

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8685



Introduced by **Rep. MARIO VITTORIO "MARVEY" A. MARIÑO**
5th District, Batangas

EXPLANATORY NOTE

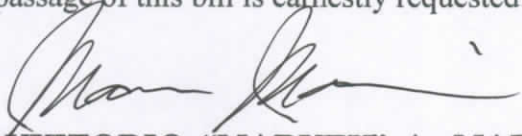
Road crash is one of the leading causes of death in the country. It is for this reason that several laws on road safety have been enacted not only to improve road user behavior but also hold erring drivers accountable. However, some groups have been questioning these measures citing bias, particularly on the application and implementation of existing road safety laws. Case in point: *Mang Teddy*.

Mang Teddy (Mr. Teddy Gotis) was driving his truck when a motorcycle driven by a minor with no helmet and intoxicated rammed into his truck. The minor with his head crushed died instantly while *Mang Teddy* was arrested for reckless imprudence resulting to homicide. Although Mr. Gotis was eventually released, he was presumed at fault and immediately arrested. Such fault, however, has no presumption in law or existing rules. It has merely been a practice of law enforcers to presume the culpability of a driver of a bigger vehicle.

This case of *Mang Teddy* and other similar cases hit both social media and mainstream media by storm that there has been a tremendous clamor to revisit existing laws, specifically on reckless imprudence. In practice, police officers arrest, detain, and charge drivers who only appear to be at fault but are not factually at fault. Clearly, the problem does not only lie on the law but also on the application of the law.

Thus, there is a needed legislation to provide proper evaluation and investigation by police authorities of the circumstances and evidence relative to road crashes in order to ensure that erring drivers/individuals—not innocent drivers—are held accountable.

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


MARIO VITTORIO "MARVEY" A. MARIÑO

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**AN ACT ESTABLISHING FAIR INVESTIGATION AND
ACCOUNTABILITY FOR ROAD CRASHES 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 "Fair Road Crash
Investigation and Accountability Act".

SECTION 2. Declaration of Policy. – The State recognizes the significant effect
of road crashes on the parties directly involved, their families and other road users. It
is therefore declared the policy of the State to provide quality response and fair
investigation into the circumstances that lead to these road crashes.

SECTION 3. Definition of terms. – The terms as used in this Act are as follows:

- a. *Road crash* – any unplanned event involving a road vehicle on a road that
results in death, injury or damage to property and is reported to the police.
- b. *Initial or First responders* – refer to Philippine National Police (PNP), Metro
Manila Development Authority (MMDA), local traffic bureau, and other law
and traffic enforcers.
- c. *Major road crash* – includes collisions resulting to less serious physical
injuries to death.
- d. *Minor road crash* – includes collisions resulting to damage to property or
slight physical injuries.
- e. *PNP-HPG* – shall refer to the Philippine National Police Highway Patrol
Group, who shall be the lead agency in investigating road crashes.
- f. *Traffic Investigating Unit/Officer* – refers to the division/investigators
specially trained to investigate road crashes.

- g. *Party/Parties* – refer/s to the driver/s, pedestrian and other persons involved in the road crash.
- h. *Sensitive personal information* – refers to personal information:
 - 1. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - 2. About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 3. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - 4. Specifically established by an executive order or an act of Congress to be kept classified.
- i. *Good Samaritan Rule* – provides that an offer to pay or the payment of medical/hospital or other expenses occasioned by an injury shall not be a presumption for civil or criminal liability for the injury sustained from the road crash.
- j. *Inquest Prosecutor* – refers to prosecutors assigned to inquest duties for the purpose of determining whether or not said persons should remain under custody and correspondingly be charged in court.

SECTION 4. Lead Agency. – The Philippine National Police Highway Patrol Group (*PNP-HPG* or *HPG*) shall be the lead agency in the investigation of major road crashes.

For minor road crashes, the Traffic Investigation Unit of the local government concerned shall have primary control over the scene and the investigation of the accident.

SECTION 5. Responding to Road Crashes – All traffic investigating officers shall respond to road crash incidents immediately after its occurrence or upon reporting by the first responders, the parties involved in the accident, the witnesses and/or other concerned citizens.

The HPG shall not be required to respond to road crash incidents, except in the following circumstances:

- a. When the crash results to serious physical injuries or death;

- b. When the position, type or load of the vehicle involved in the collision is a danger to other road users;
- c. When the free flow of traffic is obstructed;
- d. When recovery of vehicles requires road closure;
- e. When there are substantive allegation(s) of driving offenses;
- f. When the parties involved in the road crash fail to comply with the law in exchanging driver and vehicle details; and
- g. Other similar circumstances

SECTION 6. *Questioning and Taking of Statements.* – Questioning and taking of statements of the parties shall be done at the police station having jurisdiction. The investigating officer shall secure sworn written statements or affidavits of drivers/parties involved and the witnesses in the road crash. The investigating officer shall ensure exchange of names and contact numbers between and among the parties involved, which shall likewise be noted on the traffic incident report.

