

carrier. Both may sue the carrier who made the carriage during which the destruction, loss of, or damage occurred.

*Article 153.* If the transportation is gratuitous, liability shall be limited to damages and injuries arising from intent or gross negligence on the part of the carrier or his employees.

*Article 154.* If the carrier proves that death or injuries have been caused by the negligence of the victims, or that they have contributed thereto, his own liability may be excluded or limited.

*Article 155.* A carrier shall be exempt from the liability established in Articles 147 and 151 when he proves that he or his employees have taken all necessary measures to avoid the injury or delay, or that it was impossible to take such measures because of *force majeure*.

*Article 156.* Liability may be limited to the amount of insurance. When damages and injuries are caused by intent of the carrier or his employees, the provisions of this Code exempting from, or limiting liability shall not be applicable.

*Article 157.* Nullity of a clause exempting the carrier from liability, or which fixes limitations at less than the established ones, shall not void the transportation contract.

*Article 158.* The receipt of baggage or merchandise by the consignee without protest constitutes a presumption that they have been delivered in good order and in accord with the ticket, receipt or waybill. In case of damage, the consignee shall file a protest with the carrier within three days following receipt of the baggage, or seven days following that of merchandise.

Claims with respect to delay should be filed within three days computed from the date on which the baggage or merchandise were placed at the disposal of the consignee.

In the above cases, the protest shall be expressly stated on the transportation document or in a separate document.

If no protest is filed within the indicated periods of time, no action based on this concept is admissible, unless there is proof of fraud on the part of the carrier.

## *Chapter II. Liability towards Third Persons*

*Article 159.* Liability toward third persons for acts resulting from air navigation, refers to all public or private, national or foreign aircraft making flights over the national territory or territorial waters.

*Article 160.* Any damage caused to persons or property on the ground by an aircraft in flight, or which is in operation of take-off or of alighting on land or water, shall give a right to a damage action.

*Article 161.* A right to damages shall also be granted for any damage caused by objects or articles falling or thrown from an aircraft, without excepting the throwing or jettisoning permitted in case of *force majeure*.

*Article 162.* The following shall be jointly liable for damages and injuries claimed in accordance with Articles 160 and 161:

1. The person in whose name the aircraft is registered.
2. The person who is using or operating the aircraft.
3. The person who has caused the damage from the aircraft.

*Article 163.* Civil liability in the case of Article 110 shall be limited to the amount of insurance for each accident.

In the case of Article 115 the liability shall be limited.