

TORTS & DAMAGES

COMPREHENSIVE EXAM STUDY COMPANION

An Exhaustive, Syllabus-Aligned Reviewer for Law School Examinations

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CHAPTER I: GENERAL CONCEPTS

1. Legal Definition and Etymology of 'Tort'

The word '**tort**' is taken directly from the French and is a derivation of the Latin word '**torquere**', which literally means '**to twist**' [501, 502]. In common law jurisprudence, a tort is defined as an unlawful violation of a private right, not created by contract, which gives rise to an action for damages [502]. It is an act or omission producing an injury to another, without any previous existing lawful relation of which the said act or omission may be said to be a natural outgrowth or incident [502]. Under Philippine civil law, while the exact term 'tort' is not explicitly used in the Civil Code, it corresponds to the concept of **quasi-delict** (or *culpa extra-contractual* / *culpa aquiliana*) under Article 2176 [507, 529], and is expanded by the Code Commission into a broader concept of 'tort' through human relations provisions [529].

2. Elements of a Quasi-Delict

To establish a cause of action based on a quasi-delict under **Article 2176 of the New Civil Code**, the plaintiff must prove the concurrence of the following four essential elements:

- (1) **Act or Omission:** There must be a voluntary act or omission on the part of the defendant constituting fault or negligence [507, 525].
- (2) **Damage or Injury:** Tangible, non-speculative injury or damage must be suffered by the plaintiff in person, property, or reputation [503, 507, 508].
- (3) **Causal Connection (Proximate Cause):** There must be a direct connection of cause and effect between the defendant's fault or negligence and the damage sustained by the plaintiff [506, 508].
- (4) **Absence of Contractual Relation:** Historically, Article 2176 lists the absence of a pre-existing contractual relation between the parties as a requirement [507]. However, modern jurisprudence permits tort actions even between contractually bound parties when the act that breaks the contract constitutes an independent tort in itself [525].

CASE DIGEST: VERGARA v. COURT OF APPEALS

G.R. No. 77679 | September 30, 1987

FACTS: On August 5, 1979, in Gapan, Nueva Ecija, a cargo truck owned by petitioner Vicente Vergara and driven by his employee, Martin Belmonte, veered off the road and collided with the store-residence of private respondent Amadeo Azarcon [503, 504]. The impact caused extensive damage to the property, which was assessed at P53,024.22 [504]. Vergara disclaimed liability, asserting that the accident was a fortuitous event (an Act of God) caused by an unexpected tire blowout and a failure of the steering wheel to respond, which were completely beyond the control of his driver, who he claimed was highly diligent [504]. The trial court ruled in favor of Azarcon, holding Vergara and his insurer jointly and severally liable [505]. The Court of Appeals affirmed the ruling in full [505].

ISSUE: Is an employer liable for damages under quasi-delict when a vehicular collision is caused by a tire blowout and mechanical steering failure, or does such a mechanical failure constitute an Act of God that absolves the owner?

RULING (ALAC FORMAT):

[Answer]: Yes, the employer is liable. Mechanical steering failures and tire blowouts are preventable defects and do not constitute an Act of God or a fortuitous event [505, 507].

[Legal Premise]: Under Article 2176 of the Civil Code, whoever causes damage to another by act or omission, through fault or negligence, is obliged to pay for the damage done [507]. Employers are directly and primarily liable for the negligence of their employees under Article 2180, unless they prove they exercised the diligence of a good father of a family in the selection and supervision of such employees [515, 516]. For a mechanical defect to be considered a fortuitous event, it must be completely independent of human intervention and unavoidable, whereas vehicular maintenance is a direct human duty [506, 507].

[Application]: The Supreme Court held that the elements of quasi-delict were fully met [506]. The blowout of the tire and steering failure cannot be considered acts of God because vehicle defects are preventable through periodic maintenance and proper check-ups [506, 507]. Azarcon suffered actual property damage due to the driver's inability to control the vehicle, which was a direct result of Vergara's failure to prove that he exercised the necessary diligence in supervising the driver and maintaining the cargo truck in safe operating condition [506].

[Conclusion]: The petition is denied, and the decision of the Court of Appeals holding Vicente Vergara liable is affirmed [505].

3. Kinds of Tort Liabilities

Dean Timoteo Aquino outlines that tort liability is not the equivalent of a moral wrong; rather, it is a legal and civil wrong that is divided into three distinct types of conduct [1, 2]:

A. Negligence (Culpa extra-contractual / Culpa aquiliana): The most common form of tort action [526]. It involves voluntary acts or omissions that result in injury to another, without any malicious intent to inflict harm [525]. The actor fails to observe that standard of care and vigilance required by the circumstances [526]. Under **Article 1173**, if the law or contract does not state the standard of diligence, that of a **good father of a family (bonus pater familias)** is required [526].

B. Intentional Torts: Conduct where the actor desires to cause the harmful consequences of his act, or believes that such consequences are substantially certain to result from his actions [3]. Intentional torts include assault, battery, false imprisonment, defamation, malicious prosecution, and invasion of privacy [3]. The core difference between an intentional tort and negligence is the existence of an intent to harm [528].

C. Strict Liability (Liability Without Fault): Assigns civil liability to a defendant whose actions caused harm even in the complete absence of fault, negligence, or intent [529, 547]. The law imposes liability purely upon proof of certain specified facts because the activity is inherently dangerous or imbued with public interest [547, 548]. Examples include the liability of a possessor of animals (Article 2183) and food manufacturers (Article 2187) [548, 550].

ATTY. BALUNGAY EXAM SPECIAL STUDY BOX

EXAM QUESTION: If X suffers actual material loss caused by Y's act, is Y automatically civilly liable to indemnify X for the damages?

ANSWER & EXPLANATION: No. A person may suffer actual loss or damage, but if the act causing such loss was done in the exercise of a lawful right and without any legal wrong, no civil liability arises under the doctrine of **Damnum Absque Injuria** ('damage without wrong') [509]. To create tort liability, there must be both damage (damnum) and a legal wrong (injuria). When a person exercises their rights in a proper manner, any resulting damage to others is merely damage without injury [509].

ILLUSTRATIVE SCENARIO FROM THE SOURCES: Suppose X is attacked by an armed robber. X, acting in legitimate self-defense, raises a knife to stab the offender [509]. During the struggle, X accidentally injures Y, an innocent bystander [509]. While Y has suffered actual physical injuries and financial damage, X is not civilly liable under quasi-delict because X's act was done in the exercise of a lawful right (self-defense) and lacks the essential element of legal fault or negligence [509]. Y's damage is *damnum absque injuria*.

CHAPTER II: STATUTORY BASIS & SOURCES OF TORT LAW

The primary statutory source of tort law in the Philippines is the New Civil Code (Republic Act No. 386) [1157, 1162]. The Civil Code Commission deliberately expanded the narrow Spanish-Philippine concept of quasi-delicts (which historically only covered non-contractual negligence) to incorporate the broader Anglo-American common law concept of 'torts', including intentional and malicious acts [11, 13].

1. Verbatim Key Civil Code Provisions & Analysis

Article 19 (Abuse of Right)

"Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith."

Analysis: Article 19 is the cardinal rule of human relations. It departs from the classical theory that 'he who uses his own right injures no one' (*qui jure suo utitur neminem laedit*) [530]. It sets a primordial limit on the exercise of all legal rights: they must conform to the standards of justice, fairness, and good faith. An abusive exercise of a right constitutes a legal wrong [531, 532].

