



Introduced by Honorable Ma. Alana Samantha Taliño Santos

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

EXPLANATORY NOTE

In case of torts committed by students, Article 2180 of the Civil Code provides that “teachers or heads of establishments of arts and trades will be held liable for damages caused by their pupils and students or apprentices, so long as they remain in their custody.” Glaring from this provision is the fact that it excludes all other educational institutions not classified as establishments of arts and trades.

This provision led to different decisions by the Supreme Court. In *Exconde v. Capuno*¹, the Supreme Court held that Article 2180, as expressly stated, only applies to institution of arts and trades and not to any academic educational institution. In a subsequent case of *Amadora v. CA*², the Court clarified Article 2180 of the Civil Code should apply to all schools, whether academic or technical or vocational. The vicarious liability under Article 2180 should therefore cover all educational institutions, whether academic or non-academic, because there is no substantial distinction between the academic and the non-academic schools insofar as torts committed by their students are concerned.

In fact, the Supreme Court, in its 1988 case of *Amadora*, underscored the need for the legislature to enact the necessary amendment of the Civil Code provision, which remains unchanged up to this day.

To prevent any more ambiguity and completely harmonize law with jurisprudence, there is a need to amend the provision in Article 2180 to cover all educational institutions. Hence, the passage of this law is earnestly sought.

HON. MA. ALANA SAMANTHA TALIÑO SANTOS
Representative, 3rd District of Cotabato

¹ *Exconde v. Capuno*, G.R. No. L-10134, June 29, 1957.

² *Amadora v. CA*, G.R. No. L-47745, April 15, 1988.

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **9596**

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

Section 1. Article 2180 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines 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 of persons for whom one is responsible.

The father and, in case of his death or incapacity, the mother, are 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 functions.

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. ***Repealing Clause.*** –Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent or contrary to the provision of this Act is hereby repealed or modified accordingly.

Section 3. ***Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or a newspaper of general circulation.

Approved