

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6925



Introduced by Hon. HARLIN NEIL J. ABAYON, III

EXPLANATORY NOTE

The proposed **Philippine Responsible Driving and Accountability Act** is intended to update the country's road safety laws, as well as laws on criminal, civil, and administrative culpability and liability of drivers involved in traffic violations and road safety incidents.

This bill also defines different types of unsafe driver behavior: dangerous driving; reckless driving; suicidal driving; terroristic driving; careless driving; impaired driving; and irresponsible custody of vehicle.

Under current laws and procedures, drivers or motorists involved in road safety incidents and traffic violations are presumed at fault even when pedestrians and/or other motorists are at fault or also share fault. This bill seeks to make our laws also fair to the drivers who were not at fault.

In this bill, the driver is presumed to be not initially culpable or not totally at fault for the incident under investigation when:

- 1) the victim is intoxicated or under the influence of illegal drugs or prescription medication;
- 2) the victim was not crossing the street at a pedestrian lane or road intersection;
- 3) the victim crossed the street or highway instead of using a nearby pedestrian footbridge;
- 4) the victim is a bicycle rider not wearing safety devices or wearing dark clothing;
- 5) the victim is a driver of a motorcycle, bicycle, or tricycle traveling on a national highway under the minimum speed limit and not on the rightmost lane of the roadway;
- 6) the victim is a driver who, at the exact time of the incident, did not have right of way on the road;
- 7) the driver did not flee from the scene of the road safety incident;
- 8) the driver was suffering, at the time of the incident, a medical emergency such as a heart attack, stroke, asthma attack, or diabetes shock; and

- 9) the driver of the other vehicle has non-functional or lacking in head lights, tail lights, and other warning devices.

The driver involved in a road safety incident is presumed to be initially culpable when:

- 1) the driver flees from the scene of the road safety incident;
- 2) the driver was driving at high speed according to recorded eyewitness accounts taken at the scene of the road safety incident;
- 3) the driver had just committed at least one serious traffic violation;
- 4) the driver is intoxicated or under the influence of illegal drugs or prescription medication;
- 5) the driver does not have a driver's license or has an expired driver's license; and
- 6) the victim is a child younger than fifteen (15) years of age.

This bill also provides for the following mitigating circumstances in driving violations:

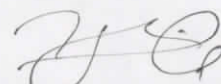
- 1) Fast driving due to medical emergency to rush to a hospital or other medical facility for immediate care;
- 2) Pursuit of a suspect in a crime who is fleeing or has just fled from the scene of a crime;
- 3) Rushing home or to workplace because of a fire or other disaster; and
- 4) Serious to gross defects in the design and construction of roads and bridges, and of traffic signs and warnings.

The initial presumption of culpability shall be determined by the person in authority or law enforcer who is first at the scene of the incident or on whom continuing investigative responsibility is vested by competent authority over the road safety incident resulting in death, injury, destruction of property, or traffic congestion.

The determination of initial culpability must be either in writing in a traffic incident report or orally, with witnesses present, while the law enforcer's lawful arrest without warrant or civilian citizen's arrest is being made.

A person in authority or deputized law enforcer may order the confiscation or personally and immediately confiscate the driver's license of a suspected erring driver to prevent or avoid probable immediate future danger to self or other persons on the road or sidewalk.

Whether the driver or drivers are initially culpable or not, the law enforcer investigating the road safety incident is required to secure the signed and sworn statements of the drivers and other persons involved in and who witnessed the incident.



HARLIN NEIL J. ABAYON, III

Representative, AANGAT TAYO Party-list

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SEVENTEENTH CONGRESS
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HOUSE BILL NO. 6925

Introduced by: Hon. HARLIN NEIL J. ABAYON, III

AN ACT
TO PROMOTE RESPONSIBLE DRIVING
AND ESTABLISH FAIR ACCOUNTABILITY FOR ROAD SAFETY INCIDENTS
AND VIOLATIONS OF TRAFFIC LAWS AND REGULATIONS, AND FOR
OTHER PURPOSES

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

Section 1. **Short Title.** - This Act shall be known as the **"Philippine Responsible Driving and Accountability Act"**.

Section 2. **Declaration of Policy.** - It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents and to provide effective and efficient regulation of road transportation.