Article 20 (Sanction for Acts Contrary to Law)

"Every person who, contrary to law, wilfully or negligently causes damage to another, shall indemnify the latter for the same."

Analysis: Article 20 serves as the general sanction for all violations of mandatory or prohibitory laws [559]. It declares that any person who violates a legal provision and thereby causes damage—whether wilfully or negligently—must indemnify the victim [558]. This provision bridges the gap between criminal and civil codes, and supports the concept of negligence per se when a statutory duty is violated [134].

Article 21 (Acts Contrary to Morals / Contra Bonos Mores)

"Any person who wilfully causes loss or injury to another in manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage."

Analysis: Article 21 was adopted to remedy 'countless gaps in the statutes' which leave victims of moral wrongs helpless [561, 568]. It provides a civil remedy for willful injuries that violate morals, public policy, or good customs, even if the act itself does not violate any specific penal or civil statute [560, 568].

Article 26 (Respect for Privacy and Dignity)

"Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief: (1) Prying into the privacy of another's residence; (2) Meddling with or disturbing the private life or family relations of another; (3) Intriguing to cause another to be alienated from his friends; (4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition."

Analysis: Article 26 protects the sacredness of human personality and mental peace of mind [93]. It creates an independent cause of action for social vexation, harassment, and intrusions into privacy, even if they do not constitute criminal offenses like slander or physical injuries [8, 93].

Article 32 (Violation of Constitutional Rights)

"Any public officer or employee, or any private individual, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the rights and liberties of another person shall be liable to the latter for damages..."

Analysis: Article 32 establishes the concept of 'constitutional torts' [627]. It holds public officers and private individuals directly liable for damages if they violate a citizen's basic liberties (e.g., freedom of speech, freedom from arbitrary arrest, right to due process) [12, 24]. Good faith is not a defense; the violation of the right itself creates liability [24].

Article 33 (Independent Civil Actions for Defamation, Fraud, & Physical Injuries)

"In cases of defamation, fraud, and physical injuries a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence."

Analysis: Article 33 allows the victim of defamation, fraud, or physical injuries (which includes homicide/murder) to file a civil action for damages completely separate from any criminal prosecution [13]. It requires only a preponderance of evidence and is not affected by the outcome of the criminal case, preventing the civil aspect from being held hostage by the criminal proceeding [13].

Article 1314 (Tortious Interference with Contract)

"Any third person who induces another to violate his contract shall be liable for damages to the other contracting party."

Analysis: Article 1314 is a classic example of an intentional business tort [931]. It protects contractual stability by holding a third party liable if they maliciously or actively induce one of the contracting parties to breach their agreement [13, 207].

Article 2176 (The Core of Quasi-Delict)

"Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi delict."

Analysis: This is the foundational statute for extra-contractual negligence in the Philippines [507, 1162]. It establishes the liability of a tortfeasor for negligent acts or omissions that result in injury [507]. Fault includes both voluntary negligent acts and intentional acts that fall outside of contracts [13].

Article 2177 (Separability of Civil Liability and No Double Recovery)

"Responsibility for fault or negligence under the preceding article is entirely separate and distinct from the civil liability arising from negligence under the Penal Code. But the plaintiff cannot recover damages twice for the same act or omission."

Analysis: This provision recognizes the concurrent existence of civil liability *ex delicto* (arising from a crime) and civil liability *ex quasi-delicto* (arising from a tort) [522, 523]. It allows a victim to choose either remedy but strictly prohibits double recovery for the same act or omission [523].

Article 2187 (Strict Liability of Food Manufacturers)

"Manufacturers and processors of food stuffs, drinks, toilet articles and similar goods shall be liable for death or injuries caused by any noxious or harmful substances used, although no contractual relation exists between them and the consumers."

Analysis: This provision imposes strict product liability [550, 551]. Consumers do not need to prove negligence on the part of the food or drug manufacturer; the mere presence of a harmful or noxious substance that causes injury is sufficient to trigger liability, bypassing the privity of contract requirement [550, 551].

CHAPTER III: HUMAN RELATIONS PRINCIPLES & JURISPRUDENCE

1. Detailed Conceptual Breakdown

The New Civil Code's Chapter on Human Relations (Articles 19–21) outlines three foundational standards of human conduct: (1) to act with justice; (2) to give everyone his due; and (3) to observe honesty and good faith [566].

Abuse of Right: A person cannot utilize their legal right as a weapon of malice [536]. Under Article 19, if a right is exercised in bad faith or with the sole intent of prejudicing another, a legal wrong is committed [536]. In *Albenson v. CA*, the Court clarified that filing a criminal case to collect a legitimate debt does not constitute an abuse of right, as it lacks bad faith [534]. However, in *Uypitching v. Quiamco*, the forceful, public, and slanderous seizure of a motorcycle without judicial authority was ruled a clear abuse of right [541, 542].

Unjust Enrichment: No one should enrich themselves at the expense or loss of another without a valid legal or just ground (Article 22) [7]. It requires: (1) a benefit obtained by the defendant; and (2) that the benefit is derived directly at the expense and loss of the plaintiff without valid justification [546, 547].

Acts Contrary to Morals: Willfully causing injury to another in a manner contrary to morals, good customs, or public policy (Article 21) [7]. This is designed to cover situations where a severe moral wrong causes material or emotional damage, but no specific law has been violated [561, 568]. Under the landmark *Baksh* ruling, moral seduction under the guise of a fraudulent promise of marriage is fully actionable under Article 21 [577].

2. Landmark Jurisprudence (ALAC Digests)

a. Gashem Shookat Baksh v. Court of Appeals

G.R. No. 97336 | February 19, 1993

FACTS: Gashem Shookat Baksh, an Iranian medical student in Dagupan City, courted Marilou Gonzales, a 22-year-old Filipino woman [574]. He promised to marry her, and relying on this promise, she agreed to cohabit with him and surrendered her virginity [574]. He subsequently maltreated her, told her he was already married to another woman, and refused to marry her [575]. Gonzales filed an action for damages [575].

ISSUE: Can damages be recovered for a breach of promise to marry under Article 21 of the Civil Code?

RULING (ALAC):

[Answer]: Yes, damages can be recovered if the breach of promise is accompanied by fraud, deceit, or moral seduction [576].

[Legal Premise]: While a simple breach of promise to marry is not inherently actionable under Philippine law, Article 21 of the Civil Code provides a cause of action if a person willfully causes loss or injury to another in a manner contrary to morals, good customs, or public policy [576, 577]. Seduction through a fraudulent promise of marriage is a moral wrong that justifies an award of damages under Article 21 [577].

[Application]: Baksh had no intention of marrying Gonzales. His promise of marriage was a fraudulent scheme designed solely to deceive her into cohabiting with him and surrendering her virginity [577]. This constitutes moral seduction, which is contrary to morals and good customs [577].

[Conclusion]: The petition is denied, and the award of moral and exemplary damages to Gonzales is affirmed [575, 576].

b. Dr. Filoteo A. Alano v. Zenaida Magud-Logmao**G.R. No. 175540 | April 14, 2014**

FACTS: Arnelito Logmao was brought to NKI with brain death after falling from an overpass [578]. He was misidentified as Angelito Lugmoso [578]. Despite extensive efforts by Dr. Ona to locate his family (including police assistance and media announcements), no relatives were found [578, 579]. Dr. Alano, Executive Director of NKI, authorized the retrieval of Arnelito's organs for transplant [579]. The mother, Zenaida, later found her son's body and sued Dr. Alano for unauthorized organ removal [579, 580].

