

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



Senate
Office of the Secretary

'13 AUG 29 P5:08

SENATE
S. No. 1439

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In the case of *Exconde v. Capuno*,¹ 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 insofar as the proper supervision and vigilance over their pupils or students. Academic teachers are not exempt from the duty of watching over their students so they 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 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 2180.²

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

all

¹ 101 Phil 843 (1957).

² This bill was originally filed during the Thirteenth Congress, First Regular Session.



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1 AN ACT
2 AMENDING ARTICLE 2180 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS
3 THE "CIVIL CODE OF THE PHILIPPINES,"
4 TO INCLUDE ACADEMIC EDUCATIONAL INSTITUTIONS

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

5 SECTION 1. Article 2180 of Republic Act No. 386, otherwise known as the "Civil
6 Code of the Philippines," is hereby amended to read as follows:

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

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

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

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

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

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

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

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

8 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
10 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

11 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,