Section 3. **Definition of Terms.** The following definitions are hereby adopted to enforce the provisions of this Act.

- 1) Dangerous driving with intent to kill or injure others is the willful operation or control of a motor vehicle, in a manner and with awareness of probable or actual road, traffic, and pedestrian conditions, which directs and focuses the threat of death or injury on specific persons on the road or on the sidewalk.
- 2) Reckless driving is the willful operation or control of a motor vehicle or bicycle, in a manner and with awareness of probable or actual road, traffic, and pedestrian conditions, which poses clear or likely risk of or causes death or injury to any person on the road or on the sidewalk.
- 3) Suicidal driving is the driver's willful operation or control of a motor vehicle, in a manner and with awareness of probable or actual road, traffic, and pedestrian conditions, which directs and focuses the threat of death or injury specifically to self.

- 4) Terroristic driving is the willful operation or control of a motor vehicle, in a manner and with awareness of probable or actual road, traffic, and pedestrian conditions, that directs and focuses the threat of multiple death or injury on other persons on the road or on the sidewalk with the clear intent to cause mayhem, chaos, panic, and terror in furtherance of an extremist political or religious purpose.
- 5) Careless driving is grossly negligent failure to operate or control a vehicle, motorized or not, in a careful and prudent manner, with disregard for the road, traffic, pedestrian, and all other attendant circumstances, endangering the life, limb, or property of any person on the road or on the sidewalk.
- 6) Impaired driving is complete or partial lack of control of a vehicle, motorized or not, in the custody of the driver for whatever reason, including but not limited to fatigue, lack of sleep, medical emergency, intoxication, use of illegal drugs, overdose or misuse of medication, advanced age, physical or mental disability, or distracted driving.
- 7) Irresponsible custody of vehicle is the temporary or continuing custody and control of a motor vehicle, including its ignition or access keys, with carelessness, imprudence, and disregard for probable threats or danger arising from, but not limited to, driving by minors, driving by seniors with manifest impaired abilities, amateur stunt driving, and distracted driving.

Section 4. **Aggravating Circumstances.** The following circumstances and situations constitute aggravating circumstances in driving violations:

- 1) Driving a stolen vehicle;
- 2) Driving without a proper driver's license;
- 3) Possession of or driving under the influence of illegal drugs;
- 4) Driving while intoxicated
- 5) Possession of firearms, explosives, and other weapons; and
- 6) Carrying dangerous cargo such as combustible materials and chemicals.

Section 5. **Mitigating Circumstances.** The following circumstances and situations constitute mitigating circumstances in driving violations:

- 1) Fast driving due to medical emergency to rush to a hospital or other medical facility for immediate care;
- 2) Pursuit of a suspect in a crime who is fleeing or has just fled from the scene of a crime;
- 3) Rushing home or to workplace because of a fire or other disaster; and
- 4) Serious to gross defects in the design and construction of roads and bridges, and of traffic signs and warnings.

Section 6. **Criminal, Civil and Administrative Culpability and Liability.** Culpability and liability for road safety incidents and driving violations are of varying degrees of gravity: criminal, civil, and administrative.

- 1) Dangerous driving, reckless driving, careless driving, suicidal driving, and terroristic driving carry criminal, civil, and administrative liability.
- 2) Careless driving, impaired driving, irresponsible custody of a motor vehicle, and violation of traffic rules and regulations at multiple times carry no criminal liability, but come with civil and administrative liability.
- 3) First-time violation of traffic rules and regulations without aggravating circumstances stated in this Act carry only administrative penalties.

Section 7. **Presumption of Culpability.** The initial presumption of culpability shall be determined by the person in authority or law enforcer who is first at the scene of the incident or on whom continuing investigative responsibility is vested by competent authority over the road safety incident resulting in death, injury, destruction of property, or traffic congestion.

The determination of initial culpability must be either in writing in a traffic incident report or orally, with witnesses present, while the law enforcer's lawful arrest without warrant or civilian citizen's arrest is being made.

A person in authority or deputized law enforcer may order the confiscation or personally and immediately confiscate the driver's license of a suspected erring driver to prevent or avoid probable immediate future danger to self or other persons on the road or sidewalk.

