

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8455



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

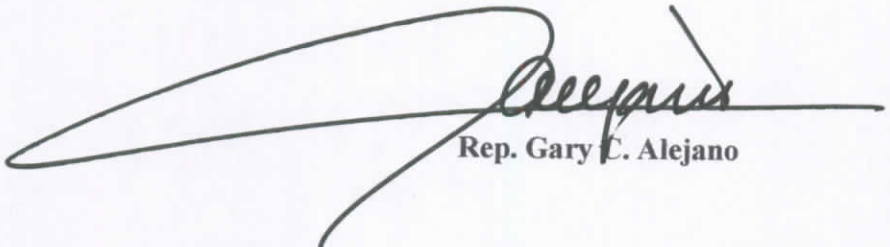
There is hardly any day when one does not see in print or broadcast media any news which involves vehicular accidents. Most of these accidents happen, usually with fatal consequences, because the persons responsible therefor do not respect our traffic laws and regulations. One should see for himself the chaotic traffic conditions in our streets, where many motorists vie for road supremacy without regard for their safety and those of others. This is particularly true in the case of drivers of large vehicles, such as buses and trucks, who recklessly intimidate and impose their will on their fellow motorists because of the sheer size of their vehicles.

While much of these problems could be traced to the lack of strict enforcement of our traffic laws and regulations, our lenient and outdated penal laws which penalize criminal negligence could also be the reason for the surging cases of vehicular accidents during the last several decades. Under Article 365 of the Revised Penal Code, the maximum penalty for criminal negligence in vehicular accidents (one which causes the death of a person) is only prision correccional in its maximum period. Thus, under the present range of penalties for these crimes, the offender may not be placed behind bars, even he has killed a person by his deliberate and willful action, albeit without malicious intent, as he can be entitled to apply for probation.

This bill seeks to increase the penalties for criminal negligence involving motor vehicles and impose several special aggravating circumstances therefor in order to deter would-be offenders to recklessly disregard our traffic laws and regulations and consequently pose a danger to themselves and other people.

This bill was previously filed by the late Simeon Datumamong in the 15th Congress.

In view of the foregoing, approval of this bill is earnestly sought.


Rep. Gary C. Alejano

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House Bill No. **8455**

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AN ACT
INCREASING THE PENALTIES FOR CRIMINAL NEGLIGENCE INVOLVING MOTOR
VEHICLES, AMENDING FOR THIS PURPOSE ARTICLE 365 OF THE REVISED
PENAL CODE

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

SECTION 1. Article 365, sixth paragraph, number 2 of the Revised Penal Code should now read as follows:

“ART. 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 arrest') mayor in its minimum period 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,

XXXXXXX

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The provision 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.

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2. WHEN, BY RECKLESS IMPRUDENCE OR GROSS NEGLIGENCE, A MOTOR VEHICLE, AS DEFINED UNDER APPLICABLE LAWS, IS INVOLVED AND A DEATH OF OR PHYSICAL INJURY TO A PERSON IS CAUSED THEREBY, IN WHICH CASE THE FOLLOWING PENALTIES SHALL BE IMPOSED:.

A. IN CASE OF DEATH OF A PERSON, THE DEFENDANT SHALL BE PUNISHED BY PRISION MAYOR IN ITS MEDIUM AND MAXIMUM PERIODS.

B. IN CASE OF PHYSICAL INJURIES, THE PENALTY SHALL BE ONE DEGREE LOWER THAN THOSE IMPOSABLE UNDER CHAPTER TWO, TITLE EIGHT OF THIS CODE IN ACCORDANCE WITH THE DEGREE OF SEVERITY OF INJURIES, WHENEVER APPLICABLE. PROVIDED THAT THE MAXIMUM PENALTY SHALL BE IMPOSED IN CASES OF THE FOLLOWING:

1. WHEN A PUBLIC UTILITY VEHTCLE IS INVOLVED;

2. WHEN THE DEFENDANT IS INTOXICATED WITH ALCOHOLIC SUBSTANCES OR UNDER THE, INFLUENCE OF PROHIBITED DRUGS;

3. WHEN THE DEFENDANT HAS VIOLATED TRAFFIC LAWS, RULES AND REGULATIONS, OR ORDINANCES; AND

4. WHEN THEE DEFENDANT IS DRIVING A MOTOR VEHICLE WITH A GROSS WEIGHT OF ____ OR HIGHER.

Section 2. Repealing Clause.—All laws, decrees, orders and other issuances contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 3. Effectivity.—This Act shall take effect upon its approval.

Approved,