

his own wrongdoing or the wrongdoing of persons subject to his control, unless he can prove, with reference to such persons, that he took adequate measures to prevent the damage.

Chapter III—Damages Sustained When the Transportation is Gratuitous

Article 156. In the case of gratuitous transportation which is not rendered by an enterprise engaged in public transportation, the carrier's liability shall be limited to the sum of twenty thousand pesos in national currency (\$20,000).

Article 157. The carrier may exempt himself from liability by a special express agreement with the passengers.

Article 158. The carrier shall not be liable if the circumstances set forth in Article 137 are present and if he proves that he and the persons subject to his control took adequate measures to prevent the damage or that it was impossible to take such measures.

Chapter IV—Damages to Persons and Property Aboard in Case of a Mid-air Collision

Article 159. By mid-air collision shall be understood any collision between two or more aircraft in flight.

Damages caused by one aircraft in flight to another aircraft in flight, or to persons or property on board, even if there is no collision, shall be considered to have resulted from a mid-air collision.

Article 160. If a mid-air collision is due to the fault of one of the aircraft, it shall be liable for the damages.

It shall not be liable under the circumstances recited in Article 137.

In this respect, the limitations set forth in Article 141 shall apply.

Article 161. If a mid-air collision is caused by concurrent negligence, the liability of each aircraft for the damages to such aircraft, and to the persons and property on board shall be in proportion to the degree of negligence.

If the proportionate degree of negligence cannot be determined, the liability shall be shared equally.

Article 162. The liability established in the preceding article shall be joint, but without impairing the right of a tortfeasor who has paid more than the amount for which he is liable to recoup from the other tortfeasor.

Article 163. No liability shall attach in the case of an unavoidable accident or of *force majeure*.

Chapter V—Damages to Third Parties on the Ground in the Case of Mid-air Collision

Article 164. In the case of damages caused to third parties on the ground by a mid-air collision between two or more aircraft, the operators of such aircraft shall be jointly liable within the purview of the preceding chapter to the persons sustaining such damage.

Article 165. If the mid-air collision was the result of the negligence of one of the aircraft, the aircraft which was not at fault shall have the right to recoup from the former the amount of damage payments which it was required to pay to the victims by reason of joint liability.

If the negligence was concurrent, the aircraft which, by reason of joint liability, paid an amount in excess of its share, shall be entitled to recoup the excess from the other party.