

A New Look at the Law on Common Carriers

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The Article is an analysis of the laws covering the responsibilities and liabilities of common carriers. It places special emphasis on the practicability of the said responsibilities and liabilities to commercial behavior.

The Author begins his analysis by citing his observations on the doctrine of extraordinary diligence. He takes note that under the law, the common carriers are expected to practice extraordinary diligence under normal conditions but are allowed to observe only due diligence under extraordinary conditions. He also takes notice of the difficulty in measuring extraordinary diligence, it being a qualitative and not a quantitative concept.

With this, he suggests a possible alternative: reasonable foreseeability. The said doctrine does not negate the obligation of the common carrier to be diligent in the performance of his obligation, it only provides another point of view in determining the liability of the carrier. In this test, the carrier, to be excused from liability, must show that the damage that actually resulted was not capable of being foreseen.