



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

PR2002-16

60th Regular Session

RESOLUTION NO. SP **2035**, S-2003

A RESOLUTION URGING THE DEPARTMENT OF EDUCATION, QUEZON CITY, TO ADOPT A POLICY PROHIBITING SCHOOLS OR ANY OTHER INSTITUTIONS OF LEARNING AND INSTRUCTION, INCLUDING ANY INDIVIDUAL OR ENTITY ENGAGED IN CHILD CARE, WITHIN THE JURISDICTION OF QUEZON CITY, FROM REQUIRING THEIR MINOR STUDENTS OR PUPILS OR THEIR PARENTS OR GUARDIANS TO EXECUTE WAIVERS OF LIABILITY OF ANY KIND IN THE EVENT OF OR IN THE OCCASION OF ANY FIELD TRIP, OR ACTIVITY OFFICIALLY SANCTIONED BY SUCH INSTITUTION, WHICH TAKES PLACE OUTSIDE THE PREMISES.

Introduced by Councilor FRANZ S. PUMAREN.

Co-Introduced by Councilors Vincent P. Crisologo, Elizabeth A. Delarmente, Rommel R. Abesamis, Voltaire Godofredo L. Liban III, Aiko Melendez-Yllana, Ramon P. Medalla, Allan Butch T. Francisco, Eric Z. Medina, Mary Ann L. Susano, Jorge L. Banal, Julian M.L. Coseteng, Wencerom Benedict C. Lagumbay, Dante M. De Guzman, Jesus Manuel C. Suntay, Alma F. Montilla, Antonio E. Inton Jr., Janet M. Malaya, Restituto B. Malañgen, Xyrus L. Lanot and Junie Marie L. Castelo.

WHEREAS, it has been a common practice for schools or any other institutions of learning or instruction to require waivers of liability, to be executed by their minor students or pupils or their parents or guardians as a prerequisite to taking part on its activities outside of the school or institution's premises;

WHEREAS, such waiver is apparently intended to relieve the institution from its responsibility under Article 218 of the Family Code of the Philippines designating the school, its administrators, and teachers, or the individual, entity, or institution engaged in child care as persons having special parental authority and responsibility over the said minor child while under their supervision, instruction or custody;

WHEREAS, law and jurisprudence dictates that such special parental authority and responsibility is to be exercised by the teacher or instructor over the minor students or pupils from the moment the latter is left by the parent or guardian with the former and applies to all school activities whether inside or outside the school premises;

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WHEREAS, such waiver is to be considered as a contract and the same directly contravenes the aforesaid provision of the Family Code of the Philippines and well-settled jurisprudence;


WHEREAS, it is well established that contracts which are contrary to law are to be considered as void ab initio, as such the waiver herein mentioned is void and cannot create nor remove any vested rights or duties;

WHEREAS, such waiver, though void, creates an impression with the parents or guardians of the students in question that the school is actually relieved from liability and prevent them from filing suit in the event that some mishap occurs during the abovementioned school activity.


NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to urge, as it does hereby urge, the Department of Education, to adopt a policy prohibiting schools or any other institutions of learning or instruction, including any individual or entity engaged in child care, within the jurisdiction of Quezon City, from requiring their minor students or pupils or their parents or guardians to execute waivers of liability of any kind in the event of or in the occasion of any field trip, or activity which takes place outside of the school or institution's premises.

ADOPTED: March 18, 2003.


HERBERT M. BAUTISTA
Vice Mayor,
Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Council Secretary

CERTIFICATION

This is to certify that this Resolution which was APPROVED on Second Reading on March 18, 2003, was CONFIRMED by the City Council on April 22, 2003.


EUGENIO V. JURILLA
City Council Secretary