

C. B. WILLIAMS, PLAINTIFF AND APPELLANT, VS. TEODORO R. YANGCO, DEFENDANT AND APPELLANT.

G.R. No. 8325. March 10, 1914

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8325/>

CARSON, J.:

The steamer Subic, owned by the defendant, collided with the launch Euclid owned by the plaintiff, in the Bay of Manila at an early hour on the morning of January 9, 1911, and the Euclid sank five minutes thereafter. This action was brought to recover the value of the Euclid.

The court below held from the evidence submitted that the Euclid was worth at a fair valuation P10,000; that both vessels were responsible for the collision; and that the loss should be divided equally between the respective owners, P5,000 to be paid to the plaintiff by the defendant, and P5,000 to be borne by the plaintiff himself. From this judgment both defendant and plaintiff appealed.

After a careful review of all the evidence of record we are all agreed with the trial judge in his holding that the responsible officers on both vessels were negligent in the performance of their duties at the time when the accident occurred, and that both vessels were to blame for the collision. We do not deem it necessary to review the conflicting testimony of the witnesses called by both parties, the trial judge having inserted in his opinion a careful and critical summary and analysis of the testimony submitted to him, which, to our minds, fully and satisfactorily disposes of the facts in the case. His conclusions of fact based upon all the evidence are set forth in the following language (translated):

"In view of the negligence of which the patron Millonario (of defendant's vessel) has been guilty as well as that imputable to the patron of the launch Euclid, both contributed in a decided manner and beyond all doubt to the occurrence of the accident and the consequent damage resulting there from in the loss of the launch Euclid.

"With a little diligence which either of the two patrons might have practiced under the circumstances existing at the time of the collision, if both had not been so distracted and so negligent in the fulfillment of their respective duties, the disaster could have been easily avoided, since the sea was free of obstacles and the night one which permitted the patron Millonario to distinguish the hull of the launch twenty minutes before the latter entered upon his path * * *

"There is proven, therefore, the negligence of which the patron of the Euclid has been guilty.

"If the negligence by which the patron of the launch Euclid has contributed to the cause of the accident and to the resulting damages is patent, none the less so is the negligence of the patron of the steamer Subic, Hilarion Millonario by name, as may be seen from his own testimony which is here copied for the better appreciation thereof."

It will be seen that the trial judge was of opinion that the vessels were jointly responsible for the collision and should be held jointly liable for the loss resulting from the sinking of the launch. But actions for damages resulting from maritime collisions are governed in this jurisdiction by the provisions of section 3, title 4, Book III

of the Code of Commerce, and among these provisions we find the following:

"Art. 827. If both vessels may be blamed for the collision, each one shall be liable for its own damages, and both shall be jointly responsible for the loss and damage suffered by their cargoes,"

In disposing of this case the trial judge apparently had in mind that portion of the section which treats of the joint liability of both vessels for loss or damage suffered by their cargoes. In the case at bar, however, the only loss incurred was that of the launch Euclid itself, which went to the bottom soon after the collision. Manifestly, under the plain terms of the statute, since the evidence of record clearly discloses, as found by the trial judge, that "both vessels may be blamed for the collision," each one must be held liable for its own damages, and the owner¹ of neither one can recover from the other in an action for damages to his vessel.

Counsel for the plaintiff, basing his contentions upon the theory of the facts as contended for by him, insists that under the doctrine of "the last clear chance," the defendant should be held liable because, as he insists, even if the officers on board the plaintiff's launch were negligent in failing to exhibit proper lights and in failing to take the proper steps to keep out of the path of the defendant's vessel, nevertheless the officers on defendant's vessel, by the exercise of due precautions might have avoided the collision by a very simple maneuver. But it is sufficient answer to this contention to point out that the rule of liability in this jurisdiction for maritime accidents such as that now under consideration is clearly, definitely, and unequivocally laid down in the above-cited article 827 of the Code of Commerce; and under that rule, the evidence disclosing that both vessels were blameworthy, the owners of neither can successfully maintain an action against the other for the loss or injury of his vessel.

In cases of a disaster arising from mutual negligence of two parties, the party who has a last clear opportunity of avoiding the accident, notwithstanding the negligence of his opponent, is considered wholly responsible for it under the common-law rule of liability as applied in the courts of common law in the United States. But this rule (which is not recognized in the courts of admiralty in the United States, wherein the loss is divided in cases of mutual and concurring negligence, as also where the error of one vessel has exposed her to danger of collision which was consummated by the negligence of the other), is limited in its application by the further rule, that where the previous act of negligence of one vessel has created a position of danger, the other vessel is not necessarily liable for the mere failure to recognize the perilous situation; and it is only when in fact it does discover it in time to avoid the casualty by the use of ordinary care, that it becomes liable for the failure to make use of this last clear opportunity to avoid the accident. (See cases cited in Notes, 7 Cyc., pp. 311, 312, 313.) So, under the English rule which conforms very nearly to the common-law 'rule as applied in the American courts, it has been held that the fault of the first vessel in failing to exhibit proper lights or to take the proper side of the channel will relieve from liability one who negligently runs into such vessel before he sees it; although it will not be a defense to one who, having timely warning of the danger of collision, fails to use proper care to avoid it. (Pollock on Torts, 374.) In the case at bar, the most that can be said in support of plaintiff's contention is that there was negligence on the part of the officers on defendant's vessel in failing to recognize the perilous situation created by the negligence of those in charge of plaintiff's launch, and that had they recognized it in time, they might have avoided the accident. But since it does not appear from the evidence that they did, in fact, discover the perilous situation of the launch in time to avoid the accident by the exercise of ordinary care, it is very clear that under the above set out limitation to the rule, the plaintiff cannot escape the legal consequences of the contributory negligence of his launch, even were we to hold that the doctrine is applicable in this jurisdiction, upon which point we expressly reserve our decision at this time.

The judgment of the court below in favor of the plaintiff and against the defendant should be reversed, and the plaintiff's complaint should be dismissed without day, without costs to either party in this instance. So ordered,

Arellano, C. J., Moreland, Trent, and Araullo, JJ., concur.

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.