ISSUE: Is the head of a hospital liable for moral damages for authorizing organ retrieval if the family cannot be located?

RULING (ALAC):

[Answer]: No, provided the head of the hospital complied with the legal requirements of RA 349 (as amended by PD 856) [581].

[Legal Premise]: RA 349 permits the head of a hospital to authorize the retrieval of organs for transplant from a deceased patient if reasonable efforts to locate the relatives have been made and have failed [581]. Negligence requires a failure to observe the standard of care demanded by the circumstances [581].

[Application]: Dr. Alano did not act negligently [581, 582]. The hospital staff exerted all reasonable efforts to locate Arnelito's family before the organs were retrieved [581]. The retrieval was executed after brain death was confirmed and within the time limit required for organ viability [581]. There was no negligence on Dr. Alano's part [582].

[Conclusion]: Dr. Alano is absolved of any civil liability for moral and exemplary damages [581].

c. Albenson Enterprises Corp. v. Court of Appeals and Eugenio S. Baltao**G.R. No. 88694 | January 11, 1993**

FACTS: Albenson delivered mild steel plates to Guaranteed Industries and received a check signed by 'Eugenio S. Baltao' [533]. The check bounced [533]. Albenson made demands and later discovered that the president of Guaranteed was Eugenio S. Baltao [533]. Albenson filed a BP 22 complaint against Eugenio S. Baltao [533]. It was later revealed that the check was actually issued by his son, Eugenio Baltao III [533]. The complaint was dismissed, and Baltao sued Albenson for malicious prosecution and abuse of rights under Article 19 [534].

ISSUE: Does the filing of a criminal complaint against the wrong person due to an honest mistake constitute an Abuse of Right under Article 19?

RULING (ALAC):

[Answer]: No, an honest mistake made in the pursuit of a legitimate claim does not constitute an abuse of right [534, 535].

[Legal Premise]: To hold a party liable for Abuse of Right under Article 19, the following elements must exist: (1) there is a legal right or duty; (2) exercised in bad faith; (3) for the sole intent of prejudicing or injuring another [536]. Bad faith implies a dishonest purpose or moral obliquity [28].

[Application]: Albenson's actions were motivated solely by a desire to collect a legitimate debt [534]. There was no evidence that they acted with malice or the sole intent to injure Baltao [534]. The error in identifying the check's issuer was an honest mistake based on the corporate records [533, 534].

[Conclusion]: Albenson is not liable for damages. The right to litigate is a precious right and should not be penalized absent bad faith [534, 535].

d. Pedro Elcano v. Reginald Hill and Marvin Hill**G.R. No. L-24803 | May 26, 1977**

FACTS: Reginald Hill, a minor, was criminally prosecuted for killing Agapito Elcano [512, 513]. Reginald was acquitted on the ground of 'lack of intent to kill, coupled with mistake' [513]. Following the acquittal, Agapito's parents filed a civil action for damages against Reginald and his father, Marvin Hill [512, 513]. The defendants moved to dismiss, claiming the civil action was barred by the criminal acquittal, and that Marvin Hill had no liability because Reginald was already emancipated by marriage [513].

ISSUE: Does a criminal acquittal bar a separate civil action based on the same act under quasi-delict? Is a father liable under Article 2180 for the quasi-delict of an emancipated minor son?

RULING (ALAC):

[Answer]: No, acquittal does not bar the civil action [515]. Yes, the father remains liable, but his liability is subsidiary [515, 516].

[Legal Premise]: Under Article 2177, responsibility for negligence under quasi-delict is separate and distinct from civil liability arising from crime [516]. Extinction of criminal liability only extinguishes civil liability derived from the crime itself, not quasi-delicts [511]. Under Article 2180, parents are liable for damages caused by their minor children who live in their company [516]. Emancipation by marriage is not absolute and does not terminate parental liability for quasi-delicts of children who are still minors under the law [515, 516].

[Application]: Reginald's acquittal in the criminal case was based on a lack of intent, which does not negate negligence under quasi-delict [513, 515]. Thus, the civil case can proceed independently [515]. Marvin Hill remains liable because Reginald, though married, was still a minor living under his father's roof and authority [515, 516].

[Conclusion]: The civil complaint is reinstated, and the case is remanded to the trial court [515, 516].

e. Air France v. Rafael Carrascoso**G.R. No. L-21438 | September 28, 1966**

FACTS: Rafael Carrascoso, a Filipino pilgrim, was issued a confirmed first-class round-trip ticket by Air France [583]. In Bangkok, the Air France manager forcibly evicted Carrascoso from his first-class seat to accommodate a white passenger, forcing Carrascoso to travel in tourist class [583, 584]. Carrascoso sued for breach of contract and damages [584].

ISSUE: Can a passenger recover moral and exemplary damages for a breach of contract of carriage based on a tortious act committed in bad faith?

RULING (ALAC):

[Answer]: Yes, a contract of carriage can be breached in a tortious manner, justifying damages [582, 586].

[Legal Premise]: A pre-existing contract does not preclude an action for quasi-delict if the act that breaches the contract independently constitutes an actionable tort [599]. When a carrier's employees eject a passenger in a wanton, oppressive, or malevolent manner, the breach is accompanied by bad faith, which constitutes a tortious breach [586].

[Application]: Air France acted in bad faith when its manager forcibly ejected Carrascoso from his seat [586]. The manager's actions were racially motivated and caused Carrascoso serious social humiliation and mental anguish [586]. This willful injury is actionable under Article 21 of the Civil Code [609].

[Conclusion]: The award of moral and exemplary damages to Carrascoso is affirmed [584, 586].

f. Philippine School of Business Administration v. Court of Appeals**G.R. No. 84698 | January 4, 1992**

FACTS: Carlitos Bautista, a student at PSBA, was fatally stabbed on the school's second-floor premises by outsiders [588]. His parents sued the school and its officers for damages, alleging negligence in failing to provide adequate security [588, 589]. The school moved to dismiss, arguing it could not be held liable under Article 2180 because the assailants were not students [589].

ISSUE: Can an academic institution be held liable under Article 2180 for the tortious acts of outsiders on its premises? Does the school-student relationship impose an obligation of safety?

RULING (ALAC):

[Answer]: No, the school is not liable under Article 2180 [591]. However, the school may be held liable for breach of contract due to negligence [592, 597].

[Legal Premise]: Article 2180's *in loco parentis* doctrine only applies when the injury is caused by the school's own students or pupils [591]. However, enrollment creates a contractual relationship between the school and its students [591, 596]. This contract imposes an implicit obligation on the school to maintain a safe environment conducive to learning [592, 596].

[Application]: PSBA cannot be held liable under Article 2180 because the killers were outsiders [591]. However, the parents can sue the school for breach of contract (*culpa contractual*) [592]. The trial court must determine whether PSBA was negligent in providing adequate security to prevent the stabbing [597].

