



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 8112



**Introduced by Representatives JORGE “PATROL” BUSTOS, PRESLEY C.
DE JESUS and MICHAEL L. ROMERO**

EXPLANATORY NOTE

Our current penal laws defines reckless imprudence as:

“voluntarily 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.” (THE REVISED PENAL CODE, REYES, LUIS B., 15th ed. (2001) p. 995.)

As culled from the definition, reckless imprudence should have “resultant damages” for one to be held criminally liable. However, many circumstances have proven that there need not be actual injury or damages for one to be prosecuted for an offense, for the fact remains that there was “voluntary act” of putting others in harm’s way, although the person really did not intend it to happen, but he/she has acted in such a way that showed a disregard for the foreseeable consequences of his/her actions. Many an instance have seen and recorded people, knowingly and voluntarily, put others in danger without necessarily producing the resultant harm or injury. There is a need to penalize such person who willfully perpetrates such act even though no damage or injury has been done, as long as there is the potential of such harm is present, and that the act itself has shown reckless disregard of another person’s life or safety, or their property.

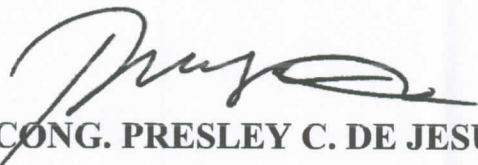
This holds true in such cases where a person who may be infected by a communicable disease willfully disregards existing protocols and commits acts which has put others in danger of contracting such a disease. Case in point is the scenario when a person, who may be infected with a deadly viral infection, like the COVID-19, as it can be transmitted via respiratory droplets from one infected person to another, wantonly disregards protocols (physical distancing, safety gears, quarantine procedures) and unduly exposes other people, more so health personnel frontliners, with such an infection, knowing fully well that he is positive or may be positive of the disease.

This bill shall define and penalize reckless endangerment as the act of willfully doing something with the knowledge that it has the substantial risk of seriously endangering the life, health, or safety of someone, or their property, **WITHOUT THE INTENTION TO HARM OR INFLICT DAMAGE.**

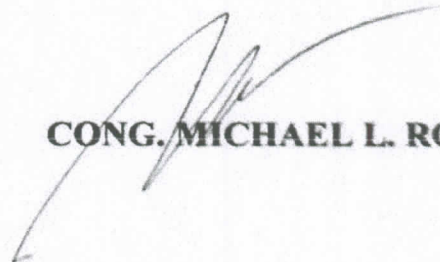
Hence, the passage of this Bill is fervently sought.



CONG. JORGE "PATROL" BUSTOS



CONG. PRESLEY C. DE JESUS



CONG. MICHAEL L. ROMERO

1 person, that while the accused person isn't required to intend the resulting or potential
2 harm, he or she must have acted in a way that showed a disregard for the foreseeable
3 consequences of the actions.

4 SECTION 4. **Prohibition.**- It shall be unlawful for any person to knowingly
5 commit or fail to commit an act, without malice, that tends to create a substantial risk
6 of serious physical injury/harm to another person's life, safety or to his/her property.

7 SECTION 5. **Exception.**- Notwithstanding the prohibition provided in the
8 preceding section, this act shall not apply to:

- 9 (1) act/s committed that falls to any other specific crime punishable under
10 the penal code or under special penal law. In such cases the reckless
11 endangerment is considered to be absorbed or is necessarily included
12 in such other crime; or
- 13 (2) resulting harm or damage occurs because of the reckless
14 endangerment, in which case it shall be converted to reckless
15 imprudence, or such other crime as may be specifically applicable to
16 such a case; or
- 17 (3) the potential risk of harm is not serious.

1 SECTION 6. ***Penalties.*** - Any person found guilty of violating the provisions o
2 f this act shall be penalized with not more than three (3) months imprisonment and
3 shall pay a fine of P20,000.00-P80,000.00:

4 SECTION 7. ***Implementing Rules and Regulations.*** - The Department of
5 Justice (DOJ) shall formulate the Implementing Rules and Regulations (IRR) of this
6 Act within ninety (90) days after its effectivity.

7 SECTION 8. ***Separability Oause.*** - If for any reason any section or provision
8 of this Act is declared unconstitutional, other provisions hereof which are not effected
9 thereby shall continue to be in full force and effect.

10 SECTION 9. ***Repealing Clause.*** - Any laws, decrees, or rules and regulations
11 which are inconsistent with or contrary to the provisions of the Act are hereby amended
12 or repealed.

13 SECTION 10. ***Effectivity Clause.*** - This Act shall take effect upon its
14 publication in at least two (2) national newspapers of general circulation.

15 *Approved,*