

SECOND DIVISION

[G.R. No. 184202, January 26, 2011]

AQUINAS SCHOOL, PETITIONER, VS. CARPIO, J., CHAIRPERSON, NACHURA, PERALTA, ABAD, AND MENDOZA, JJ. SPS. JOSE INTON AND MA. VICTORIA S. INTON, ON THEIR BEHALF AND ON BEHALF OF THEIR MINOR CHILD, JOSE LUIS S. INTON, AND SR. MARGARITA YAMYAMIN, OP, RESPONDENTS.

DECISION

ABAD, J.:

This case is about the private school's liability for the outside catechist's act of shoving a student and kicking him on the legs when he disobeyed her instruction to remain in his seat and not move around the classroom.

The Facts and the Case

In 1998 respondent Jose Luis Inton (Jose Luis) was a grade three student at Aquinas School (Aquinas). Respondent Sister Margarita Yamyamin (Yamyamin), a religion teacher who began teaching at that school only in June of that year, taught Jose Luis' grade three religion class.

On July 14, 1998, while Yamyamin was writing on the blackboard, Jose Luis left his assigned seat and went over to a classmate to play a joke of surprising him. Yamyamin noticed this and sent Jose Luis back to his seat. After a while, Jose Luis got up again and went over to the same classmate. This time, unable to tolerate the child's behavior, Yamyamin approached Jose Luis and kicked him on the legs several times. She also pulled and shoved his head on the classmate's seat. Finally, she told the child to stay where he was on that spot of the room and finish copying the notes on the blackboard while seated on the floor.

As a result of the incident, respondents Jose and Victoria Inton (the Intons) filed an action for damages on behalf of their son Jose Luis against Yamyamin and Aquinas before the Regional Trial Court (RTC) of Pasig City in Civil Case 67427. The Intons also filed a criminal action against Yamyamin for violation of Republic Act 7610 to which she pleaded guilty and was sentenced accordingly.

With regard to the action for damages, the Intons sought to recover actual, moral, and exemplary damages, as well as attorney's fees, for the hurt that Jose Luis and his mother Victoria suffered. The RTC dismissed Victoria's personal claims but ruled in Jose Luis' favor, holding Yamyamin liable to him for moral damages of P25,000.00, exemplary damages of P25,000.00, and attorney's fees of P10,000.00 plus the costs of suit.^[1]

Not satisfied, the Intons elevated the case to the Court of Appeals (CA).^[2] They

asked the CA to increase the award of damages and hold Aquinas solidarily liable with Yamyamin. Finding that an employer-employee relation existed between Aquinas and Yamyamin, the CA found them solidarily liable to Jose Luis. The CA, however, declined to increase the award of damages.^[3] Jose Luis moved for partial reconsideration but this was denied. Aquinas, for its part, appealed directly to this Court from the CA decision through a petition for review on *certiorari*.

The Issue Presented

The sole issue presented in this case is whether or not the CA was correct in holding Aquinas solidarily liable with Yamyamin for the damages awarded to Jose Luis.

The Court's Ruling

The CA found Aquinas liable to Jose Luis based on Article 2180 of the Civil Code upon the CA's belief that the school was Yamyamin's employer. Aquinas contests this.

The Court has consistently applied the "four-fold test" to determine the existence of an employer-employee relationship: the employer (a) selects and engages the employee; (b) pays his wages; (c) has power to dismiss him; and (d) has control over his work. Of these, the most crucial is the element of control. Control refers to the right of the employer, whether actually exercised or reserved, to control the work of the employee as well as the means and methods by which he accomplishes the same.^[4]

In this case, the school directress testified that Aquinas had an agreement with a congregation of sisters under which, in order to fulfill its ministry, the congregation would send religion teachers to Aquinas to provide catechesis to its students. Aquinas insists that it was not the school but Yamyamin's religious congregation that chose her for the task of catechizing the school's grade three students, much like the way bishops designate the catechists who would teach religion in public schools. Under the circumstances, it was quite evident that Aquinas did not have control over Yamyamin's teaching methods. The Intons had not refuted the school directress' testimony in this regard. Consequently, it was error for the CA to hold Aquinas solidarily liable with Yamyamin.

Of course, Aquinas still had the responsibility of taking steps to ensure that only qualified outside catechists are allowed to teach its young students. In this regard, it cannot be said that Aquinas took no steps to avoid the occurrence of improper conduct towards the students by their religion teacher.

First, Yamyamin's transcript of records, certificates, and diplomas showed that she was qualified to teach religion.

Second, there is no question that Aquinas ascertained that Yamyamin came from a legitimate religious congregation of sisters and that, given her Christian training, the school had reason to assume that she would behave properly towards the students.

Third, the school gave Yamyamin a copy of the school's Administrative Faculty Staff Manual that set the standards for handling students. It also required her to attend a