[Conclusion]: The case is remanded to the trial court to determine the school's negligence under the contract [597].

g. Coca-Cola Bottlers Philippines, Inc. v. Court of Appeals**G.R. No. 110295 | October 18, 1993**

FACTS: Lydia Geronimo, owner of a canteen, discovered foreign substances (fibers and plastic) in unopened bottles of Coke and Sprite she bought from Coca-Cola [594, 595]. The Department of Health confirmed the beverages were adulterated [595]. Her sales plummeted, leading to her canteen's closure [595]. She sued Coca-Cola for damages [594]. Coca-Cola moved to dismiss, claiming the action was for breach of implied warranty (Article 1561) and had prescribed under the 6-month limit (Article 1571) [596].

ISSUE: Does a manufacturer's liability for distributing adulterated goods arise from a breach of implied warranty (6-month prescription) or from a quasi-delict (4-year prescription)?

RULING (ALAC):

[Answer]: The action is based on a quasi-delict and is governed by the 4-year prescriptive period [597, 600].

[Legal Premise]: Under Article 2187, food manufacturers are strictly liable for injuries caused by noxious substances in their products [550]. Under Article 1146, actions based on quasi-delict prescribe in 4 years [597, 600]. The existence of a contract or purchase does not preclude a quasi-delict action based on reckless or negligent manufacture of adulterated food [598, 599].

[Application]: Geronimo's complaint alleged that Coca-Cola recklessly and negligently manufactured and distributed adulterated beverages [598]. This allegation constitutes a classic quasi-delict [598]. Her remedies are not limited to breach of warranty under Article 1561; she can file an independent action for damages based on quasi-delict [598]. Therefore, the 4-year prescriptive period applies [600].

[Conclusion]: The petition is denied, and the case is remanded to the trial court [600].

h. Light Rail Transit Authority v. Marjorie Navidad, et al.**G.R. No. 145804 | February 6, 2003**

FACTS: Nicanor Navidad, while intoxicated, entered the EDSA LRT station after purchasing a fare token [601]. While on the platform near the tracks, security guard Junelito Escartin approached him [601]. An altercation ensued, leading to a fistfight [601]. Navidad fell onto the tracks just as an incoming LRT train driven by Rodolfo Roman arrived, causing Navidad's instantaneous death [601]. His widow sued the LRTA, Roman, and Prudent Security Agency for damages [602].

ISSUE: Who is liable for the death of a passenger on a common carrier's premises: the carrier, the security agency, or the train driver?

RULING (ALAC):

[Answer]: The common carrier (LRTA) is solely liable based on its contract of carriage [603, 604].

[Legal Premise]: Common carriers are bound to observe extraordinary diligence for the safety of their passengers (Articles 1755, 1756) [604]. They are liable for the death of passengers caused by the negligence or willful acts of their employees or third parties (Article 1759) [604]. The security agency's liability is based on tort (Article 2176), requiring proof of negligence [604].

[Application]: A contract of carriage arose when Navidad purchased a fare token and entered the station [604]. Under this contract, LRTA had an absolute duty to ensure his safety [604]. Since Navidad was killed on LRTA's premises, a presumption of negligence arose against LRTA, which it failed to rebut [604]. The security agency was absolved because there was no proof of negligence on the part of its guard, Escartin [604]. Roman (driver) was also absolved as he was not negligent in operating the train [604].

[Conclusion]: The LRTA is held solely liable for damages [604].

i. Far East Bank and Trust Co. v. Court of Appeals and Luis Luna**G.R. No. 108164 | February 23, 1995**

FACTS: Luis Luna obtained a credit card from FEBTC, with a supplemental card for his wife, Clarita [605]. Clarita lost her card and submitted an affidavit of loss [605]. An employee of FEBTC mistakenly marked both the lost card and Luis's principal card as 'Cancelled' in the master file [605, 606]. Later, Luis hosted a lunch at a hotel restaurant [606]. His card was declined when he tried to pay, causing him great embarrassment [606]. FEBTC apologized and acknowledged the employee's error [606]. Luis sued for moral and exemplary damages [607].

ISSUE: Is a bank liable for moral and exemplary damages for a decline of a credit card due to an employee's honest mistake, absent bad faith or malice?

RULING (ALAC):

[Answer]: No, but the bank is liable for nominal damages [608].

[Legal Premise]: In actions based on breach of contract (*culpa contractual*), moral damages can only be awarded if the defendant acted in bad faith or with malice (Article 2220) [608]. Bad faith implies a conscious and intentional design to do a wrongful act for a dishonest purpose [608, 609]. Under Article 2221, nominal damages are awarded to vindicate a violated right [610].

[Application]: FEBTC's failure to inform Luis of his card's cancellation was an inadvertent error made by an employee, not a conscious act of malice or bad faith [608, 609]. Thus, moral and exemplary damages are not justified [608, 610]. However, the bank breached its contract with Luis, violating his right to use the card [610]. He is entitled to nominal damages of P5,000 [608, 610].

[Conclusion]: FEBTC is ordered to pay nominal damages and attorney's fees [608, 610].

ATTY. BALUNGAY EXAM SPECIAL STUDY BOX

EXAM QUESTION: Can a tort be committed if there is a pre-existing contractual relationship between the parties?

ANSWER & EXPLANATION: Yes. The existence of a contract does not bar an action for quasi-delict [599]. When the act that breaches a contract also independently constitutes an actionable tort, the contract is deemed breached by tort, and the plaintiff can sue based on quasi-delict [525]. This is known as the **concurrence of causes of action** [55].

In **PSBA v. CA**, the Supreme Court held that while the school-student relationship is contractual, a school may still be held liable for tortious negligence if it fails to maintain a safe environment [591, 592]. Similarly, in the landmark case of **Cangco v. Manila Railroad Co.**, the Court explained that the negligent stacking of watermelons on the platform breached the contract of carriage but also constituted a primary tort under quasi-delict [612, 613]. Thus, if the negligent act would constitute an actionable tort even without a contract, tort liability can exist [525].

CHAPTER IV: DISTINGUISHING OBLIGATIONS & STANDARDS

To excel on your examinations, you must be able to cleanly distinguish between different sources of civil obligations, particularly *culpa contractual*, *culpa aquiliana*, and *culpa criminal*. Use this comparative matrix as a quick-reference guide:

Basis of Distinction	Culpa Contractual (Contract)	Culpa Aquiliana (Quasi-Delict)	Culpa Criminal (Crimes / Delict)
Source of Obligation	Breach of a pre-existing contract [613].	Negligent act or omission independent of contract [507, 613].	An act or omission punished by law [510, 1157].
Burden of Proof	Preponderance of evidence. Plaintiff must only prove contract exists and was breached [624, 625].	Preponderance of evidence. Plaintiff must prove negligence and causation [621, 850].	Proof beyond reasonable doubt [10, 520].
Defense of Employer	Diligence of a good father of a family in selection/supervision is not a defense [613]. Only mitigating.	Diligence of a good father of a family in selection/supervision is a complete defense [939].	No defense. Employer's liability is subsidiary and arises upon employee's conviction and insolvency [1053, 1054].
Nature of Liability	Direct and primary [613].	Direct and primary [616, 617].	Subsidiary [516, 1053].

Landmark Distinctions Jurisprudence (ALAC Digests)

a. Jose Cangco v. Manila Railroad Co.

