

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4068

Introduced by Honorable Giorgidi B. Aggabao

EXPLANATORY NOTE

This bill is an offshoot of the case, Jason Ivler Aguilar vs. Hon. Maria Rowena Modesto San Pedro et al., G.R. No. 172716, promulgated by the Supreme Court on November 17, 2010.

The case stemmed from a vehicular accident that transpired in 2004. Accused Jason Ivler Aguilar crossed into the opposite lane and smashed into an incoming vehicle that resulted in the death of Nestor Ponce, a ranking Malacanang official, and injuries to his wife, Evangeline Ponce.

The state filed two (2) separate cases with the Metropolitan Trial Court of Pasig; (1) Reckless Imprudence Resulting in Slight Physical Injuries for the injuries sustained by Evangeline Ponce; and (2) Reckless Imprudence Resulting in Homicide and Damage To Property for the death of Nestor Ponce and damage to the spouses Ponce's vehicle.

Here is the nub of the case. Ivler pleaded to the lesser offense of Reckless Imprudence Resulting In Slight Physical Injuries, and was meted a penalty of public censure. He then moved to quash the more serious offense of Reckless Imprudence Resulting In Homicide and Damage to Property, on the ground of double jeopardy.

A legal tussle ensued which eventually reached the highest court of the land. On review, the Supreme Court ruled that double jeopardy is in play and that, therefore, the second and more serious offense must be dismissed.

The case has a surreal twist to it. Ivler has undoubtedly killed a person, injured his wife, and damaged their vehicle. Yet, because of a loophole in the law, the Supreme Court had no option but to accord to the accused the protection of double jeopardy. In a nutshell, Ivler played by a deficient rulebook. Thus, he escaped with only a rap on the knuckle.

This bill addresses this loophole. It emphasizes that quasi-offenses is a single offense which cannot be split into different crimes and penalties, and that the gravity of the consequence is only taken into account to determine the imposable penalty. Furthermore, the penalty corresponding to the most serious offenses shall be applied in its maximum period.

In view of the importance of this bill, it is earnestly requested that it be approved posthaste.


GIORGIDI B. AGGABAO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4068

Introduced by Honorable Giorgidi B. Aggabao

AN ACT
AMENDING ACT NO. 3815 OTHERWISE KNOWN AS THE REVISED PENAL CODE AS
AMENDED, BY EXTENDING TO QUASI-CRIMES THE SENTENCING FORMULA OF
ARTICLE 48 THEREIN

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

Chapter Four. Application of Penalties

Section 1. Rules for the application of penalties to the persons criminally liable and for the graduation of the same.

Act. 46 x x x

Act. 47 x x x

Art. 48. Penalty For Complex Crimes. x x x x x

Act. 48-A. Penalty for Quasi Offenses.

In a prosecution for quasi-offenses under Article 365 where a single prosecution is filed against all resulting acts, whether grave, less grave, or light felony, the penalty for the most serious offense shall be applied in its maximum period.