

Self-Driving Cars and Torts: Determining Liability in a Twenty-First Century Car Accident

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The automobile is a common means of transportation hailed for its convenience. However, this convenience comes with a price and has had its fair share of accidents — it being one of the top causes of injuries and deaths the world over. From the time of the first automobile accident to today, car manufacturers have constantly tried to make improvements to the vehicles to mitigate the injuries resulting from a car accident. Despite such improvements, car accidents still remain to be one of the leading causes of death. However, this is bound to significantly change with the introduction of a new breakthrough in technology — the self-driving motor vehicle. The goal of self-driving car technology is to eliminate car accidents by eliminating human error.

However, when an inevitable accident occurs, current laws allow for a victim to claim damages from the person at fault, who is usually the driver. However, with the human driver removed from the picture, who should the injured party make a claim against? Based on the existing Philippine liability framework derived from the Civil Code provisions on Quasi-Delicts, Warranties and Fraud, the 2014 Philippine Lemon Law, and established judicial doctrines, the victim can claim from either the registered owner or the manufacturer. However, it will be unfair to hold the registered owner liable for something he or she is unable to control. The current liability framework has always been dealing with the same parties from the time that the framework was enacted. Hence, it is necessary that the Philippine legal system finds a way to accommodate the self-driving car technology in order to prevent any injustice caused by outdated laws.

The Author proposes that a new law be passed to fill the gap in Philippine laws by defining and determining the nature of the self-driving car, analyzing how the current liability framework govern car accidents, applying the current liability framework to self-driving cars and lastly, establishing a proposed legislation and framework to aid in determining liability.