38 Phil. 768 | G.R. No. 12191 | October 14, 1918

FACTS: Jose Cangco, an employee of Manila Railroad Company, was committing home on a pass [940]. As he stepped off a slowly moving train at the dimly lit San Mateo station, his foot slipped on a sack of watermelons left near the edge of the platform by railroad employees [940, 941]. He fell under the moving train, and his right arm was crushed and subsequently amputated [941]. Cangco sued the railroad company for damages [941]. The company argued Cangco was guilty of contributory negligence for stepping off a moving train, and that they had exercised due diligence in selecting and supervising their employees [613, 942].

ISSUE: Is an employer's defense of exercising due diligence in the selection and supervision of employees available in an action for breach of contract of carriage (*culpa contractual*)? Does stepping off a moving train constitute contributory negligence?

RULING (ALAC):

[Answer]: No, the defense of due diligence is not available in *culpa contractual* [613]. No, stepping off a slowly moving train under the circumstances was not contributory negligence [943, 944].

[Legal Premise]: A distinction must be drawn between *culpa contractual* (breach of contract) and *culpa aquiliana* (quasi-delict) [613]. In contracts, the carrier's liability is direct and immediate, arising from its failure to perform its contractual obligation safely [613]. The defense of due diligence under Article 2180 only applies to quasi-delicts and cannot excuse a breach of contract [613]. Contributory negligence only bars recovery if it is the proximate cause of the injury; otherwise, it merely mitigates damages [613, 614].

[Application]: Manila Railroad Company breached its contract of carriage by failing to provide a safe, unobstructed platform [612, 613]. The defense that they properly selected and supervised their employees is irrelevant because their liability is direct [613]. Cangco's act of stepping off the train was not negligent because the train was barely moving, the platform was dark, and he had no reason to expect an obstruction [944].

[Conclusion]: The decision is reversed, and the Manila Railroad Company is held liable for damages [941, 942].

b. Fausto Barredo v. Severino Garcia and Timotea Almario

73 Phil. 607 | G.R. No. 48006 | July 8, 1942

FACTS: A head-on collision occurred between a taxi driven by Pedro Fontanilla and a carretela, killing 16-year-old Faustino Garcia [614, 615]. Fontanilla was criminally prosecuted and convicted of reckless imprudence [615]. In the criminal case, the right of the parents to file a separate civil action was reserved [615]. The parents subsequently filed a civil complaint against Fausto Barredo, Fontanilla's employer, seeking to hold him primarily liable under Article 1903 (now 2180) of the Civil Code [615, 616]. Barredo argued his liability was merely subsidiary under the Revised Penal Code, and he could not be sued directly while the criminal conviction stood [616, 617].

ISSUE: Is an employer's liability for an employee's negligence under quasi-delict direct and primary, or is it merely subsidiary to the employee's criminal liability?

RULING (ALAC):

[Answer]: The employer's liability under quasi-delict is direct, primary, and independent [616, 617].

[Legal Premise]: A quasi-delict (*culpa extra-contractual*) is a separate legal institution under the Civil Code with an individuality entirely independent of a delict or crime [617]. A single negligent act can produce two distinct civil liabilities: civil liability *ex delicto* (subsidiary on the employer) and civil liability *ex quasi-delicto* (direct and primary on the employer) [617]. The plaintiff may choose either, subject to the rule against double recovery [617].

[Application]: The parents elected to sue Barredo directly under quasi-delict [615]. Under Article 1903 (now 2180), Barredo is primarily liable for his own negligence in failing to properly select and supervise his driver [616]. This liability is direct and does not depend on the employee's insolvency or criminal conviction [617, 618].

[Conclusion]: The decision holding Fausto Barredo directly liable is affirmed [616].

c. Bernabe Castillo, et al. v. Court of Appeals and Juanito Rosario

G.R. No. 48541 | August 21, 1989

FACTS: A vehicular collision occurred on McArthur Highway in Villasis, Pangasinan, between a jeep driven by Bernabe Castillo and a car driven by Juanito Rosario [618]. The Castillos filed a civil case for damages against Rosario, alleging negligence [618]. Simultaneously, Rosario was prosecuted for reckless imprudence in a criminal case but was acquitted by the Court of Appeals [619]. Rosario argued his criminal acquittal barred the civil case [619].

ISSUE: Does a criminal acquittal operate to automatically extinguish civil liability in a separate civil action for damages based on the same vehicular mishap?

RULING (ALAC):

[Answer]: No, criminal acquittal does not automatically extinguish civil liability, but the defendant is absolved if no negligence is proven [620].

[Legal Premise]: A civil action for damages is separate and distinct from the criminal action and requires only a preponderance of evidence [621]. An acquittal in a criminal case on reasonable doubt does not extinguish civil liability based on quasi-delict unless the judgment contains a declaration that the facts from which civil liability might arise did not exist [620, 621].

[Application]: While the acquittal on reasonable doubt did not bar the civil case, the evidence on record in the civil trial showed that Rosario was not negligent [620, 621]. The collision was caused solely by Castillo's own act of driving his jeep to the shoulder of the road and crashing [621, 622]. Since there was no negligence on Rosario's part, no quasi-delict exists [620].

[Conclusion]: The dismissal of the complaint for damages is affirmed due to the absence of negligence [620].

d. Vicente Calalas v. Court of Appeals and Eliza Sunga

G.R. No. 122039 | May 31, 2000

FACTS: Eliza Sunga, a passenger in Vicente Calalas's jeepney, was injured when an Isuzu truck owned by Francisco Salva collided with the rear of the parked jeepney [622, 623]. The jeepney was improperly parked, with its rear portion protruding two meters into the highway, and Sunga was seated in an 'extension seat' at the back [623]. The truck driver was negligent [623]. Sunga sued Calalas for breach of contract of carriage (*culpa contractual*) [622]. Calalas argued that the truck driver's negligence was the proximate cause of the accident, which absolved him [623].

ISSUE: Is the doctrine of proximate cause applicable as a defense in an action for breach of contract of carriage? Has the carrier rebutted the presumption of negligence?

RULING (ALAC):

[Answer]: No, proximate cause is not a defense in *culpa contractual* [624]. Calalas failed to rebut the presumption of negligence [624, 625].

[Legal Premise]: Common carriers are bound to observe extraordinary diligence for passenger safety (Article 1755) [624]. In actions for breach of contract, Sunga only needs to prove the existence of the contract and the failure to transport her safely [624, 625]. A presumption of negligence then arises against the carrier under Article 1756, and the burden shifts to the carrier to prove extraordinary diligence [624, 625]. Proximate cause is a defense in tort, not in contract [624].

[Application]: Calalas failed to transport Sunga safely [625]. The truck driver's negligence does not absolve Calalas because Calalas was also negligent [625, 626]. The jeepney was improperly parked, protruding into the highway, and overloaded, which directly contributed to Sunga's injuries [623, 625]. This is a clear breach of extraordinary diligence [625].

[Conclusion]: The decision holding Calalas liable for damages is affirmed [626].

e. Spouses Frank and Erlinda Batal v. Spouses Kenichiro Tominaga

G.R. No. 164601 | September 27, 2006

FACTS: Spouses Tominaga contracted Frank Batal, who presented himself as a professional surveyor, to conduct a survey and determine boundaries for their land in Bulacan [626, 627]. Frank placed concrete markers [627]. Based on these markers, Tominaga built a perimeter fence costing P250,000 [627]. A neighbor later filed a complaint, alleging the fence encroached on a right-of-way [627]. A relocation survey revealed the fence indeed encroached on the adjacent property [627]. It was discovered that Frank was not a licensed geodetic engineer, though his wife Erlinda was [627]. Tominaga sued for damages [628].

