*, No. 9734, March 31, 1915, 30 Phils. 624.

[46] Memorandum of private respondent, 6.

[47] Decision, IAC, Rollo, 52.

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