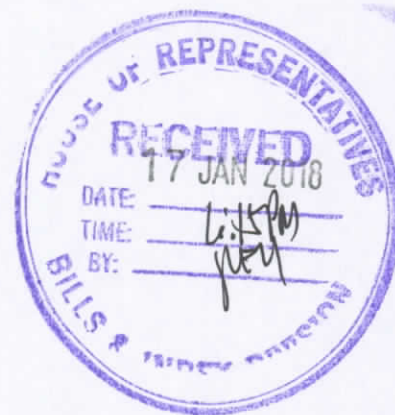


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

SEVENTEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 6985

Introduced by **HONORABLE JOSEPH STO. NIÑO B. BERNOS**

EXPLANATORY NOTE

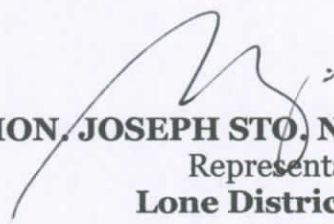
Article 2206 of the Civil Code of the Philippines provides that the amount of three thousand pesos (Php 3,000.00) shall be paid as the amount of damages for death caused by crime or quasi-delict. It should be noted that this law was adopted in 1949, and real value of that said amount has adjusted since. Currently, the Supreme Court fixed the amount of moral damages awarded to victims to fifty thousand pesos (Php 50,000.00). Furthermore, the Supreme Court, according to *PEOPLE OF THE PHILIPPINES, vs. GERARDO SAZON*, G.R. No. 89684 (September 18, 1990); *PEOPLE OF THE PHILIPPINES, vs. CLAUDIO TEEHANKEE, JR.*, G.R. Nos. 111206-08 (October 6, 1995); and, *PEOPLE vs. ESPANOLA*, G.R. No. 119308 (18 Apr 1997), promulgated these increases in the moral damages, as it is provided by Article 2216 of the Civil Code of the Philippines:

***“Article 2216.** No proof of pecuniary loss is necessary in order that moral, nominal, temperate, liquidated or exemplary damages, may be adjudicated. The assessment of such damages, except liquidated ones, is left to the discretion of the court, according to the circumstances of each case.”*

The increase is proposed after a tragic incident in La Union last 25 December 2017, where twenty (20) people, seven (7) children included, died in a collision of a speeding jeepney with a passenger bus. Drivers of both private vehicles and public utility vehicles

must be taught a lesson in making our roads safe for motorists and commuters alike. Hence, there is a need to revise Article 2206 – a small step towards a bigger goal of normalizing road safety in the Philippines – to severely penalize erring drivers, whose reckless acts cost valuable human life. By increasing the moral damages, grieving families of victims will be properly recompensed.

In view of the foregoing, the immediate passage of this Bill is earnestly sought.



HON. JOSEPH STO. NIÑO B. BERNOS
Representative
Lone District, Abra

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AN ACT

**AMENDING ARTICLE 2206 OF REPUBLIC ACT NO. 386, OTHERWISE
KNOWN AS THE CIVIL CODE OF THE PHILIPPINES**

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

Section 1. Article 2206 of Republic Act No. 386, otherwise known as the Civil Code of the
Philippines, is hereby amended to read as follows:

“Article 2206. The amount of damages for death caused by a
crime or quasi-delict shall be [at least three thousand pesos]
**INITIALLY FIXED AT TWO HUNDRED FIFTY
THOUSAND PESOS (Php 250,000.00),** even though there
may have been mitigating circumstances. In addition:

(1) The defendant shall be liable for the loss of the earning capacity
of the deceased, and the indemnity shall be paid to the heirs of the
latter; such indemnity shall in every case be assessed and awarded
by the court, unless the deceased on account of permanent physical
disability not caused by the defendant, had no earning capacity at
the time of his death;

(2) If the deceased was obliged to give support according to the provisions of article 291, the recipient who is not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;

(3) The spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased.”

Sec. 2. *Separability Clause.* If any part or provision of this Act shall be held to be unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 3. *Repealing Clause.* Any law, decree, ordinance or administrative circular not consistent with any provision of this Act is hereby amended, repealed or modified accordingly.

Sec. 4. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in one (1) newspaper of general circulation.

Adopted,