

1 REPUBLIC OF THE PHILIPPINES)
2 _____)S.S.
3

4 **JOINT AFFIDAVIT OF SHARED/SEVERAL RESPONSIBILITY**

5
6 **WE**, _____, _____ years old, a _____ year student of
7 _____ of EVSU¹ _____ Campus hereinafter referred to as
8 "**Student-Participant**"; _____ parent/s or guardian of
9 the "PARTICIPANT", of legal age/s, and resident/s of _____;
10 _____, of legal age, organizer or facilitator of the "ACTIVITY";
11 _____, of legal age, Faculty Member of the EVSU and
12 designated Head/Coordinator of "ACTIVITY"; _____, of legal age,
13 designated Director of Student Affairs and Services Office of EVSU;
14 _____, of legal age, designated Vice President for Academic
15 Affairs of EVSU; and _____, of legal age, University President of
16 EVSU, after having been duly sworn to accordance with law, hereby depose and state:
17

- 18 1. That we recognized the conduct of the foregoing On-the-Job Training
19 (OJT)/Field or Educational Trip/Apprenticeship/Practice Teaching/Excursion
20 /Off-Campus Activity hereinafter referred to "ACTIVITY" as relevant to
21 _____ degree/curriculum to which the "PARTICIPANT"
22 is enrolled in, with the approved proposal and schedules "**Annex A**".
23
- 24 2. That, as parents/guardian², hereby stipulate, among others, that we
25 voluntarily give or extend our consent or permission for the attendance of
26 the "Student-Participant" and hereby provide his/her ACTIVITY'S" expenses.
27
- 28 3. That the liabilities of the EVSU Officials concerned to the said "ACTIVITY"
29 and to "Student-Participant" shall be limited to negligence and proximate
30 cause for any injury or damage as enunciated in *St. Mary's Academy v.*
31 *Carpitanos et al.*³, the Supreme Court declared, among others, to wit:
32

33 "Under Article 218 of the Family Code, the following shall have
34 special parental authority over a minor child while under their
35 supervision, instruction or custody: (1) the school, its administrators
36 and teachers; or (2) the individual, entity or institution engaged in child
37 care. This special parental authority and responsibility applies to all
38 authorized activities, whether inside or outside the premises of the
39 school, entity or institution. Thus, such authority and responsibility
40 applies to field trips, excursions and other affairs of the pupils and
41 students outside the school premises whenever authorized by the
42 school or its teachers.
43

44 Under Article 219 of the Family Code, if the person under custody
45 is a minor, those exercising special parental authority are principally
46 and solidarily liable for damages caused by the acts or omissions of the
47 unemancipated minor while under their supervision, instruction, or
48 custody.
49

50 However, for petitioner to be liable, there must be a finding that
51 the act or omission considered as negligent was the proximate cause of
52 the injury caused because the negligence must have a causal
53 connection to the accident.
54

55 "In order that there may be a recovery for an injury, however, it
56 must be shown that the injury for which recovery is sought must
57 be the legitimate consequence of the wrong done; the connection

1 Eastern Visayas State University created under R.A. No. 9311.

2 **Joycelyn Pablo-Gualberto v. Crisanto Rafaelito Gualberto V** (G.R. No. 154994. June 28, 2005) and *Crisanto Rafaelito G. Gualberto V v. Court of Appeals* (G.R. No. 156254. June 28, 2005).

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"Art. 17. Joint Parental Authority. The father and the mother shall exercise jointly just and reasonable parental authority and responsibility over their legitimate or adopted children."

