

The Dichotomy in Reparation and Lack of Particularity: The Registered Owner Rule and the Compulsory Motor Vehicle Insurance Liability

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In the Philippines, the numbers show that motor vehicle accidents still ranks as one of the leading causes of death, which leads one to accept the inevitability of such occurrences, and in consequence, the corresponding liability for mortality or injuries. As a result, the question of ownership becomes significant in the jurisdiction, as the question of liability is resolved against the person in whose name the offending vehicle is registered. This is partly due to the nature of motor vehicles as movables; the ease of their sale and subsequent delivery often ignores, or at least, delays the registration in the name of the vendee from that of the vendor.

Related and most obvious to the ownership of motor vehicles is possession; thus, instead of the presumption that registration is the evidence of ownership, for the sake of imputing motor vehicle accident liability, it would be better to adopt the presumption that possession is the evidence of ownership. A better rule would be that the possessor holds primacy over a subject motor vehicle.

There is a need for a paradigm shift requiring not merely the fact of initial registration of a motor vehicle, but also the transfer of ownership resulting from subsequent transactions. Of course, the mere omission of a person to do the same is at best, a situation that can be resolved by imposing measures for compliance. However, if the same is not obligated by law at all, which requires no positive action on the part of the persons involved in motor vehicle transactions, then the law itself is in fault and a change in the law would be imperative.