

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10262



Introduced by Hon. Julianne L. Baronda

EXPLANATORY NOTE

In recognition of the fundamental principles of justice, fairness, and the protection of individual rights, the Congress of the Philippines hereby presents this legislation aimed at ensuring the just treatment of individuals involved in traffic accidents within our nation's territorial jurisdiction.

This legislation addresses the critical issue of the apprehension and detention of persons involved in traffic accidents, emphasizing the importance of a swift and accurate determination of fault. It acknowledges that the timely release of individuals not at fault is essential to prevent undue hardship and uphold their rights.

Traffic accidents are unfortunate occurrences that can result in significant consequences for all parties involved. In such incidents, it is imperative to uphold the principles of justice, fairness, and the protection of individual rights. The apprehension and subsequent detention of individuals involved in traffic accidents present a crucial juncture where these principles must be carefully safeguarded.

Just last month, a counterflowing motorcycle rider died in a crash on Skyway Stage 3 in Quezon City. As a result, the SUV driver involved was detained for several days even if all pieces of evidence lead to the conclusion that said driver was not at fault.

The purpose of this proposed legislation is to address concerns regarding the apprehension and detention of individuals involved in traffic accidents within the territorial jurisdiction of the Philippines. It aims to establish a fair and expedient process for determining the culpability of individuals and ensuring the prompt release of those who are not at fault.

The rationale behind this legislation lies in the recognition of the potential for injustice and undue hardship that can result from the indiscriminate detention of individuals following traffic accidents. In many cases, individuals who are not at fault may find themselves subjected to prolonged detention, despite clear evidence supporting their innocence. Such circumstances not only violate the rights of the individuals involved but also undermine public trust in the judicial system and law enforcement agencies.

By mandating the release of individuals within 12 hours from apprehension if all evidence, upon thorough investigation and attestation by the chief of police within the

relevant territorial jurisdiction, points to their lack of fault in the traffic accident, this legislation seeks to address these concerns directly. It establishes a clear and reasonable timeframe for the resolution of cases where fault is not in question, thereby minimizing unnecessary detention and ensuring the swift restoration of individuals' freedom.

Furthermore, this legislation emphasizes the importance of law enforcement agencies conducting thorough and timely investigations to determine fault accurately. By placing responsibility on the chief of police or their designated representative to attest to the findings of the investigation, this legislation aims to promote accountability and transparency in the process.

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

A handwritten signature in black ink, appearing to read 'JL Baronda', is positioned above the printed name of the representative.

Rep. Julianne “Jam” L. Baronda
District Representative

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**AN ACT PROMOTING THE FAIR TREATMENT OF INDIVIDUALS INVOLVED
IN TRAFFIC ACCIDENTS**

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 Treatment of Individuals Involved in Traffic Accidents Act."

SECTION 2: *Definition of Terms.* For the purposes of this Act, the following definitions shall apply:

- a) "Traffic accident" shall refer to any collision involving vehicles on public roads within the territorial jurisdiction of the Philippines.
- b) "Chief of police" shall refer to the highest-ranking law enforcement officer within the territorial jurisdiction where the traffic accident occurred.
- c) "Apprehension" shall refer to the act of detaining an individual suspected of being involved in a traffic accident.
- d) "Not at fault" shall refer to a determination that the individual involved in the traffic accident bears no legal responsibility for causing the accident.

SECTION 3: *Duty of Law Enforcement.* All persons involved in traffic accidents shall be brought to the nearest police station for investigation. It shall be the duty of law enforcement officers to conduct a thorough investigation of any traffic accident and submit their findings to the chief of police within six (6) hours from occurrence of such accident. The chief of police or their designated representative shall attest and make a recommendation as regards the findings of the investigation regarding fault within three (3) hours from receipt of the findings.

SECTION 4: *Release of Individuals Not at Fault.* Upon attestation by the chief of police or their designated representative that the individual involved was really not at fault, said individual shall be released within three (3) hours from the time such attestation is made. If there is reasonable ground to believe that said individual is at fault, they shall undergo the proper procedure under existing laws.

SECTION 5: *Prohibition Against Unnecessary Detention.* No individual who is determined not to be at fault in a traffic accident shall be subjected to unnecessary detention or delay in their release.

SECTION 6: *Rights of the Parties.* Individuals released under this Act shall be informed of their rights, including their right to seek legal recourse for any damages incurred as a result of their detention.

Any aggrieved party may seek any legal remedy to question the attestation issued by the chief of police or their designated representative including the release of the individual involved.

SECTION 7: *Implementation and Enforcement.* The Philippine National Police (PNP) shall be responsible for the implementation and enforcement of this Act. The PNP shall issue guidelines and procedures necessary to carry out the provisions of this Act.

SECTION 8: *Penalties for Violation.* Any law enforcement officer found to have violated the provisions of this Act shall be subject to criminal, civil or administrative prosecution in accordance with existing laws and regulations.

SECTION 9: *Funding.* The necessary funds for the implementation of this Act shall be sourced from the annual budget of the Philippine National Police.

SECTION 10: *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.