

ART. 2166. When the person obliged to support an orphan, or an insane or other indigent person unjustly refuses to give support to the latter, any third person may furnish support to the needy individual, with right of reimbursement from the person obliged to give support. The provisions of this article apply when the father or mother of a child under eighteen years of age unjustly refuses to support him.

ART. 2167. When through an accident or other cause a person is injured or becomes seriously ill, and he is treated or helped while he is not in a condition to give consent to a contract, he shall be liable to pay for the services of the physician or other person aiding him, unless the service has been rendered out of pure generosity.

ART. 2168. When during a fire, flood, storm, or other calamity, property is saved from destruction by another person without the knowledge of the owner, the latter is bound to pay the former just compensation.

ART. 2169. When the government, upon the failure of any person to comply with health or safety regulations concerning property, undertakes to do the necessary work, even over his objection, he shall be liable to pay the expenses.

ART. 2170. When by accident or other fortuitous event, movables separately pertaining to two or more persons are commingled or confused, the rules on co-ownership shall be applicable.

ART. 2171. The rights and obligations of the finder of lost personal property shall be governed by articles 719 and 720.

ART. 2172. The right of every possessor in good faith to reimbursement for necessary and useful expenses is governed by article 546.

ART. 2173. When a third person, without the knowledge of the debtor, pays the debt, the rights of the former are governed by articles 1236 and 1237.

ART. 2174. When in a small community a majority of the inhabitants of age decide upon a measure for protec-

tion against lawlessness, fire, flood, storm or other calamity, any one who objects to the plan and refuses to contribute to the expenses but is benefited by the project as executed shall be liable to pay his share of said expenses.

ART. 2175. Any person who is constrained to pay the taxes of another shall be entitled to reimbursement from the latter.

## CHAPTER 2

### QUASI-DELICTS

ART. 2176. Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter. (1902a)

ART. 2177. Responsibility for fault or negligence under the preceding article is entirely separate and distinct from the civil liability arising from negligence under the Penal Code. But the plaintiff cannot recover damages twice for the same act or omission of the defendant. (n)

ART. 2178. The provisions of articles 1172 to 1174 are also applicable to a quasi-delict. (n)

ART. 2179. When the plaintiff's own negligence was the immediate and proximate cause of his injury, he cannot recover damages. But if his negligence was only contributory, the immediate and proximate cause of the injury being the defendant's lack of due care, the plaintiff may recover damages, but the courts shall mitigate the damages to be awarded. (n)

ART. 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.

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The owners and managers of an establishment or enterprise are likewise responsible for damages caused 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 their employees and household helpers acting within scope of their assigned tasks, even though the former not engaged in any business or industry.

The State is responsible in like manner when it through a special agent; but not when the damage been caused by the official to whom the task done pertains, in which case what is provided in article 20 shall be applicable.

Lastly, teachers or heads of establishments of arts and trades shall be liable for damages caused by their pupils and students or apprentices, so long as they remain their custody.

The responsibility treated of in this article shall cease when the persons herein mentioned prove that they served all the diligence of a good father of a family to prevent damage. (1903a)

ART. 2181. Whoever pays for the damage caused by dependents or employees may recover from the latter what he has paid or delivered in satisfaction of the claim (1904)

ART. 2182. If the minor or insane person causes damage has no parents or guardian, the minor or insane person shall be answerable with his own property in action against him where a guardian *ad item* shall be appointed. (n)

ART. 2183. The possessor of an animal or whoever may make use of the same is responsible for the damage which it may cause, although it may escape or be lost. The responsibility shall cease only in case the damage should come from *force majeure* or from the fault of the person who has suffered damage. (1905)

ART. 2184. In motor vehicle mishaps, the owner is solidarily liable with his driver, if the former, who was

in the vehicle, could have, by the use of due diligence, prevented the misfortune. It is disputably presumed that a driver was negligent, if he had been found guilty of reckless driving or violating traffic regulations at least twice within the next preceding two months.

