

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 10477



INTRODUCED BY REPRESENTATIVES
RALPH WENDEL P. TULFO, JOCELYN P. TULFO, AND ERWIN T. TULFO

**AN ACT PROMOTING RESPONSIBLE DRIVING AND ESTABLISHING FAIR
ACCOUNTABILITY FOR ROAD SAFETY INCIDENTS AND VIOLATIONS
TRAFFIC LAWS AND REGULATIONS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Road crashes claim over 1.3 million lives annually and worldwide, making them the eight leading cause of death for people of all ages. Victims of more than half of all road traffic deaths are among vulnerable road users, including pedestrians, cyclists, and motorcycle riders.¹ In the Philippines, an estimated 12,000 die yearly due to road crashes.²

Reckless driving puts the driver, passengers, and public at risk. Unfortunately, not every driver is careful enough and follows traffic rules and regulations. Some reckless drivers cause trouble and choose to deliberately ignore the law. It is then imperative that drivers understand the consequences of reckless driving as well as the penalty associated with it in order to ensure that they stay on board with the government's intent to keep the road safe for everyone.³

This proposed legislative measure seeks to promote responsible driving and establish fair accountability for road safety incidents. For this purpose, there shall be

¹ "Department of Transportation, World Health Organization launch Philippine Road Safety Action Plan 2023-2028", *World Health Organization*, 31 May 2023, <https://www.who.int/philippines/news/detail/31-05-2023-department-of-transportation--world-health-organization-launch-philippine-road-safety-action-plan-2023-2028#:~:text=In%20the%20Philippines%2C%20road%20traffic,to%2011%2C096%20deaths%20in%202021.>

² Trinidad, Chester, "DOH seeks reduction of increasing road traffic incidents, *Philippine Information Agency*, 9 March 2024, <https://pia.gov.ph/news/2024/03/09/doh-seeks-reduction-of-increasing-road-traffic-incidents#:~:text=In%20the%20Philippines%2C%20an%20estimated,84%20percent%20of%20the%20casualties./>

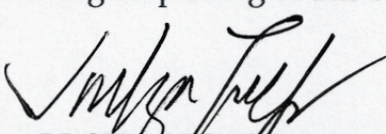
³ "Reckless Driving Penalty in the Philippines", *LTO Portal PH*, Accessed 7 May 2024, https://ltoportal.ph/reckless-driving-penalty/#google_vignette/

corresponding criminal, civil, and administrative culpability and liability for offenders, and stiffer penalties for violations of traffic laws and regulations thereof.

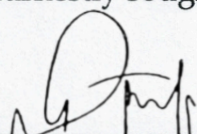
In view of the foregoing, the urgent passing of this bill is earnestly sought.



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**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,
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1 **AN ACT PROMOTING RESPONSIBLE DRIVING AND ESTABLISHING FAIR**
2 **ACCOUNTABILITY FOR ROAD SAFETY INCIDENTS AND VIOLATIONS**
3 **TRAFFIC LAWS AND REGULATIONS, AND FOR OTHER PURPOSES**
4

5 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 **SECTION 1. *Short Title.*** – This Act shall be known as the “Philippine Responsible
9 Driving and Accountability Act”.
10

11 **SEC. 2. *Declaration of State Policy.*** – It is hereby declared as policy of the State to
12 provide an effective and efficient regulation of road for the safety of its citizens by
13 establishing fair accountability for road safety incidents and violations of traffic laws
14 and regulations.
15

16 **SEC. 3. *Definition of Terms.*** – The following terms are hereby defined and adopted
17 to enforce the provisions of this Act:
18

- 19 (a) *Dangerous driving with intent to kill or injure others* refers to the willful operation or
20 control of a motor vehicle, in a manner and with awareness of probable or actual
21 road, traffic, and pedestrian conditions, which directs and focuses the threat of
22 injury or death on specific persons on the road or on the sidewalk;

