

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 4706

Introduced by: **Congressman Mohammed Hussein P. Pangandaman**
Representative, 1st Dist. Lanao del Sur

EXPLANATORY NOTE

According to the Philippine National Police statistics, in the year 2006 alone, there have been 4,182 (27%) of car accidents that were caused by driver error. These errors caused tragic loss of lives, and injustice to the parties involved. In this regard, one could never afford to make any mistakes once they are on the road. Philippine statistics on crime rate specifically those that involve murder and homicide make the Philippines not a safe haven for Filipinos and foreigners alike. These crimes that result to death, can we say that the civil liability of the offending party is considerably just and evenhanded? It is not saying, though, that any amount is equal to human life. For human life is of utmost importance and not equivalent to any amount of money.

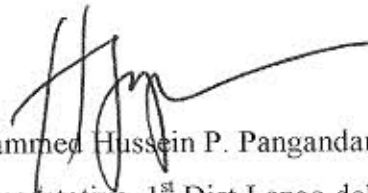
Article 2206 of the Civil Code of the Philippines states that, **“The amount of damages for death caused by a crime or quasi-delict shall be at least three thousand pesos, even though there may have been mitigating circumstances”**. This provision in the Civil Code has been in existence from the time of its promulgation in 1949, to be exact. And since then, there has not been any amendment and/or revision with regards to this very important provision of the same Code has been done. The Supreme Court of the Philippines, through their decisions has time and again took notice to consider that such amount provided for in Art. 2206 is not enough. The civil indemnity has been set by the Honorable Court to seventy-five thousand pesos (P75,000.00). It is unfortunate that a person's life is correspondent to that low amount.

Furthermore, there have been many cases of death through negligence of other people, most of the time committed by drivers under the influence of alcohol or prohibited drugs and other unworthy licensed drivers who are abusive, ignorant and incompetent who drive like maniacs. There have been reports that public utility drivers, especially bus drivers, are instructed to rather deliberately kill the person they accidentally hit because the civil liability involved in accident resulting to the death of the person is much lower than having the person be treated in the hospital of the costs involved. These people have total disregard to human life because of

the perception that they are only to pay such low amount. This provision is not limited to drivers. These are just examples of other people's wanton disregard to human life.

This Bill aims to increase the penalty of the people who commit crime and who through negligence causes death to other people. This provision would make the people more diligent of their actions, that they should be accountable for everything they do, and to make everyone responsible stewards of human life.

In view hereof, early approval of this bill is earnestly urged.



Mohammed Hussein P. Pangandaman
Representative, 1st Dist Lanao del Sur

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AN ACT

**AMENDING ARTICLE 2206 OF REPUBLIC ACT NO. 386, OTHERWISE
KNOWN AS THE CIVIL CODE OF THE PHILIPPINES, INCREASING
THE AMOUNT FOR DAMAGES OF DEATH CAUSED BY A CRIME OR
QUASI DELICT, AND FOR OTHER PURPOSES.**

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

SECTION 1. Article 2206 of Republic Act No. 386, otherwise known as The Civil Code of the Philippines is hereby amended to
read as follows:

“The amount of damages for death caused by a crime or quasi-delict shall be at least **FIVE HUNDRED THOUSAND PESOS (P500,000)**, even though there may have been mitigating circumstances. In addition:

(1) The defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death;

(2) If the deceased was obliged to give support according to the provisions of Article 291, the recipient who is not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;

(3) The spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased."

SEC 2. Repealing Clause. - All laws, orders, decrees, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC 3. Effectivity. - This Act shall take effect within fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,