



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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4564**



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

The main function of the criminal justice system is to determine the extent and boundaries of the rights and obligations of the People of the Philippines and of any defendant. However, when the defendant is found to be wanting insofar as his/her rights and obligations are concerned, then the criminal justice system must mete out the necessary punishment, and – when so necessary – commit the defendant to the proper correctional institution for punishment and rehabilitation.

However, something is clearly amiss when our criminal justice system places fault solely upon the defendant when negligence or willful ignorance of the law on the part of the complainant is material to the case at hand. This is especially true for the many cases involving so-called *reckless imprudence* on the part of drivers of motor vehicles. Under the current legalese, whenever the driver of a motor vehicle causes damage unto the property or to another person, then that driver would still be found guilty of *reckless imprudence* even if the so-called “victim” himself/herself was the one reckless, imprudent, negligent, and was the cause of the incident.

This black-and-white perspective of the law has often led to the erroneous assignment of burden in legal proceedings; and when such material errors are embedded in the institutions of the country, it is now the duty of the legislature to immediately take steps to correct it. Only then can the Sword of Justice be wielded to smite the malefactors of our society.

For these reasons, passage of this bill is earnestly sought.


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AN ACT
AMENDING ARTICLE 365, TITLE XIV OF ACT 3815, OTHERWISE KNOWN
AS THE REVISED PENAL CODE OF THE PHILIPPINES,
AND FOR OTHER PURPOSES

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

Section 1. Article 365, Title XIV of Act 3815, otherwise known as the Revised Penal Code of the Philippines, is hereby 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 period shall be imposed.

“xxx

“Reckless imprudence consists in voluntary, 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; **provided that the person to whom such material damage was done has not been negligent or ignorant in his own observance of laws or ordinances relevant to the nature of the damage done.**

“XXX.”

Section 2. *Repealing Clause* – All laws, presidential decrees, executive orders, rules and regulations, and parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 3. *Separability Clause* – If, for any reason, any section or provision of this Act, or any portion thereof, or the application of such section, provision, or portion to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Act or the application of such section, provision, or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration.

Section 4. *Effectivity* – This Act shall take effect immediately following its publication in three (3) newspapers of general circulation.

Approved,