ISSUE: Are the spouses Batal civilly liable for damages resulting from a negligent land survey under their contract?

RULING (ALAC):

[Answer]: Yes, the spouses Batal are liable for damages resulting from contractual negligence [629, 631].

[Legal Premise]: Under Article 1170 of the Civil Code, those who in the performance of their obligations are guilty of fraud, negligence, or delay are liable for damages [631]. Negligence is the omission of that diligence required by the nature of the obligation [691, 692]. Standard of care is that of a professional in that specific field [111, 112].

[Application]: Frank Batal, who was unlicensed, negligently conducted the survey without proper supervision from his wife Erlinda, who was the licensed engineer [629]. This negligence led to the incorrect placement of concrete markers, which misled the Tominagas into constructing an encroaching fence [629]. This is a clear breach of their contractual duty of care, making them liable for the cost of demolishing and reconstructing the fence [629, 631].

[Conclusion]: The petition is denied, and the Spouses Batal are held liable for damages [629, 631].

CHAPTER V: THE PLAINTIFF (STANDING & STATUS)

To initiate a tort action, the plaintiff must be a **real party in interest**—the person who stands to be benefited or injured by the judgment (Rule 3, Section 2) [639]. The Civil Code and Family Code outline specific rules for particular classes of plaintiffs:

Parents and Substitute Parental Authority: Paternal/maternal aunts, grandparents, or designated guardians who have exercised substitute parental authority have legal standing to sue for the wrongful death of a child if they suffered actual loss and anguish (Articles 216 & 233, Family Code) [639].

Unborn Child / Fetus: Under Articles 40 and 41 of the Civil Code, civil personality is conditional upon being born alive [646]. A fetus has a provisional personality only for purposes favorable to it, provided it is born alive [646]. Consequently, an unborn fetus has no civil personality and cannot acquire a right of action [645, 646]. Parents cannot recover civil indemnity for the death of an unborn fetus under Article 2206, though they may recover moral damages for mental distress [645, 647].

Common-Law Spouses: A common-law wife is not considered a legal heir under the Civil Code and lacks legal standing to sue for damages on behalf of the deceased's legal heirs [655]. Only the legitimate heirs impleaded in the case can recover wrongful death damages [653, 655].

Plaintiffs Jurisprudence (ALAC Digests)

1. Caravan Travel and Tours International, Inc. v. Ermilinda R. Abejar G.R. No. 170631 | February 10, 2016

FACTS: Jesmariane Reyes was struck and killed by a van owned by Caravan Travel and driven by employee Jimmy Bautista [635, 636]. Instead of taking her to the hospital, the driver abandoned her, and she died two days later [636]. Ermilinda Abejar, her paternal aunt who had raised her since she was nine years old, filed an action for damages against the driver and Caravan [636]. Caravan argued Abejar had no legal standing to sue because she was not a legal heir, and that the driver was not acting within the scope of employment [637].

ISSUE: Does a paternal aunt exercising substitute parental authority have legal standing to file a civil action for damages for the wrongful death of her niece?

RULING (ALAC):

[Answer]: Yes, she has legal standing as a real party in interest [638].

[Legal Premise]: A real party in interest is one who stands to benefit or be injured by the judgment (Rule 3, Section 2) [639]. Under Articles 216 and 233 of the Family Code, substitute parental authority is exercised by grandparents, oldest siblings, or aunts/uncles in default of parents [639]. A person exercising substitute parental authority suffers actual loss and deep mental anguish from the death of their ward and is entitled to seek indemnification [638, 639].

[Application]: Abejar raised Jesmariane since childhood and stood in place of her parents [636]. She suffered a direct and actual loss due to the victim's wrongful death [639]. Thus, she is a real party in interest [639]. Caravan is held directly liable as an employer under Article 2180 because they failed to prove they exercised due diligence in supervising their driver, who held only a non-professional license [640, 641].

[Conclusion]: The petition is denied, and Caravan is held liable to pay damages to Abejar [638, 641].

2. Antonio Geluz v. Court of Appeals and Oscar Lazo

G.R. No. L-16439 | July 20, 1961

FACTS: Oscar Lazo filed a lawsuit for damages against physician Antonio Geluz for performing three abortions on his wife, Nita Villanueva, without his knowledge or consent [642, 643]. The third abortion, performed while Lazo was away, was the basis of his claim [643, 644]. The trial court and CA awarded Lazo P3,000 in damages for the death of the unborn fetus [643].

ISSUE: Does the death of an unborn fetus entitle the parents to an award of civil indemnity for wrongful death under Article 2206?

RULING (ALAC):

[Answer]: No, the parents cannot recover civil indemnity for the death of an unborn fetus because a fetus lacks civil personality [645].

[Legal Premise]: Under Article 40 of the Civil Code, birth determines personality [648]. The provisional personality of a conceived child is conditional upon being born alive under Article 41 [646, 649]. Since a fetus was never born alive, it never acquired a civil personality [646]. Thus, no right of action for its death could accrue to its parents or heirs under Article 2206, which only applies to the death of a person [645].

[Application]: No civil indemnity can be awarded for the fetus because it never had a juridical personality [645, 646]. While parents may recover moral damages for emotional distress caused by the loss of a child, the lower courts did not award moral damages because Lazo was indifferent to the prior abortions and seemed interested only in a monetary payoff [647].

[Conclusion]: The decision is reversed, and Geluz is absolved of civil liability for damages [648].

3. Cagayan II Electric Cooperative, Inc. v. Allan Rapanan and Mary Gine Tangonan

G.R. No. 199886 | December 3, 2014

FACTS: Camilo Tangonan died, and passengers Allan Rapanan and Erwin Coloma were injured, when their motorcycle skidded and crashed on a highway [651]. Mary Gine Tangonan, Camilo's common-law wife, and Rapanan sued CAGELCO II for damages, alleging that the cooperative negligently allowed a fallen electric wire to remain on the shoulder of the road, causing the crash [651, 652]. The RTC dismissed the complaint, but the CA held CAGELCO II liable [652].

ISSUE: Does a common-law wife have legal standing to sue for damages on behalf of the deceased's legal heirs? Was CAGELCO II negligent?

RULING (ALAC):

[Answer]: No, a common-law wife lacks legal standing to sue on behalf of the legal heirs [655]. No, CAGELCO II was not negligent [653].

[Legal Premise]: Under the Civil Code, only legal heirs have standing to sue for damages arising from the death of a person [655]. A common-law wife is not a legal heir and cannot represent the estate or heirs [655]. To establish a quasi-delict, the plaintiff must prove the defendant's negligence was the proximate cause of the injury [654].

[Application]: CAGELCO II was not negligent; its employees had taken reasonable precautions by securing the fallen wires away from the road [654]. The proximate cause of the accident was Camilo's own negligence in overspeeding and overloading the motorcycle [654, 655]. Furthermore, Mary Gine, as a common-law wife, has no legal standing to sue on behalf of Camilo's legal heirs, who were never impleaded in the case [655].

[Conclusion]: The CA decision is reversed, and the complaint is dismissed [652, 653].

