

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3817

Introduced by HON. DANILO E. SUAREZ

EXPLANATORY NOTE

According the World Health Organization (WHO), road accidents have become a major public health problem in Asia and the Pacific. 10 million people are severely injured or killed annually on the region's roads. With Asia accounting for only 16% of the world's vehicles, road deaths rose by nearly 40% between 1987 and 1995.¹ In the Philippines, the WHO reports that Road traffic accidents constitute the second leading cause of injury death, with a mortality rate of 7.8/100 000. Among children aged 0-17 years, it is the second leading cause of injury death (mortality rate of 5.85/100,000), next to drowning.² This poor state of our roads was even admitted by Secretary Rogelio Singson of the Department of Public Works and Highways. Facing the House appropriations committee scrutinizing the proposed P90.9-billion public works budget for 2011, Singson admitted the "long festering problem of bad roads" in the country has contributed to many accidents and hampered economic development.³

One of the ways we can improve our road system is to identify accountable officers when injury or death occurs because of clear neglect in the proper maintenance of the road and signage. Uneven road surface, potholes, open manholes, defective traffic lights, missing traffic signs, illegal structures, and the like have contributed much to road accidents which led to numerous injuries and fatalities.

In our present law, local government units can be held accountable by virtue of Section 24 of R.A. 7160 (Local Government Code), to wit:

"Sec. 24 - Liability for damages- Local government units and their officials are not exempt from liability for death or injury to persons or damage to property."

Article 2189 of the Civil Code is of the same tenor when it stated that:

"Art. 2189, NCC- The local government unit is liable in damages for death or injuries suffered by reason of the defective condition of roads, streets, bridges, public buildings and other public works."

¹ <http://www.pia.gov.ph/?m=12&fi=p081121.htm&no=63>

² http://www.wpro.who.int/countries/2009/phl/health_situation.htm

³ <http://newsinfo.inquirer.net/breakingnews/nation/view/20100922-293755/DPWH-to-upgrade-all-Philippine-roads>

It should be noted, however, that both provisions does not specify the accountable officers in case of death or injury occasioned by the clear neglect in the maintenance of safe road conditions and signage. Moreover, both speak of quasi-delict damages. It is time that a law should be passed identifying the proper officials that will be held accountable in case of nonfeasance that results in injury or death. Such officials must be properly penalized with heavy fines and imprisonment. A public office is a public trust, and those sleeping on the job must not be given a mere slap on the wrist.

Considering the foregoing reasons, the passage of this bill is earnestly requested.



DANILO E. SUAREZ
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**AN ACT PENALIZING NONFEASANCE IN THE MAINTENANCE OF ROAD
CONDITIONS AND SIGNAGES**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Title. This Act shall be known as the "Road Condition and Signage
Accountability Act."

SECTION 2. Accountable Officers. The following officers shall be responsible for
the proper maintenance of the road and road signs, respectively:

- A. District Engineer of the Department of Public Works and Highways (DPWH): the
proper National Road under his/her territorial jurisdiction.
- B. Provincial Engineer: provincial roads under his/her territorial jurisdiction.
- C. City Engineer: city roads under his/her territorial jurisdiction.
- D. Municipal Engineer: municipal roads under his/her territorial jurisdiction.

SECTION 3. Penalty. Whenever an injury or death occurs because of poor road
conditions (such as, but not limited to: potholes, uneven road surface, open manholes,
illegal terminals, poor illumination, no illumination, illegal constructions, construction
without proper early warning devices) or lack or poor maintenance of road signs (such
as, but not limited to: lack or improperly maintained traffic lights, lack or improperly
maintained road signs), the accountable officer enumerated in Section 2 of this Act shall
be penalized with a fine not falling below Five Hundred Thousand Pesos
(PhP500,000.00) but shall not exceed Two Million Pesos (PhP 2,000,000.00). The
accountable officer shall also be penalized with imprisonment of not less than Two (2)
years but shall not exceed Five (5) years.

SECTION 4. Separability Clause. – If any provision or part hereof is held invalid
or unconstitutional, the remainder of the law or the provision not otherwise affected shall
remain valid and subsisting.

SECTION 5. Repealing Clause. – Any law, presidential decree or issuance,
executive order, letter of instruction, administrative order, rule or regulation contrary to
or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
accordingly.

SECTION 6. Effectivity Clause. – This Act shall take effect fifteen (15) days after
its publication in at least two (2) newspapers of general circulation.

Approved.