

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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OFFICE

SECRETARY

10 JUL -7 P5:15

SENATE

Senate Bill No. 788

RECEIVED BY JL

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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.


JINGGOY 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 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.”

SEC. 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.

SEC. 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.

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

Approved,