

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3616**



Introduced by Hon. Jerry P. Treñas

EXPLANATORY NOTE

The law provides that a common carrier is bound to carry passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances.¹ Our Civil Code is explicitly clear in the level of care that must be exercised by our common carriers. Extraordinary diligence is a must for all drivers and operators of buses, jeepneys, taxis, UV Express vehicles, FX vehicles and of all of the other types of Public Utility Vehicles (PUV) in operation throughout the Philippines.

Sadly, even perhaps the most simple and lackadaisical level of diligence is utterly absent in most of our PUV drivers and operators. On the day of the filing of this proposed legislative measure, a bus fell from the Skyway along South Luzon Expressway (SLEX), killing at least 21 people and crushing a van from the lower level of the SLEX. This horrifying accident, however, is not an isolated incident. It was not long ago when another bus fell from the upper level of SLEX. We have also heard of countless of road mishaps involving over-speeding PUVs in EDSA and Commonwealth Avenue. So many people have died because the persons in charge of providing extraordinary diligence have grossly neglected their duty with impunity.

This bill seeks to prevent more vehicular accidents by providing stiffer penalties for the drivers and operators of PUVs involved in accidents caused by over-speeding. A penalty of six (6) years imprisonment shall be imposed on the driver for any accident due to over-speeding which results to injury or damage to property. If a person dies because of the accident, the penalty shall be ten (10) years imprisonment. The operator will also be penalized by the imposition of a perpetual ban on having a license to operate PUVs. Moreover, if the operator is guilty of neglect in the selection and instruction of the drivers, and in the operation of the vehicles under the operator's license, the operator will be imprisoned for six (6) months if the accident causes damage or injury, and for one (1) year if death is caused.

Reckless imprudence resulting to an act which would have been classified as a grave felony if intentionally committed is punishable by the Revised Penal Code² by a maximum term of *prision correccional* in its medium period, which is 2 years, 4 months and 1 day to 4 years and

¹ Article 1755, Civil Code of the Philippines

² Article 365, Revised Penal Code Book II

2 months. If reckless imprudence results to death, the punishment is *prision correccional* in its medium to maximum periods, or a maximum of 6 years imprisonment. This proposed measure seeks to provide stiffer penalties (6 years imprisonment for over-speeding accidents or 10 years, if mortal injuries are sustained) which are justified because the degree of diligence required of a common carrier is greater than that of a regular citizen, and because of the unabated disregard for speed limits of PUVs in the country's major thoroughfares. There is therefore a substantial distinction between a regular motorist and a driver or operator of a PUV. It must also be noted that the penalties imposed in this bill are without prejudice to the civil, administrative and other possible criminal liabilities which the erring driver and operator may incur.

In view of the foregoing, approval of this legislative measure is highly recommended.



JERRY P. TREÑAS

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**AN ACT PENALIZING THE DRIVER AND OPERATOR OF PUBLIC UTILITY
VEHICLES FOR VEHICULAR ACCIDENTS CAUSED BY OVER-SPEEDING.**

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

Section 1. Declaration of Policy. – The State recognizes that common carriers are mandated to observe extraordinary diligence in the transportation of passengers and shall endeavor to protect the lives and safety of its citizens by holding common carriers criminally liable for deaths, injuries and damages caused by Public Utility Vehicles (PUV) traversing the streets of the country beyond the allowed maximum speed.

Section 2. Criminal Liabilities. – The following shall incur criminal liability for PUVs involved in vehicular accidents caused by over-speeding:

- (a) Driver – The driver of the PUV shall suffer the penalty of six (6) years imprisonment for vehicular accidents caused by over-speeding which causes damage to property or injury; provided, that if any of the passengers of the PUV or of any vehicle involved in the vehicular accidents caused by the over-speeding of the PUV suffer mortal injuries, the driver of the PUV shall incur the penalty of ten (10) years imprisonment.
- (b) Operator – The license of the operator to operate any PUV shall be revoked and the operator shall be perpetually banned from obtaining a license to operate PUVs; provided, that if the operator has been negligent in the selection and training of the driver of the PUV involved in the accident or in the operations of the PUVs under the operator's control, the operator of the PUV shall suffer the penalty of six (6) months imprisonment for vehicular accidents caused by over-speeding which causes damage to property or injury; provided, further, that if any of the passengers of the PUV or of any vehicle involved in the vehicular accidents caused by over-speeding of the PUV suffer mortal injuries, the operator of the PUV shall incur the penalty of one (1) year imprisonment;

Section 3. For the purpose of this Act, the registered owner of the PUV shall be considered as its operator. If the operator is a corporation, the president of the operator shall

32 incur the criminal liability stated in the immediately preceding section. If the driver and operator
33 are one and the same person, he shall suffer the length of imprisonment under Section 2(a) of this
34 Act and shall lose his privilege to operate PUVs as stated under Section 2(b) of this act.
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36 **Section 4.** A PUV is deemed over-speeding if the vehicle is running beyond the
37 maximum speed set for each national or local road, as determined and imposed by the authorized
38 government agency or local government unit with jurisdiction over the respective roads.
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40 **Section 5.** The penalties imposed by this Act are without prejudice to the civil liability
41 and other criminal or administrative liabilities of the driver and operator of the PUV involved in
42 over-speeding vehicular accidents.
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44 **Section 7. *Repealing Clause.*** – All provisions of laws, orders, decrees, including rules
45 and regulations inconsistent herewith are hereby repealed and/or modified accordingly.
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47 **Section 8. *Separability Clause.*** – If any part or provision of this Act shall be held
48 unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue
49 to be in full force and effect.
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51 **Section 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
52 the *Official Gazette* or in a national newspaper of general circulation.
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54 *Approved,*