

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

SIXTEENTH CONGRESS

\_\_\_\_\_ Regular Session

House Bill No. 6508



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Introduced by: **Rep. EVELIO R. LEONARDIA**

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### EXPLANATORY NOTE

It is embodied in Section 5, Article II of the Constitution of the Republic of the Philippines that the protection of life and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

The Civil Code of the Philippines, specifically Article 1755, requires common carriers to carry passengers safely using the diligence of very cautious persons.

That while there exists a prominent case, and is still considered as a landmark one -- "La Mallorca vs. CA" (G.R. L-20761, July 27, 1966), which held that the relation of carrier and passenger does not cease at the moment the passenger alights from the carrier's vehicle at a place selected by the carrier at the point of destination, but continues until the passenger has had a reasonable time or a reasonable opportunity to leave the carrier's premises -- the same doctrinal strictness does not however cover operators or owners of transport terminals especially those who are operating such terminal independent of the business of common carrier.

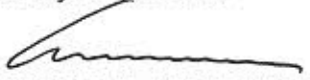
Article 1755 thus needs to be amended to include and cover operators or owners of transport terminals either in the land, air, and/or sea transport to embody this same manifest intention of the legislature to exercise extraordinary diligence in the care and safety of any person staying in their premises.

A case in point would be the incident that happened on December of 2013 wherein Zamboanga del Sur town Mayor Ukol Talumpa, his wife and 2 others were killed in an ambush at the arrival area of the Ninoy Aquino International Airport (NAIA) Terminal 3. Four (4) bystanders were also wounded during the ambush -- Ronda Landagan, Mary Ann Lirazan, and Amalia Lirazan. One of those killed was a baby, named Diana Uy. They had all come from Bacolod City and were in the same area where the Talumpa family was. The GSIS, insurer of the airport, said the NAIA 3 management had adequate security measures and therefore it does not have to pay for the tragedy. But serious exceptions

may be taken from such stance of the GSIS, because the responsibility and accountability of transport terminals like the NAIA 3 were not properly defined in the context of extra-ordinary diligence.

It is simply ironic that while we require air carriers to exercise extra-ordinary diligence in the conduct of its business, such that even the faintest suspicion of malfunction grounds airplanes right away, the same does not seem to apply to airports, seaports and even bus and train terminals. The Republic of the Philippines cannot simply just have safe airplanes. We have to have safe airports, too.

In view of the foregoing, passage of this bill is earnestly requested.



REP. EVELIO R. LEONARDIA  
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**AN ACT**

**AMENDING ARTICLE 1755 OF REPUBLIC ACT NO. 386, AS AMENDED, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES TO INCLUDE AND COVER OPERATORS AND/OR OWNERS OF TRANSPORT TERMINALS IN THEIR EXERCISE OF EXTRA-ORDINARY DILIGENCE IN PROVIDING CARE AND SAFETY TO PASSENGERS/TRAVELLERS OR ANY PERSON IN THEIR PREMISES.**

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

**SECTION 1. *Amending Article 1755 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines.*** – Republic Act No. 386, as amended, otherwise known as the Civil Code of the Philippines is hereby further amended to contain Article 1755-A to read as follows:

Art. 1755-A. Operators or owners of transport terminal either or likewise in the business of common carrier or independently operating such terminals to cater to common carriers are bound to provide extra-ordinary diligence in the care and safety to passengers, travellers, or any person in their premises as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances for so long as the passenger, traveller, or any person is ought to be where he is.

**SECTION 2. *Transport Terminals Defined.*** – Article 1755-B defines the word “Transport Terminals” and shall be included in Republic Act No. 386, otherwise known as the Civil Code of the Philippines, which reads as follows:

Art. 1755-B. Transport terminal shall be understood as a building or any type of infrastructure use to cater to different forms of transportation such as but not limited to airport, seaport, bus terminal, train station including its premises for parking lots, entrance and exit of vehicles and/or commuters, the departure and

pre-departure and arrival area, waiting area for passengers, travellers or any person present or arriving for pre-departure, or in sending-off, or meeting travellers, or leaving at such terminal upon arrival from his trip.

**SECTION 3. *Separability Clause.*** - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SECTION 4. *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 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.