



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



SIXTEENTH CONGRESS

First Regular Session

House Bill **1709**

Introduced by Hon. Jonathan A. De la Cruz

EXPLANATORY NOTE

Road accidents and fatalities have been increasing through the years. The recent spate of such accidents should be a cause of grave concern as the same impose a heavy toll on lives and properties and the disruption of normal life. In 2006, the Philippine National Police (PNP) tallied about 15,000 traffic accidents corresponding to an average of 41 traffic accidents per day. These accidents resulted in 674 fatalities, 3767 injuries and 10,623 instances of property damage. The PNP reported that a good number of these traffic accidents were caused mainly by driver error. In the same year, for example, 4,182 (27%) of car accidents were caused by driver error. The use of cell phones while driving is another leading cause of the traffic accidents representing the highest increase among the causes of traffic accidents. There is no doubt that these accidents increased dramatically in the last few years as more and more people and vehicles traverse and make use of our increasingly crowded and over used road network.

One cause that induces driver error is the absence of appropriate road signs and safety devices that warn drivers of impending danger. Reports have it that the absence of these road signs installed by the Department of Public Works and Highways (DPWH) has been aggravated by rampant stealing if not outright damage done by unscrupulous individuals and even groups. A study conducted to determine the cost of accidents in Metro Manila alone estimated that PH 3.5 Million is lost per fatal road accident. Quite apart from the economic cost the social cost, i.e., the pain, grief, and suffering has been put at PH506,450 per fatal accident. But more than all of these, the lost of lives is simply incalculable.

The Revised Penal Code (Act No. 3815) defines theft as the taking of property of another without violence against or intimidation of persons, with intent to gain without the latter's consent. Likewise, a person committed theft if after having maliciously damaged the property of another removes and makes use of the fruits or object of the damage caused by him.

The Revised Penal Code likewise identified theft of properties, say, of the National Library and the National Museum, as qualified theft but does not include theft of traffic signages, warning signs, protective devices such as highway or bridge railings and other safety equipment.

The penalties imposed on stolen property depends upon the value of the property and ranges from prison correctional to prison mayor conclusion or reclusion temporal. Given the damage caused by these irresponsible and unconscionable acts, these penalties may no longer suffice for the above indicated offenses. Stiffer penalties should be imposed not only to deter or prevent persons to steal or damage these devices but more importantly to prevent the loss of properties and lives.

For the above considerations, approval of this bill is earnestly urged.


JONATHAN A. DE LA CRUZ



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House Bill No. **1709**

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**AN ACT IMPOSING STIFFER PENALTIES ON THE OFFENSE OF STEALING OR VANDALIZING
GOVERNMENT ROAD SIGNS AND OTHER SAFETY AND WARNING DEVICES, ACCESSORIES
AND OTHER FACILITIES, AND FOR OTHER PURPOSES**

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

SECTION 1. Title. This act shall be known as the **Stealing and Vandalizing of Road Safety Devices and Traffic Signs Act of 2013.**

SECTION 2. Declaration of Policy. It is the policy of the State to protect people from damage to property and loss of lives by improving the conditions of our roads and making vehicular traffic as safe as possible by providing driver training and information through traffic signs and accident-prevention devices. To this end the State has mandated concerned government agencies and instrumentalities to install in conspicuous and appropriate places road signs and safety devices to warn drivers and road users of the accident risks and dangers.

SECTION 3. Theft and damage of road safety devices and traffic signs- It shall be unlawful to dismantle, remove, transfer, take into possession road signs, warning and safety devices installed by national and local governments or non-government organizations for the purpose of warning motorists of dangers along the road.

It is likewise unlawful to store, keep in inventory such traffic signs, safety and warning devices without authority from the government or any of its instrumentalities for any purpose whatsoever.

SECTION 4. Traffic signs, safety and warning devices and instruments - For the purpose of this Act “traffic signs, safety and accident warning devices and instruments” shall mean road or traffic signs exemplified by signs of “stop”, “yield”, “slippery when wet”, signs of zig-zag sections of roads, railings and similar devices. Man-hole covers shall also be included as part of accident-prevention devices warning the public to avert or prevent the loss of lives and properties as covered under this Act.

The Department of Public Works and Highways (DPWH) shall provide a list of all traffic signs, safety devices and other accident reduction or prevention devices and instruments. The list shall be updated as the need arises.

SECTION 5. Punishable actions under this Act - The following actions are punishable under this Act:

- (1) Mere possession without authority of any device or instrument or piece of equipment listed under Section 4 of this act or accessories thereof;

- (2) Selling and buying of stolen traffic signs, safety and warning devices listed under Section 4 of this Act or accessories thereof;
- (3) Vandalizing or damaging of any road signs or safety and warning devices listed under Section 4 of this Act or any accessories thereof.

SECTION 6. Penalties – The following penalties shall apply to violations under this Act:

- (1) **Stealing of or possessing traffic signs and warning devices including man-hole covers and their accessories** – The penalty of twelve to fifteen (12-15) years imprisonment or a fine ranging from Three Hundred Thousand Pesos (Php 300,000) to Five Hundred Thousand Pesos (Php 500,000) or both, at the discretion of the court, shall be imposed on any person found guilty of stealing or in possession of road signs, safety and warning devices including man-hole covers as defined in Section 4 of this Act;
- (2) **Damaging/vandalizing or destroying road signs, safety and warning devices including man-hole covers and their accessories** – The penalty of six to ten (6-10) years imprisonment or fine ranging from Two Hundred Thousand Pesos (Php 200,000) to Three Hundred Thousand Pesos (Php 300,000) or both, at the discretion of the court, shall be imposed on any person found guilty of damaging/vandalizing or destroying road signs, safety and warning devices and their accessories including man-hole covers as defined in Section 4 of this Act;
- (3) **Selling or buying of road signs and warning devices including man-hole covers and their accessories** – The penalty of selling or buying road signs, safety devices, disaster warning and risk reduction instruments and their accessories as defined in Section 4 of this Act shall be similar to those under 1 of Section 6 of this Act.
- (4) **Government employees as accomplice in the violation of provision of this Act** – Government employees found guilty of violation of this Act either as principal or as an accomplice shall be penalized according to Section 6 of this Act. In addition, such government employee shall forfeit all his/her retirement benefits and shall be barred from any employment within the government service.

SECTION 7. Incentives – Incentives shall be provided to a person or persons who will provide information leading to the apprehension of violators of this Act. The nature and amount of incentives shall be provided for in the implementing rules and regulations of this Act.

SECTION 8. Non-applicability of Articles 308, 309, 310, and 311 of the Revised Penal Code – Articles 308, 309, 310 and 311 of the Revised Penal Code shall not be applicable to cases contemplated or enumerated in this Act. For theft cases the provision in this Act shall apply.

SECTION 9. Implementing rules and regulations – The DPWH shall issue within 180 days from the date of approval of this Act, the implementing rules and regulations for this Act.

SECTION 10. Separability clause – Any portion or provision of this Act which may be declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof.

SECTION 11. Repealing Clause – All other laws, ordinances, rules, regulation, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 12. Effectivity Clause – This Act shall take effect immediately after its publication in two (2) Newspaper of general circulation

Approved,