CHAPTER VI: THE DEFENDANT & VICARIOUS LIABILITY

1. Direct Tortfeasors & Capacity

Natural Persons: Every person is civilly liable for their own torts, provided it is the proximate cause of injury to another [656]. Capacity to contract is not coextensive with tort liability. Under Articles 38 and 39, circumstances like age, insanity, or imbecility limit the capacity to act [15]. However, a person incapable of making a contract (e.g., an insane person or a minor) remains civilly liable for their torts under quasi-delict, as a contract is not an essential element of a quasi-delict [656, 1119].

Juridical Persons: Juridical entities are civilly liable for torts committed by their officers or agents acting within the scope of their authority [16, 1015].

- **Close Corporations (RCC Section 99):** Stockholders who are personally involved in the active operation and management of a close corporation are held personally liable for corporate torts [34].

- **Corporation by Estoppel (RCC Section 20):** All persons who assume to act as a corporation knowing it to be without authority are liable as general partners for all debts and tort liabilities [34]. They cannot use their lack of corporate personality as a defense [34].

- **Partnerships (Articles 1822–1824):** A partnership and all partners are solidarily liable for any wrongful act or omission of a partner acting in the ordinary course of the business of the partnership or with the authority of the copartners [35, 298].

- **State and its Political Subdivisions:** The State and its subdivisions are only liable for quasi-delicts when they act through a **special agent** (Article 2180, par. 6) [658]. A special agent is one who is commissioned to perform a specific, extraordinary task completely separate from his regular, official duties [1068]. If a regular employee performing proprietary functions causes damage, the government agency is held liable like a private corporation (e.g., National Irrigation Authority) [662].

CASE DIGEST: NATIONAL IRRIGATION ADMINISTRATION v. IAC

G.R. No. 73919 | September 18, 1992

FACTS: The National Irrigation Administration (NIA) constructed an irrigation canal that traversed the agricultural lands of the private respondents [660, 664]. Due to NIA's failure to install necessary safety measures (such as check gates, drainage, or bypass channels), water from the canal overflowed and flooded the respondents' land, causing severe damage to their crops [660, 664]. The respondents sued for damages [661]. NIA claimed state immunity from suit, asserting it was a government agency performing governmental functions [661, 664].

ISSUE: Is the National Irrigation Administration immune from suit for quasi-delict? Is it liable for damages caused by the negligence of its regular employees?

RULING (ALAC):

[Answer]: No, NIA is not immune from suit [662]. Yes, NIA is liable for the damages caused by its negligent operations [662].

[Legal Premise]: A government agency with a separate juridical personality does not enjoy immunity from suit when it engages in proprietary functions [663]. Presidential Decree No. 552 explicitly grants NIA the authority to sue and be sued [663]. Under Article 2180, the State is liable for damages caused by its agents, and this applies to proprietary corporate bodies like NIA when their regular employees act negligently [664, 1068].

[Application]: NIA operates as a corporate body performing proprietary functions (charging fees and collecting revenues for irrigation services) [1067, 1068]. NIA's failure to install safety gates or check valves in the irrigation canal was a negligent omission that directly caused the flooding of respondents' lands [664]. Since the damage was caused by regular employees in the discharge of their duties, NIA is liable [1068].

[Conclusion]: The decision holding NIA liable for damages is affirmed [662].

2. Persons Made Responsible for Others (Vicarious Liability)

Under **Article 2180 of the Civil Code**, a person is held liable not only for their own acts or omissions, but also for those of persons for whom they are responsible [937, 938]. This is known as **vicarious liability** or **imputed negligence** [937].

Basis & Presumption: When an injury is caused by a child, ward, employee, or student, a legal presumption arises that the parent, guardian, employer, or teacher was negligent in their duty of supervision or selection [1004, 1039]. This presumption is rebuttable by proof that they observed all the diligence of a good father of a family to prevent the damage (Article 2180, last paragraph) [939].

Nature of Liability: The liability of the person vicariously responsible is **direct and primary**, not subsidiary [641, 1012]. The plaintiff can sue the employer or parent directly without needing to prove the insolvency of the direct tortfeasor [641, 1012].

Parents (Art. 2180, par. 2; Family Code Articles 221 & 236): Parents are primarily and solidarily liable for damages caused by their minor children living with them [938]. This covers both quasi-delicts and civil liability arising from crimes [947, 948]. In *Libi v. IAC*, the Court ruled that parental liability is primary, and they are liable for a minor son's shooting if they failed to secure their licensed firearm, which the minor accessed [948]. In *Cuadra v. Monfort*, a father was absolved for an eye injury caused by his daughter's innocent prank at school because the father could not have foreseen or prevented the act while the child was under the school's supervision [953, 954].

Guardians (Art. 2180, par. 3): Liable for minors or incapacitated persons who live in their company and are under their authority [938].

Owners/Managers & Employers (Art. 2180, pars. 4 & 5): Liable for damages caused by employees acting within the scope of their assigned tasks [938]. The employer can escape liability by proving due diligence in both the selection (checking licenses, clearances, driving tests) and supervision (monitoring speed, implementing safety rules) of the employee [640, 1002, 1008]. This defense must be supported by **corroborative documentary evidence**, not merely

oral testimonies (*Metro Manila Transit Corp. v. CA*) [1001, 1002].

Teachers & Heads of Establishments of Arts & Trades (Art. 2180, par. 7): Liable for damages caused by their pupils and students so long as they remain in their custody [939]. 'Custody' includes the entire time the student is on school premises [979]. Under *Amadora v. CA*, this applies to both academic and non-academic schools [974]. In *Ylarde v. Aquino*, a teacher was held grossly negligent for instructing young children to dig a dangerous pit next to a heavy concrete block and leaving them unsupervised, resulting in a student's death [762, 764]. In *Baguio Colleges v. CA (Salvosa)*, the school was absolved because the student was not in the custody of the school when the shooting occurred at 8:00 p.m. [981, 984].

3. Joint Tortfeasors

Definition: Two or more persons who act together in committing a wrong, or contribute to its commission, or assist or participate therein actively and with common intent, resulting in injury to a third person [658, 659].

Solidary Liability (Article 2194): 'The responsibility of two or more persons who are liable for a quasi-delict is SOLIDARY.' [659] This means the injured party can recover the entire amount of damages from any one of the joint tortfeasors.

Contribution and Release: Between themselves, the sharing among solidary debtors is pro-rata [923]. Under *Singapore Airlines v. CA*, a handling agent (PAL) must contribute to the damages paid by the airline (SIA) for concurrent negligence [925, 927]. In *Republic v. Sandiganbayan*, the Court noted that under modern rules, the release of one joint tortfeasor does not automatically operate to release the others, unless it is clearly intended by the parties [929, 930].

CHAPTER VII: REMEDIES & FILING OF CASES

1. Legal Remedies in Torts

A. Preventive Remedies: Designed to prevent a threatened or ongoing injury [36]. A plaintiff can seek an **injunction** or a ****Temporary Restraining Order (TRO)**** under Rule 58 of the Rules of Civil Procedure to enjoin a defendant from continuing a tortious act (e.g., stopping a construction project that causes severe pollution or a nuisance) [36]. Under Article 707, a private person can also extrajudicially abate a nuisance under strict conditions [80].

B. Compensatory Remedies: An action for damages under Article 2176 to indemnify the victim for the actual loss, medical expenses, physical/moral suffering, or loss of earning capacity caused by the tort [507, 508].

2. Filing of Cases & Procedural Jurisprudence (ALAC Digests)

a. Emerenciana Vda. de Medina, et al. v. Guillermo Cresencia, et al.

