

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 179



Introduced by Rep. Caroline L. Tanchay and Rep. Rodante D. Marcoleta

EXPLANATORY NOTE

It is the policy of the State to promote social justice in all phases of national development. The State values the life and dignity of every human person and guarantees full respect for human rights. Under these basic tenets of a democratic and Republican State emerged the principle that those who have less in life should have more in law.

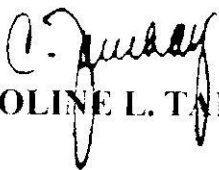
This proposed bill seeks to protect the ordinary Filipino, the "un-vehicled" urban poor who merely rely on public transport in the course of earning their living. These people are the pedestrians, the daily commuters, transport-based earners and innocent by-standers who are exposed to the hazards of reckless driving perpetrated by driver(s) of private motor vehicle(s) as well as public transport systems.

Because of the apparent flaw in our legal system, there have been numerous unfortunate vehicular incidents in the past where judgment rendered in favor of victims killed or seriously injured as a result of reckless driving by private vehicles or public utility vehicles would remain "paper judgments". More often than not, the consequential damages awarded are delayed by protracted appeals or could no longer be enforced because by the time judgment is rendered, the perpetrator(s), as well as the owner(s) and/or operator(s) of said vehicle, are left with no assets which could satisfy the adjudged civil damages sustained by the victim.

To ensure that the outcome of a civil or criminal proceeding would not be an empty victory for the aggrieved victim and the award, if any, is seasonably enjoyed, this proposed measure therefore makes it mandatory for the court to hold the vehicle in *custodia legis*, or require the owner or operator of the vehicle to post a cash bond. The requirement of a cash bond, rather than a surety bond, further strengthens the right of the aggrieved victim in the event of an award because it will be easier for him to enforce his right against the defendant, or surety

companies which customarily raise several defenses against the execution of judgments.

This measure, therefore, seeks to correct the sad state experienced by the poor commuters(s), innocent by-standers and transport-based earners in the hands of the reckless driver(s). Passage of this bill is therefore earnestly sought.


CAROLINE L. TANCHAY


RODANTE D. MARCOLETA

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AN ACT
REQUIRING THE IMPOUNDING OF MOTOR VEHICLES INVOLVED
IN A VEHICULAR INCIDENT THAT RESULTED IN THE DEATH OR
SERIOUS PHYSICAL INJURY OF A PEDESTRIAN, COMMUTER OR
BY-STANDER, UNLESS A CASH BOND IS POSTED

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

SECTION 1. The provisions of any law to the contrary notwithstanding, any motor vehicle which directly figured in a vehicular incident that resulted in the death or serious physical injury of a pedestrian, commuter, or by-stander who is not a passenger of such vehicle(s), shall be held in *custodia legis* pending the outcome of any criminal or civil proceeding as a result of the same incident, unless the driver(s), owners(s) or operator(s) of the vehicle(s) shall post a cash bond in the amount of at least Five Hundred Thousand Pesos (Php500,000.00) as security for the satisfaction of any judgment that may be rendered by the court.

SEC. 2. The other pertinent provisions of Republic Act 3815, otherwise

as the Revised Penal Code, and other laws, rules and regulations which are inconsistent with this law are hereby repealed or amended accordingly.

SEC. 3. This law shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Approved,