

THIRTEENTH CONGRESS OF THE )  
Republic of the Philippines )  
First Regular Session )

'04 JUN 30 P1:27

SENATE

RECEIVED BY: 

S.B. No. 131

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Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

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EXPLANATORY NOTE

In the case of *Exconde vs. Capuno*, 101 Phil 843, the Supreme Court ruled that the provision of Article 2180 of the Civil Code applies only to institutions of arts and trades and, therefore, the teachers and the heads of academic educational institutions cannot be held liable for the negligent acts of their students.

There is no substantial difference between institutions of arts and trades and academic educational institutions in so far as concerning the proper supervision and vigilance over their pupils or students. Academic teachers are not exempt from the duty of ensuring that their students do not commit a tort to the detriment of third persons, so long as they are in a position to exercise authority and supervision over their students.

Considering the dissenting opinion of former Justice J.B.L. Reyes and the proliferation of not only institutions of arts and trade but also academic educational institutions, there would be no sound reason for limiting Article 2180 of the Civil Code to teachers of arts and trades only. Hence, this bill seeks to include academic educational institutions under the coverage of Article 2180.

Hence, the immediate approval of this bill is earnestly requested.

  
LUISA "LOI" P. EJERCITO ESTRADA  
Senator

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AN ACT  
AMENDING REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE CIVIL  
CODE OF THE PHILIPPINES, ARTICLE 2180

*Be it enacted by the Senate and the House of Representatives of the Philippines in  
Congress assembled:*

Section 1. The penultimate paragraph of Article 2180, New Civil Code is hereby  
amended to read as follows:

"Lastly, teachers or heads of establishment of arts and trades OR  
ACADEMIC EDUCATIONAL INSTITUTIONS shall be liable for damages  
caused by their pupils and students or apprentices, so long as they remain in their  
custody."

Section 2. Separability Clause. - If any provision, or part hereof, is held invalid or  
unconstitutional, the remainder of the law or the provision not otherwise affected shall  
remain valid and subsisting.

Section 3. Repealing Clause. - Any law, presidential decree or issuance, executive  
order, letter of instruction, administrative order, rule or regulation contrary to or  
inconsistent with, the provisions of this Act is hereby repealed, modified or amended  
accordingly.

Section 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its  
publication in at least two (2) newspapers of general circulation.

*Approved,*