G.R. No. L-8194 | July 11, 1956

FACTS: Vicente Medina was killed when a passenger jeepney driven by Brigido Avorque collided with a Meralco post on Azcarraga Street [665, 666]. Avorque pleaded guilty to homicide through reckless imprudence [666]. Medina's heirs reserved their right to file a separate civil action and sued Avorque and Guillermo Cresencia, the registered owner and operator of the jeepney [666]. Cresencia disclaimed liability, proving he had sold the jeepney to Maria Cudiamat years prior, and that it had been sold multiple times until Avorque's relative bought it [666, 667]. However, Cresencia remained the registered operator in the records of the Motor Vehicles Office and Public Service Commission [667].

ISSUE: Is the unregistered sale of a franchise or public vehicle binding on the public? Is the registered operator directly liable for the quasi-delict of the driver? Can nominal and compensatory damages coexist?

RULING (ALAC):

[Answer]: 1. No, unregistered transfers are not binding on the public [668]. 2. Yes, the registered operator is directly liable [669]. 3. No, nominal and compensatory damages cannot coexist [669].

[Legal Premise]: Any transfer or lease of a public utility franchise or registered vehicle must be approved by the Public Service Commission to protect the public interest; unregistered transfers are not recognized, and the registered owner remains primarily liable to the public [669, 670]. Under *culpa contractual*, the carrier's obligation is direct and immediate [671]. Nominal damages (Article 2221) are only awarded to vindicate a right, and cannot coexist with actual or compensatory damages [671].

[Application]: Since Cresencia was still the registered owner and operator of the jeepney, he remains directly and primarily liable for the passenger's death [670, 671]. The unregistered sale is a private matter and does not affect the public [670]. However, the lower court erred in awarding P10,000 in nominal damages alongside compensatory damages, as nominal damages are legally untenable when actual damages are already awarded [671, 672].

[Conclusion]: The decision is modified to delete the nominal damages, and is affirmed in all other respects holding Cresencia liable [672].

b. Rafael Reyes Trucking Corporation v. People of the Philippines, et al.**G.R. No. 129029 | April 3, 2000**

FACTS: A trailer truck driven by Romeo Dunca and owned by Rafael Reyes Trucking Corporation collided with a Nissan Pick-up, killing Feliciano Balcita and Francisco Dy, Jr. [672, 673]. The victims' families initially reserved their right to file a separate civil action against Dunca [673]. Subsequently, they filed a separate civil action based on quasi-delict against the employer, Rafael Reyes Trucking Corporation [673, 674]. However, during the criminal prosecution of Dunca, they withdrew their civil reservation and decided to pursue the civil aspect within the criminal case [674]. Dunca was convicted, and the trial court held the employer subsidiarily liable in the criminal case [674].

ISSUE: Can an employer be held subsidiarily liable for damages in a criminal case if the plaintiffs have already initiated a separate civil action based on quasi-delict against the employer?

RULING (ALAC):

[Answer]: No, the filing of a separate civil action based on quasi-delict constitutes a waiver of civil liability arising from crime [675, 676].

[Legal Premise]: Under Article 2176 and Rule 111, Section 1 of the Rules of Criminal Procedure, once a separate civil action is filed, the civil liability arising from the crime (*ex delicto*) is deemed waived [676]. The rationale is to prevent multiple suits and double recovery for the same act or omission [677]. The plaintiff must choose between quasi-delict or civil liability arising from the crime; they cannot pursue both concurrently [677].

[Application]: By filing a separate civil action based on quasi-delict against Rafael Reyes Trucking Corporation, the private respondents waived their right to recover civil liability *ex delicto* in the criminal case [676, 677]. Thus, the trial court erred in awarding civil damages and holding the corporation subsidiarily liable in the criminal proceeding [677].

[Conclusion]: The subsidiary liability in the criminal case is set aside, and the civil aspect is remanded to proceed in the separate quasi-delict action [677].

c. Avelino Casupanan and Roberto Capitulo v. Mario Llavore Laroya**G.R. No. 145391 | August 26, 2002**

FACTS: A vehicular collision occurred between two vehicles driven by Laroya and Casupanan (owned by Capitulo) [678]. Laroya filed a criminal case for reckless imprudence against Casupanan [678]. While the criminal case was pending in preliminary investigation, Casupanan and Capitulo filed a separate civil case for damages based on quasi-delict against Laroya [678, 679]. Laroya moved to dismiss the civil case on the ground of forum-shopping [679]. The MCTC dismissed the civil case [679].

ISSUE: Can an accused in a pending criminal case for reckless imprudence independently file a separate civil action for damages based on quasi-delict against the private complainant?

RULING (ALAC):

[Answer]: Yes, the separate civil action for quasi-delict is proper and does not constitute forum-shopping [681].

[Legal Premise]: Under Rule 111, Section 1 of the 2000 Rules on Criminal Procedure, an accused is barred from filing a counterclaim in the criminal case [681, 682]. However, the accused is permitted to litigate such claims in a separate civil action [682]. Quasi-delict under Articles 2176 and 2177 is completely separate and distinct from criminal negligence under the Revised Penal Code, and they have different causes of action [682].

[Application]: Since Casupanan was prohibited from filing a counterclaim for damages against Laroya in the criminal case, his only remedy to recover for his own injuries was to file a separate civil action [682, 683]. Doing so does not constitute forum-shopping because the causes of action are different: the criminal case is based on *culpa criminal*, while the civil case is based on *culpa aquiliana* [682].

[Conclusion]: The petition is granted, and the civil action for quasi-delict is reinstated [681].

d. Spouses Antonio and Esperanza Santos, et al. v. Viron Transit and Virgilio Rondaris**G.R. No. 151452 | July 29, 2005**

FACTS: Dionisio Sibayan, a bus driver for Viron Transit, was criminally convicted of reckless imprudence resulting in multiple homicide and injuries [684, 685]. No civil liability was awarded in the criminal case because the petitioners reserved their right to file a separate civil action [685]. Sps. Santos later filed a civil complaint for damages against Sibayan and Viron Transit [686]. The RTC dismissed the complaint on the ground of prescription, ruling that since the accident occurred in 1994 and the complaint was filed in 2000, the 4-year prescriptive period for quasi-delict had already lapsed [686].

ISSUE: Does a civil action for damages filed after a criminal conviction, where the civil action was reserved, prescribe in four years under quasi-delict, or in ten years under civil liability arising from crime?

RULING (ALAC):

[Answer]: The action is based on *ex delicto* (civil liability arising from crime) and is governed by the 10-year prescriptive period [688, 689].

[Legal Premise]: Under Article 100 of the Revised Penal Code, every person criminally liable is also civilly liable [510, 689]. When the civil action is reserved, the prescriptive period for filing the separate civil action based on the crime is ten (10) years from the date the judgment of conviction becomes final, as it is based on a judgment (Article 1144) [689, 690]. It is not a quasi-delict action subject to the 4-year prescription [689].

[Application]: The trial court misread the complaint [689]. The action was not based on quasi-delict under Article 2176, but on the final judgment of conviction of driver Sibayan [689]. Therefore, the prescriptive period is ten years from the finality of the criminal conviction [689]. The action was timely filed [689].

[Conclusion]: The dismissal of the complaint is set aside, and the case is remanded to proceed on its merits [689, 690].