3 **St. Mary's Academy v. Carpitanos et al.** (G.R. No. 143363, February 6, 2002), citing Handbook On the Family Code Of the Philippines, Alicia V. Sempio-Diy (1997), p. 344; The Family Code of the Philippines Annotated, Rufus B. Rodriguez (1990), p. 505; *Sanitary Steam Laundry, Inc. v. Court of Appeals*, 360 Phil. 199, 208 [1998]; *Cruz v. Court of Appeals*, 346 Phil. 872, 886 [1997]; *Ford Philippines v. Citibank*, G.R. No. 128604, January 29, 2001; *Bank of the Philippine Islands v. Court of Appeals*, 326 SCRA 641, 659 [2000]; and *Bataclan v. Medina*, 102 Phil. 181, 186 [1957].

between the negligence and the injury must be a direct and natural sequence of events, unbroken by intervening efficient causes.' In other words, the negligence must be the proximate cause of the injury. For, 'negligence, no matter in what it consists, cannot create a right of action unless it is the proximate cause of the injury complained of.' And 'the proximate cause of an injury is that cause, which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred.'"

4. That any tort/s⁴ committed by the "Student-Participant" outside the schedules and unconnected with or distinct from the desired outcomes or legitimate purpose⁵ of the said "ACTIVITY" shall solely be his/her liability.

5. That we are executing this JOINT AFFIDAVIT to attest and recognize our duties as shared or severally responsible to the "Student-Participant" as provided for under the Family Code of the Philippines⁶, Civil Code of the Philippines⁷, CHED Memorandum Order No. 09, s. 2013⁸, Article 46, Chapter XVII, Title IX and pertinent provisions of the 2017 Revised University Code⁹, applicable laws, jurisprudence cited herein, and ensuing issuances thereof.

FURTHER AFFIANTS SAYETH NONE.

IN WITNESS WHEREOF, we have hereunto affixed our respective signatures this ____ day of _____, 20__ at _____.

Name and Position/Responsibility	Signature	Evidence of Identity/Identification (ID)		
		Number	Date Issued	Place Issued
_____ Student-Participant				
_____ Father/Mother/Guardian				
_____ Organizer				
_____ Head/Coordinator				
_____ Director, SASO				
_____ Vice Pres. for Academic Affairs				
_____ University President III				

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__ at the _____, Philippines, the affiants exhibiting to me their Government issued Evidences of Identity/IDs written above.

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NOTARY PUBLIC

⁴ According to Black's Law Dictionary, **tort** is a "Wrong; injury; the opposite of right So called, according to Lord Coke, because it is wrested, or crooked, being contrary to that which is right and straight. In modern practice, tort is constantly used as an English word to denote a wrong or wrongful act, for which an action will lie, as distinguished from a contract. A tort is a legal wrong committed upon the person or property independent of contract. xxxxxxxx." In addition, in **Dr. Filoteo A. Alano, v. Zenaida Magud-Logmao** (G.R. No. 175540, April 7, 2014) citing **Gashem Shookat Baksh v. Hon. Court of Appeals** (G.R. No. 97336, February 19, 1993 SCRA 115), the Supreme Court held:

Xxxxxx

Baksh v. Court of Appeals elaborates on the distinctions:

x x x. **Torts** is much broader than culpa aquiliana because it includes not only negligence, but international criminal acts as well such as assault and battery, false imprisonment and deceit. In the general scheme of the Philippine legal system xxxxx, intentional and malicious acts, with certain exceptions, are to be governed by the Revised Penal Code while negligent acts or omissions are to be covered by Article 2176 of the Civil Code. xxxxx. It is even postulated that together with Articles 19 and 20 of the Civil Code, Article 21 has greatly broadened the scope of the law on civil wrongs; it has become much more supple and adaptable than the Anglo-American law on torts. (Emphasis supplied)."

⁵ **Amadora, etal. v. Court of Appeals, etal.** (G.R. No. L-47745, April 15, 1988).

⁶ Executive Order No. 209 issued on July 6, 1987, as amended.

⁷ Republic Act No. 386 approved on June 18, 1949, as amended.

⁸ "Policies and Guidelines on Educational Tours and Field Trips of College and Graduate Students" and subsequent issuances.

⁹ Approved per Board Resolution No. 115, s. 2017 adopted by the EVSU Board of Regents on April 19, 2017 and its subsequent issuances.