If the owner was not in the motor vehicle, the provisions of article 2180 are applicable. (n)

ART. 2185. Unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation. (n)

ART. 2186. Every owner of a motor vehicle shall file with the proper government office a bond executed by a government-controlled corporation or office, to answer for damages to third persons. The amount of the bond and other terms shall be fixed by the competent public official. (n)

ART. 2187. Manufacturers and processors of foodstuffs, drinks, toilet articles and similar goods shall be liable for death or injuries caused by any noxious or harmful substances used, although no contractual relation exists between them and the consumers. (n)

ART. 2188. There is *prima facie* presumption of negligence on the part of the defendant if the death or injury results from his possession of dangerous weapons or substances, such as firearms and poison, except when the possession or use thereof is indispensable in his occupation or business. (n)

ART. 2189. Provinces, cities and municipalities shall be liable for damages for the death of, or injuries suffered by, any person by reason of the defective condition of roads, streets, bridges, public buildings, and other public works under their control or supervision. (n)

ART. 2190. The proprietor of a building or structure is responsible for the damages resulting from its total or partial collapse, if it should be due to the lack of necessary repairs. (1907)

ART. 2191. Proprietors shall also be responsible for damages caused:

- (1) By the explosion of machinery which has not been taken care of with due diligence, and the inflammation of explosive substances which have not been kept in a safe and adequate place;
- (2) By excessive smoke, which may be harmful to persons or property;
- (3) By the falling of trees situated at or near highways or lanes, if not caused by *force majeure*;
- (4) By emanations from tubes, canals, sewers or deposits of infectious matter, constructed without precautions suitable to the place. (1908)
- ART. 2192. If damage referred to in the two preceding articles should be the result of any defect in the construction mentioned in article 1723, the third person suffering damages may proceed only against the engineer or architect or contractor in accordance with said article, within the period therein fixed. (1909a)
- ART. 2193. The head of a family that lives in a building or a part thereof, is responsible for damages caused by things thrown or falling from the same. (1910)
- ART. 2194. The responsibility of two or more persons who are liable for a quasi-delict is solidary. (n)

### Titre XVIII.—DAMAGES:

#### CHAPTER 1

##### GENERAL PROVISIONS

ART. 2195. The provisions of this Title shall be respectively applicable to all obligations mentioned in article 1157.

ART. 2196. The rules under this Title are without prejudice to special provisions on damages formulated elsewhere in this Code. Compensation for workmen and other employees in case of death, injury or illness is regulated by special laws. Rules governing damages laid down in other laws shall be observed insofar as they are not in conflict with this Code.

ART. 2197. Damages may be:

- (1) Actual or compensatory;
- (2) Moral;

New, except arts. 2200, 2201, 2209, and 2212.

- (3) Nominal;
- (4) Temperate or moderate;
- (5) Liquidated; or
- (6) Exemplary or corrective.

ART. 2198. The principles of the general law on damages are hereby adopted insofar as they are not inconsistent with this Code.

#### CHAPTER 2

##### ACTUAL OR COMPENSATORY DAMAGES

ART. 2199. Except as provided by law or by stipulation, one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proved. Such compensation is referred to as actual or compensatory damages.

ART. 2200. Indemnification for damages shall comprehend not only the value of the loss suffered, but also that of the profits which the obligee failed to obtain. (1106)

ART. 2201. In contracts and quasi-contracts, the damages for which the obligor who acted in good faith is liable shall be those that are the natural and probable consequences of the breach of the obligation, and which the parties have foreseen or could have reasonably foreseen at the time the obligation was constituted.

In case of fraud, bad faith, malice or wanton attitude, the obligor shall be responsible for all damages which may be reasonably attributed to the non-performance of the obligation. (1107a)

ART. 2202. In crimes and quasi-delicts, the defendant shall be liable for all damages which are the natural and probable consequences of the act or omission complained of. It is not necessary that such damages have been foreseen or could have reasonably been foreseen by the defendant.

ART. 2203. The party suffering loss or injury must exercise the diligence of a good father of a family to minimize the damages resulting from the act or omission in question.

ART. 2204. In crimes, the damages to be adjudicated may be respectively increased or lessened according to the aggravating or mitigating circumstances.