

THIRTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

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SENATE  
S.B. No. **1570**

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Introduced by Senator Miriam Defensor Santiago

# 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 head of academic educational institution cannot be held liable for the negligent acts of its students.

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

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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AN ACT  
AMENDING THE CIVIL CODE OF THE PHILIPPINES  
(REPUBLIC ACT NO. 386), ARTICLE 2180

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

SECTION 1. Article 2180 of the Civil Code of the Philippines (Republic Act no. 386), is hereby amended to read as follows:

Article 2180. The obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those persons for whom one is responsible.

The father, and in case of his death or incapacity, the mother is responsible for the damages caused by the minor children who live in their company.

Guardians are liable for damages caused by the minors or incapacitated persons who are under their authority and live in their company.

The owners and managers of an establishment or enterprise are likewise responsible for damages caused by their employees in the service of the branches in which the latter are employed or on the occasion of their function.

Employers shall be liable for the damages caused by their employees and household helpers acting within the scope of their assigned tasks, even though the former are not engaged in any business or industry.

The State is responsible in like manner when it acts through a special agent, but not when the damage has been caused by the official to whom the task done properly pertains, in which case, what is provided in Article 2176 shall be applicable.

Lastly, teachers or heads of establishments 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.

The responsibility treated of in this article shall cease when the persons herein mentioned prove that they observed all the diligence of a good father of a family to prevent damage.

SECTION 2. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of 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.