- 1 (b) *Reckless driving* refers to the willful operation or control of a motor vehicle or
2 bicycle, in a manner and with awareness of probable or actual road, traffic, and
3 pedestrian conditions, which poses clear or likely risk of or causes of death or
4 injury to any person on the road or on the sidewalk;
- 5 (c) *Suicidal driving* refers to the willful operation or control of a motor vehicle, in a
6 manner and with awareness of probable or actual road, traffic, and pedestrian
7 conditions, which directs and focuses the threat of death or injury specifically to
8 self;
- 9 (d) *Terroristic driving* refers to the willful operation or control of a motor vehicle, in a
10 manner and with awareness of probable or actual road, traffic, and pedestrian
11 conditions, that directs and focuses the threat of multiple death or injury on other
12 persons on the road or on the sidewalk with the clear intent to cause mayhem,
13 chaos, panic, and terror in furtherance of an extremist political or religious
14 purpose;
- 15 (e) *Careless driving* refers to grossly negligent failure to operate or control a vehicle,
16 motorized or not, in a careful and prudent manner, with disregard for the road,
17 traffic, pedestrian, and all other attendant circumstances, endangering the life,
18 limb, or property of any person on the road or on the sidewalk;
- 19 (f) *Impaired driving* refers to the complete or partial lack of control of a vehicle,
20 motorized or not, in the custody of the driver for whatever reason, including, but
21 not limited to, fatigue, lack of sleep, medical emergency, intoxication, use of
22 illegal drugs, overdose or misuse of medication, advanced age, physical or mental
23 disability, or distracted driving; and
- 24 (g) *Irresponsible custody of vehicle* refers to the temporary or continuing custody and
25 control of a motor vehicle, including its ignition or access keys, with carelessness,
26 imprudence, and disregard for probable threats or danger arising from, but not
27 limited to, driving by minors, driving by seniors with manifest impaired abilities,
28 amateur stunt driving, and distracted driving.
- 29

1 **SEC. 4. *Aggravating Circumstances.*** – The following circumstances constitute
2 aggravating circumstances in driving violations:

- 3
- 4 (a) Driving a stolen vehicle;
 - 5 (b) Driving without a proper driver’s license;
 - 6 (c) Possession of or driving under the influence or illegal drugs;
 - 7 (d) Driving while intoxicated;
 - 8 (e) Possession of illegal firearms, explosives, and other weapons; and
 - 9 (f) Carrying dangerous cargo such as combustible materials and chemicals.
- 10

11 **SEC. 5. *Mitigating Circumstances.*** – The following circumstances constitute
12 mitigating circumstances in driving violations:

- 13
- 14 (a) Over speeding due to a medical emergency to rush to a hospital or other medical
15 facility for immediate care;
 - 16 (b) Pursuit of a suspect in a crime who is fleeing or has just fled from the scene of a
17 crime;
 - 18 (c) Rushing home or to workplace due to fire or other similar disaster; and
 - 19 (d) Serious to gross defects in the design and construction of roads and bridges, and
20 of traffic signs and warnings.
- 21

22 **SEC. 6. *Criminal, Civil, and Administrative Culpability and Liability.*** – The
23 commission of dangerous driving, careless driving, suicidal driving, terroristic driving,
24 impaired driving, irresponsible custody of a motor vehicle, and violation of traffic rules
25 and regulations carry criminal, civil, and administrative liability, if applicable.

26

27 **SEC. 7. *Presumption of Liability.*** – The initial presumption of liability shall be
28 determined by the person in authority or law enforcer who is first at the scene of the
29 incident or on whom continuing investigative responsibility is vested by competent

1 authority over the road safety incident resulting in death, injury, destruction of
2 property, or traffic congestion.

3
4 The determination of initial liability must be either in writing in a traffic incident
5 report or orally, with witnesses present, while the law enforcer's lawful arrest without
6 a warrant or civilian citizen's arrest is being made.

7
8 A person in authority or deputized law enforcer may order the confiscation or
9 personally and immediately confiscate the driver's license of a suspected erring driver
10 to prevent or avoid probable immediate future danger to self or other persons on the
11 road or sidewalk.

12
13 Whether the driver/s is/are initially liable or not, the law enforcer investigating the
14 road safety incident is hereby required to secure the signed and sworn statements of the
15 drivers and other persons involved in and who witnessed the incident.

16
17 The driver involved in a road safety incident is presumed to be liable when:

- 18
19 (a) The driver flees from the scene of the road safety incident;
20 (b) The driver was driving at high speed according to recorded eyewitness' accounts
21 taken at the scene of the road safety incident;
22 (c) The driver had just committed at least one serious traffic violation immediately
23 prior to the incident;
24 (d) The driver is intoxicated or under the influence of illegal substances or
25 prescription medication;
26 (e) The driver does not have a driver's license or has an expired driver's license;
27 (f) The victim is a bicycle rider wearing safety devices or gears traveling on the
28 rightmost lane or designated bike lane, as the case may be; and
29 (g) The victim is a motorcycle driver wearing safety devices or gears traveling in the
30 designated motorcycle lane.