All sensitive personal information gathered shall be stored and maintained in accordance with Republic Act No. 10173 or the Data Privacy Act of 2012.

SECTION 7. *Initial Determination of Culpability.* – Culpability shall be initially determined by the first responders or on whom continuing investigative responsibility is vested by the HPG over the road crash resulting to death, injury, or damage to property.

The determination of culpability shall be written in a road crash report, with witnesses present. Dashcams, GoPro, and/or CCTV footages shall be used in determining culpability and shall likewise be admissible as evidence.

SECTION 8. *Presumption of Culpability.* – Culpability shall be presumed in the following instances:

1. When the driver is intoxicated or driving under the influence of illegal drugs;
2. When the driver has no license or has an expired license;
3. When there is failure to present the Official Receipt or Certificate of Registration (OR/CR) when asked by the first responder;
4. When there is a commission of other serious traffic violations;
5. When the driver flees the scene of the crime;
6. Where there is no evidence of franchise or Certificate of Public Convenience carried or presented during apprehension;

7. When the person injured was not crossing at a pedestrian lane or road intersection;
8. When the person injured crossed the street or highway instead of using a nearby pedestrian footbridge;
9. When the person injured is a motorcycle/bicycle/tricycle driver not wearing road safety devices travelling on a national highway and not driving in the designated or rightmost lane of the roadway in accordance with international standards;
10. When the other driver or person injured did not have right of way at the exact time of the accident; and
11. Other analogous circumstances.

SECTION 9. *Liability of Owners/Operators of Buses, Jeepneys, and Other Public Utility Vehicles.* – The owners/operators of buses, jeepneys and other public utility vehicles shall be civilly liable for the death or injuries of passengers occasioned by the road crash due to any defect in the means of transport or in the method of transporting, or to the negligent or willful acts of the owners'/operators' employees.

SECTION 10. *Period of Investigation* – All road crash investigations shall be completed within six (6) hours from the reporting of the occurrence of the road crash.

SECTION 11. *Determination of Probable Cause.* – The Inquest Prosecutor shall, upon submission by the first responders and/or the HPG, immediately examine the road crash investigation report, the sworn written statements or affidavits of the drivers/parties involved and the witnesses and other supporting evidence.

If the Inquest Prosecutor finds that probable cause exists, he or she shall forthwith prepare the corresponding complaint or information within six (6) hours from the receipt of the road crash investigation report. If no probable cause exists, the Inquest Prosecutor shall order the release of the suspected erring driver from custody.

SECTION 12. *Offer to pay or payment of medical/hospital and other expenses.* – No person shall be compelled to shoulder medical/ hospital and other expenses for injuries sustained from the road crash.

However, this provision shall not prevent a person from offering to pay medical/ hospital and other expenses for injuries sustained from the road crash. In this case, the Good Samaritan Rule shall apply.

SECTION 13. *Settlement* – The parties involved in a minor road crash may agree to a settlement: *Provided*, that the settlement agreement shall be in writing, signed by the parties and sworn to before an investigating officer; *Provided further*, that the settlement shall not be a bar to the filing of a complaint by the investigating officer for violation of other traffic rules and regulations.

If no settlement is reached, the traffic investigating officer shall indicate such fact in the road crash report. The traffic investigation shall refer the case to the barangay having jurisdiction for the issuance of a Certificate to File an Action.

SECTION 14. *Detention and Release.* - No person shall be detained for major road crashes for a period of more than twelve (12) hours from the commencement of the investigation.

In no case shall the party/parties be detained for minor road crashes.

SECTION 15. *Inquest Prosecutors.* - The Department of Justice shall designate inquest prosecutors to exclusively handle cases involving road crashes.

SECTION 16. *Jurisdiction over road crashes.* - The Supreme Court shall designate special courts from among the existing Municipal Trial Courts in each judicial region to exclusively try and hear cases involving road crashes.

SECTION 17. *Implementing Rules.* - Implementing rules on road crash investigation shall be promulgated in accordance with the provisions of this Act.

SECTION 18. *Translation into Filipino and other Philippine Dialects.* - To ensure widespread and better understanding of this Act by law enforcers, drivers, pedestrians, and other road users nationwide, the Komisyon ng Wikang Filipino shall translate the text of this Act into Filipino and other Philippine dialects.

SECTION 19. *Repealing Clause.* - All laws, decrees, executive orders, memorandum circulars inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SECTION 20. *Effectivity.* - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,