Whether the driver or drivers are initially culpable or not, the law enforcer investigating the road safety incident is hereby required to secure the signed and sworn statements of the drivers and other persons involved in and who witnessed the incident.

The driver involved in a road safety incident is presumed to be culpable when:

- 1) the driver flees from the scene of the road safety incident;
- 2) the driver was driving at high speed according to recorded eyewitness accounts taken at the scene of the road safety incident;
- 3) the driver had just committed at least one serious traffic violation;
- 4) the driver is intoxicated or under the influence of illegal drugs or prescription medication;
- 5) the driver does not have a driver's license or has an expired driver's license; and
- 6) the victim is a child younger than fifteen (15) years of age;

The driver is presumed not culpable or not totally at fault for the incident under investigation when:

- 1) the victim is intoxicated or under the influence of illegal drugs or prescription medication;
- 2) the victim was not crossing the street at a pedestrian lane or road intersection;

- 3) the victim crossed the street or highway instead of using a nearby pedestrian footbridge;
- 4) the victim is a bicycle rider not wearing safety devices or wearing dark clothing;
- 5) the victim is a driver of a motorcycle, bicycle, or tricycle traveling on a national highway under the minimum speed limit and not on the rightmost lane of the roadway;
- 6) the victim is a driver who, at the exact time of the incident, did not have right of way on the road;
- 7) the driver did not flee from the scene of the road safety incident;
- 8) the driver was suffering, at the time of the incident, a medical emergency such as a heart attack, stroke, asthma attack, or diabetic shock; and
- 9) the driver of the other vehicle has non-functional or lacks head lights, tail lights, and other warning devices.

The investigating law enforcer is hereby authorized to confiscate the driver's license of the driver or drivers involved as a temporary preventive suspension measure to ensure road safety while such suspension is under automatic review by the license issuing authority.

Section 8. Penalties and Liabilities. The provisions of the Revised Penal Code (RPC), as amended by subsequent laws, including Republic Act 10951, and of laws in effect on road safety and land transportation, as well as the Civil Code of the Philippines, as amended, shall apply in the determination of criminal, civil, and administrative liabilities of violators of this Act.

For the crime of dangerous driving resulting in the death of victim or victims, the provisions of Article 248 of the Revised Penal Code, as amended, and corresponding punishment, including the factoring in of aggravating and mitigating circumstances, shall apply.

For the crime of reckless driving causing unintentional death of victim or victims, the provisions of Article 249 of the Revised Penal Code, as amended, and corresponding punishment, including the factoring in of aggravating and mitigating circumstances, shall apply.

For the crime of suicidal driving, the provisions of Article 263 of the Revised Penal Code on serious physical injuries, as amended shall apply.

For the crime of terroristic driving, the penal provision of Republic Act 9372, specifically Section 3 thereof shall apply and which states the punishment of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

For dangerous driving, reckless driving, suicidal driving, terroristic driving, careless driving, impaired driving, and irresponsible custody of vehicle, Chapter Two, Sections 104 to 111 and Chapter Three, Sections 112 to 113 of the Civil Code of the Philippines, as amended, as well as the provisions of Republic Act 10951, shall apply, provided further that the exact award of civil damages, indemnification, and obligations shall be determined by the proper court.

For driving resulting in the death of any person, the administrative penalty shall be permanent disqualification on the issuance of a driver's license, as well as fines provided in Republic Act 10951.

For driving resulting in permanent disability or serious physical injuries suffered by any person, the administrative penalty shall be five (5) years suspension of the driver's license, as well as fines provided in Republic Act 10951.

For driving resulting in destruction of property other than the offender's own vehicle, the administrative penalty shall be three (3) years suspension of the driver's license, as well as fines provided in Republic Act 10951.

For driving resulting in traffic congestion lasting over an hour, the administrative penalty shall be one (1) year, as well as fines provided in Republic Act 10951.

Section 9. Translation into Filipino and other Philippine Languages and Dialects. To ensure widespread and more effective understanding of this Act by drivers, pedestrians, and other road users nationwide, the Komisyon ng Wikang Filipino shall translate the text of this Act into Filipino, other Philippine languages, and if feasible, Philippine dialects.

Section 10. Separability. - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 11. Repealing Clause. - All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

Section 12. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established internet website presence.

Approved.