



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



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. **9138**

Introduced by Representative Jefferson F. Khonghun

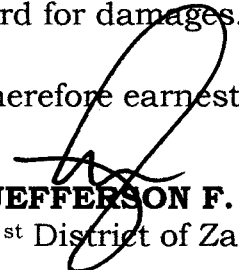
EXPLANATORY NOTE

During the Seventeenth Congress, Representatives Rodolfo C. Farnias, Pantaleon D. Alvarez, Rolando G. Andaya, JR., Michael John R. Duavit, Carlos O. Cojuanco, Elisa T. Kho, Raneo E. Abu, Benhur L. Salimbangon, Kalro Alexei B. Nograles, Danilo E. Suarez and Rodel M. Batocabe filed House Bill No. 152, seeking “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.” Unfortunately, this did not pass into law.

The apparent flaw in our legal system stays undisturbed, and more often than not, the outcome of a civil or criminal proceeding of such nature remains to be an empty victory for the aggrieved party. It remains discretionary, not 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. Re-submitting this measure is important to correct this practice.

This proposed measure will not make it mandatory for the courts to hold the subject vehicle as it will render the vehicle useless overtime. Instead, what will be mandatory is to post a cash bond, not surety bond, while the trial is pending to ensure satisfaction of any award for damages.

Therefore, the passage of this bill is therefore earnestly sought.


HON. JEFFERSON F. KHONGHUN

1st District of Zambales



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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 the 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), owner(s) or operator(s) of the vehicle(s) shall post a cash bond in the amount of at least Three Hundred Thousand Pesos (Php300,000.00) as security for the satisfaction of any monetary judgement that may be rendered by the court.

SECTION 2. The other pertinent provisions of Republic Act No. 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.

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

Approved,