

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SIXTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 3465



Introduced by Representative 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 Malacañang 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.

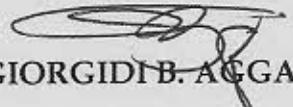
Here is the interesting and clever legal maneuver made by Ivler : He pleaded to the lesser offense of Reckless Imprudence Resulting in Slight Physical Injuries, and was meted a penalty of public censure. He then moved to quash the more serious offense of Reckless Imprudence Resulting In Homicide and 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, 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.



GIORGIDIB. AGGABAO

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AN ACT  
AMENDING ARTICLE 365 OF THE REVISED PENAL CODE, AS AMENDED,  
BY PROVIDING A MORE COMPREHENSIVE SENTENCING FORMULA  
FOR QUASI OFFENSES

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

Title Fourteen  
QUASI OFFENSES

Sole Chapter  
CRIMINAL NEGLIGENCE

*Art. 365. Imprudence and Negligence* - Any person who, by reckless imprudence shall commit any act which, had it been intentional would constitute a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prison correccional* in its medium period; if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed, if it would have constituted a light felony, the penalty of *arresto menor* in its maximum period shall be imposed.

Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of *arresto mayor* in its medium and maximum periods: if it would have constituted a less serious felony, the penalty of *arresto mayor* in its minimum period shall be imposed.

ARRESTO MENOR IN ITS MEDIUM AND MAXIMUM PERIODS SHALL BE IMPOSED UPON ANY PERSON WHO, BY SIMPLE IMPRUDENCE OR NEGLIGENCE SHALL CAUSE SOME WRONG WHICH, IF DONE MALICIOUSLY, WOULD HAVE CONSTITUED A LIGHT FELONY.

WHEN THE EXECUTION OF THE ACT COVERED BY THIS ARTICLE SHALL HAVE RESULTED IN TWO OR MORE INJURIOUS ACTS WHICH WOULD CONSTITUTE TWO OR MORE FELONIES HAD THE ACTS BEEN INTENTIONAL, THE OFFENDER SHALL BE PROSECUTED UNDER A SINGLE CHARGE FOR ALL RESULTING INJURIOUS ACTS, WHETHER PENALIZED AS GRAVE, LESS GRAVE OR LIGHT FELONIES AND IN CASE OF CONVICTION, SHALL BE METED THE MOST SEVERE PENALTY TO BE IMPOSED IN ITS MAXIMUM PERIOD.

When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case shall be less than [twenty five] TWO HUNDRED pesos.

[A fine not exceeding 200 pesos and censure shall be imposed upon any person who, by simple imprudence or negligence, shall cause some wrong, which if done maliciously, would have constituted a light felony.]

In the imposition of these penalties the court shall exercise their sound discretion, without regard to the rules prescribed in Article 64.

The provision contained in this article shall not be applicable x x x

Reckless imprudence consists x x x

Simple imprudence consists x x x

The penalty next higher in degree x x x

Approved,