



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

Sixteenth Congress  
Second Regular Session

HOUSE BILL NO. 5861



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**Introduced by Honorable Pablo Roces Nava III**

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### **EXPLANATORY NOTE**

National Government and Local Government Units are now establishing shared priority bike lanes to ensure the safety of bikers. In addition, to promote cycling as an alternative mode of transportation, reduce pollution, address global warming, slow down climate change, and to encourage healthy lifestyle derived from the physical and mental health benefits of cycling.

To encourage use of established bike lanes, there is need for the national government to ensure primordial safety of bikers by providing higher penalty when the offended party is cycling along bike lanes duly established by the National Government and/or Local Government Units.

In view of the foregoing considerations, early passage of this bill is earnestly sought.

  
**PABLO ROCES NAVA III**



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**AN ACT**

**TO AMEND ARTICLE THREE HUNDRED AND SIXTY-FIVE OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, BY PROVIDING HIGHER PENALTY WHEN THE OFFENDED PARTY IS RIDING ON AND/OR WITH BICYCLE ALONG BIKE LANE DULY ESTABLISHED BY THE NATIONAL GOVERNMENT AND/OR LOCAL GOVERNMENT UNIT WHERE SUCH BIKE LANE IS LOCATED**

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

**Section 1.** Article Three Hundred and Sixty Five, Title Fourteen of Act No. 3815, as Amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

**“Article 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 *prision 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 periodical 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.

"When the execution of 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 be less than twenty- five pesos.

"A fine not exceeding two-hundred 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 courts shall exercise their sound discretion, without regard to the rules prescribed in article sixty-four.

"The provisions contained in this article shall not be applicable:

"1. When the penalty provided for the offense is equal to or lower than those provided in the first two paragraphs of this article, in which case the courts shall impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.

"2. When, by imprudence or negligence and with violations of the Automobile Law (Act No.3992), the death of a person shall be caused, in which case the defendant shall be punished by *prision correccional* in its medium and maximum periods.

"Reckless imprudence consists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into

consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.

“Simple imprudence consists in the lack of precaution displayed in those cases in which the damage impending to be caused is not immediate nor the danger clearly manifest.

“The penalty next higher in degree to those provided for in this article shall be imposed upon the offender who fails to lend on the spot to the injured parties such help as maybe in his hands to give.

“The penalty next higher in degree to those provided for in this article shall also be imposed upon the offender when the offended party is riding on and/or with bicycle along bike lane duly established by the National Government and/or Local Government Unit where such bike lane is located, provided, that if the act defined and punished under this article is also punished in any other laws and provide higher penalty therefor, the latter penalty shall be imposed.”

**Section 2. *Repealing Cause.*** – All laws, executive orders, rules and regulations or parts thereof which are contrary to or consistent with this Act are hereby repealed.

**Section 3. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following the completion of the publication in the *Official Gazette* of in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved