

****Title:****

Benjamin Salvosa and Baguio Colleges Foundation vs. Intermediate Appellate Court and Heirs of Napoleon Castro

****Facts:****

Baguio Colleges Foundation (BCF) is an academic institution which also offers technical-vocational courses. Within the premises of BCF is the Baguio Colleges Foundation Reserve Officers Training Corps (ROTC) Unit, which is under the control of the Armed Forces of the Philippines (AFP). The BCF provides the ROTC Unit with an office and an armory located at the basement of its main building.

Jimmy B. Abon was the armorer of the ROTC Unit, appointed and paid by the AFP, and was also a commerce student at the BCF. Captain Roberto C. Ungos, the ROTC Commandant, was his superior. On March 3, 1977, at around 8:00 p.m., Jimmy B. Abon shot and killed Napoleon Castro, a student of the University of Baguio, using an unlicensed firearm from the ROTC armory. Jimmy B. Abon was convicted of homicide by Military Commission No. 30, AFP.

Subsequently, the heirs of Napoleon Castro filed a lawsuit for damages against Jimmy B. Abon, Roberto C. Ungos, Benjamin Salvosa (BCF's President and Chairman), Jesus Salvosa (BCF's Executive Vice President), Libertad D. Quetolio (Dean of the College of Education), and BCF. The Court of First Instance of Tarlac ruled that Jimmy B. Abon, Benjamin Salvosa, and BCF were jointly and severally liable for damages. The other defendants were absolved, and the counterclaim for lack of merit was dismissed.

The Intermediate Appellate Court modified the trial court's decision by reducing the award for loss of earning capacity from P316,000 to P30,000 (temperate damages) and increasing the indemnity for Napoleon Castro's death from P12,000 to P30,000.

Benjamin Salvosa and BCF petitioned the Supreme Court for review.

****Issues:****

1. Whether BCF and its officers could be held solidarily liable with Jimmy B. Abon for the damages under Article 2180 of the Civil Code.
2. Whether Jimmy B. Abon was in custody of BCF when he committed the tortious act.
3. The applicability and interpretation of 'custody' under Article 2180 of the Civil Code in

the context of technical-vocational versus purely academic institutions.

****Court's Decision:****

The Supreme Court reversed the decision of the Intermediate Appellate Court, holding that BCF and its officers could not be held solidarily liable for the tortious acts of Jimmy B. Abon.

****Issue 1: Liability under Article 2180 of the Civil Code****

The Court held that BCF and its officers could not be held liable under Article 2180 because Jimmy B. Abon was not in the protective and supervisory custody of the school when the incident occurred. The Court emphasized the necessity of a student being in 'attendance in the school' or 'custody' for liability to attach under this article.

****Issue 2: Custody of BCF during the Tortious Act****

The Court reasoned that merely being enrolled or present on school premises does not constitute 'attending school' or being under 'protective and supervisory custody.' Jimmy B. Abon was not attending any class or school-related function during the shooting, which occurred at around 8:00 p.m., a time considered beyond school hours. Therefore, BCF could not be held liable as Abon was not under their custody.

****Issue 3: Technical-vocational versus Academic Institutions****

Given the decision that BCF was not liable under Article 2180 due to the absence of custody, the Court found it unnecessary to address differences in liability between technical-vocational and academic institutions.

****Doctrine:****

- The extent of liability of schools and teachers under Article 2180 of the Civil Code requires that students be in the 'protective and supervisory custody' of the school.
- The concept of attendance includes school hours and recess, where students remain under the influence of their mentor and within school supervision.
- Schools running both academic and technical-vocational programs must provide clarity on which activities and timeframes fall under their supervisory custody to prevent misinterpretation of liability.

****Class Notes:****

- Article 2180 of the Civil Code: Establishes liability of teachers and heads of establishments of arts and trades for the actions of their pupils and apprentices.
- 'Custody' under Article 2180 implies active supervisory and protective responsibility during school attendance.
- Key Case: Palisoc vs. Brillantes, emphasizing that "recess" pertains to temporary suspension of class activities within the boundaries of school oversight.

****Historical Background:****

This case unfolds within the broader context of legal interpretations of Article 2180, relevant to educational institutions' responsibilities. It examines the evolving role of mixed-type institutions (academic and technical-vocational) in the Philippines and their subsequent liabilities. The case draws heavily on prior rulings such as Palisoc vs. Brillantes, highlighting the judiciary's continuous effort to delineate the parameters of 'custody' and furthering doctrines pertinent to tortious liabilities within educational settings.