

## The Unsettling Implications of the Rule in *Padua v. Robles*, on the Meaning of “Double Recovery” Proscribed in Article 2177 of the Civil Code

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21 *ATENEO L. J.* 14 (1976)

**SUBJECT:** CIVIL LAW

**KEYWORDS:** QUASI-DELICT, CUPLA AQUILIANA

The Article is about the decision rendered in *Padua v. Robles* (66 SCRA 485), which created an issue pertaining to the resulting remedies granted by the court. The presented case is about a boy who was killed by a taxi cab driver. His family and lawyer sued the driver and his employer based on *quasi-delict* or *culpa aquiliana*. From this, the Court found the driver guilty of homicide through reckless imprudence but reserved his civil liability due to the filing of a separate civil action. While civil liability was determined by the Court, problems arose due to do the insolvency of the driver, which prompted them to sue on the subsidiary liability of the employee. Through some actions, the Court awarded damages to the family. However, the main issue of the Article focuses on the improper disposition of remedies on the part of the Judge. The case served as a springboard of looking into the implications of double recovery, which resulted in the case at bar. It looked into the fact that the offended party was able to successively or simultaneously maintain civil actions in court. The main prohibition, as the Article highlights, is the inability of the awarding of damages in both actions. The Author opines that a better order for the recovery of damages should have been taken since there is more than one adequate remedy provided by law in these cases.