1
2 The driver is presumed not liable, or not totally at fault, for the incident under
3 investigation when:

- 4
- 5 (a) The victim, as a result of intoxication or influence of illegal substances, engaged
6 in conduct that is in violation of traffic laws and regulations;
 - 7 (b) The victim was not crossing the street at a designated pedestrian lane or
8 footbridge;
 - 9 (c) The victim jaywalked;
 - 10 (d) The victim is a driver of a motorcycle, bicycle, or tricycle traveling on national
11 and local roads below the minimum speed limit and not on the rightmost lane of
12 the roadway or designated bike lane;
 - 13 (e) The victim is a driver who, at the exact time of the incident, did not have the right
14 of way on the road;
 - 15 (f) The driver did not flee from the scene of the road safety incident;
 - 16 (g) The driver, at the time of the incident, has a medical emergency such as, but not
17 limited to, heart attack, stroke, asthma attack, or diabetic shock; and
 - 18 (h) The driver of the other vehicle has non-functional or lacks headlights, taillights,
19 and other warning devices.
- 20

21 The investigating law enforcer is hereby authorized to confiscate the driver's license
22 of the driver/s involved as a temporary preventive suspension measure to ensure road
23 safety while such suspension is under automatic review by the license issuing authority.

24

25 **SEC. 8. *Penalties and Liabilities.*** – The provisions of the Revised Penal Code (RPC),
26 as amended by subsequent laws, including Republic Act No. 10951, and of laws in effect
27 on road safety and land transportation, as well as the Civil Code of the Philippines, as
28 amended, shall apply in the determination of criminal, civil, and administrative
29 liabilities of this Act.

30

1 For the crime of dangerous driving resulting in the death of victim/s, the provisions
2 of Article 248 of the RPC, as amended, and corresponding punishment, including the
3 factoring in of aggravating and mitigating circumstances, shall apply.

4
5 For the crime of reckless driving causing unintentional death of victim/s, the
6 provisions of Article 249 of the RPC, as amended, and corresponding punishment,
7 including the factoring in of aggravating and mitigating circumstances, shall apply.

8
9 For the crime of terroristic driving, the penal provision provided for in Republic Act
10 No. 11479, specifically Section 4 thereof stating that the punishment of life
11 imprisonment without the benefit of parole and the benefits of Republic Act No. 10592,
12 shall apply.

13
14 For dangerous driving, reckless driving, suicidal driving, terroristic driving, careless
15 driving, impaired driving, and irresponsible custody of vehicle, Chapter Two, Articles
16 104 to 111 and Chapter Three, Articles 112 to 113 of the RPC, as amended, as well as the
17 provisions of Republic Act No. 10591, shall apply: *Provided*, That the exact award of civil
18 damages, indemnification, and obligations shall be determined by the proper court.

19
20 For driving resulting in the death of any person, the administrative penalty shall be
21 permanent disqualification on the issuance of a driver's license, as well as fines
22 provided in Republic Act No. 10951.

23
24 For driving resulting in permanent disability or serious physical injuries suffered by
25 any person, the administrative penalty shall be five (5) years suspension of the driver's
26 license, as well as fines provided in Republic Act No. 10951.

27
28 For driving resulting in destruction of property other than the offender's own
29 vehicle, the administrative penalty shall be three (3) years suspension of the driver's
30 license, as well as fines provided in Republic Act No. 10951.

1
2 For driving resulting in traffic congestion lasting over an hour, the administrative
3 penalty shall be one (1) year, as well as fines provided in Republic Act No. 10951.
4

5 **SEC. 9. *Translation into Filipino and Other Philippine Languages.*** – To ensure
6 widespread and more effective understanding of this Act by drivers, pedestrians, and
7 other road users nationwide, the Komisyon ng Wikang Filipino shall translate the text
8 of this Act into Filipino, other Philippine Languages, and, if feasible, Philippine dialects.
9

10 **SEC. 10. *Separability Clause.*** – If any provisions or part of this Act is declared invalid
11 or unconstitutional, the remaining parts or provisions not affected shall continue to be
12 in full force and effect.
13

14 **SEC. 11. *Repealing Clause.*** – All laws, executive orders, and administrative orders,
15 or parts thereof, inconsistent with any provisions of this Act are hereby repealed or
16 amended accordingly.
17

18 **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
19 in the Official Gazette or in a newspaper of general circulation.
20

21 *Approved,*