



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 362



Introduced by Representative Crispin Diego “Ping” D. Remulla

AN ACT
PROHIBITING THE DETENTION OF MOTOR VEHICLE DRIVERS WHO ARE INVOLVED IN A TRAFFIC ACCIDENT WHO PROVIDED SUFFICIENT PROOF OF THEIR DEFENSIVE DRIVING, AMENDING FOR THE PURPOSE ARTICLE 124 OF THE REVISED PENAL CODE

EXPLANATORY NOTE

Every day, Filipino drivers navigate unpredictable roads and unsafe conditions. Sometimes, despite their best efforts, accidents happen. But when an innocent driver is detained despite clear evidence of defensive driving, it becomes an injustice.

In January 2024, a motorcycle rider tragically lost his life after speeding and counterflowing along Skyway Stage 3. The AUV driver, who was on the correct lane, was detained following the collision, even though evidence showed he was not at fault. This is not an isolated case. All over the country, responsible drivers are arrested or held without due process after accidents, simply because of assumption or public pressure.

This bill seeks to amend Article 124 of the Revised Penal Code to include clear protection for motorists who can present reasonable proof of innocence. Defensive driving, speed camera data, dashcam footage, and witness statements must be given legal weight. Drivers who did not violate traffic laws and who cooperated with authorities should not be subjected to undue detention.

In view of the foregoing, the approval of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'C. D. Remulla', with a stylized flourish at the end.

CRISPIN DIEGO "PING" D. REMULLA



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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Defensive Driving
2 Protection Act.”

3 **SEC. 2.** Article 124 of Act No. 385, otherwise known as the Revised Penal Code, as
4 amended, is hereby amended to read as follows:

5 Article 124. Arbitrary Detention. – Any public officer or employee who, without legal
6 grounds, detains a person, shall suffer:

- 7 1. The penalty of *arresto mayor* in its maximum period to *prison correccional* in its
8 minimum period, if the detention has not exceeded three days;
- 9 2. The penalty of *prison correccional* in its medium and maximum periods, if the
10 detention has continued more than three but not more than fifteen days;
- 11 3. The penalty of *prison mayor*, if the detention has continued for more than fifteen
12 days but not more than six months; and
- 13 4. That of *reclusion temporal*, if the detention shall have exceeded six months.

14 The commission of a crime, or violent insanity or any other ailment requiring the
15 compulsory confinement of the patient in a hospital, shall be considered legal
16 grounds for the detention of any person.

1
2 **“A PERSON OPERATING A MOTOR VEHICLE WHO BECOMES**
3 **INVOLVED IN A TRAFFIC INCIDENT SHALL NOT BE SUBJECT TO**
4 **DETENTION BY THE ARRESTING OFFICER IF HE OR SHE CAN**
5 **PRESENT REASONABLE AND SUFFICIENT EVIDENCE INDICATING**
6 **ADHERENCE TO TRAFFIC LAWS PRIOR TO AND DURING THE**
7 **INCIDENT. SUCH EVIDENCE MAY INCLUDE, BUT IS NOT LIMITED**
8 **TO:**

9
10 **(A) A DASHCAM RECORDING CLEARLY SHOWING THAT THE**
11 **DRIVER DID NOT COMMIT ANY TRAFFIC VIOLATIONS BEFORE**
12 **AND DURING THE INCIDENT;**

13 **(B) CCTV FOOTAGE FROM RELEVANT AUTHORITIES OR**
14 **ESTABLISHMENTS CONFIRMING LAWFUL DRIVING BEHAVIOR; OR**

15 **(C) VIDEO OR PHOTOGRAPHIC DOCUMENTATION FROM**
16 **WITNESSES THAT SUPPORTS THE CLAIM OF DEFENSIVE DRIVING**
17 **AND LAWFUL CONDUCT AT THE TIME OF THE INCIDENT.**

18
19 **THE ARRESTING OFFICER MAY, IN ACCORDANCE WITH EXISTING**
20 **LAWS, RULES, AND REGULATIONS, DOCUMENT THE IDENTITY AND**
21 **PERSONAL INFORMATION OF THE DRIVER AND MAY CAUSE THE**
22 **IMPOUNDMENT OF THE VEHICLE INVOLVED FOR THE PURPOSE**
23 **OF INVESTIGATION, SECURING EVIDENCE, OR ENSURING PUBLIC**
24 **SAFETY.**

25
26 **NOTHING IN THIS PROVISION SHALL BE CONSTRUED TO**
27 **AUTOMATICALLY ABSOLVE THE DRIVER OF CIVIL, CRIMINAL, OR**
28 **ADMINISTRATIVE LIABILITY. PERSONS WHO SUFFERED INJURIES,**
29 **PROPERTY DAMAGE, OR DEATH AS A RESULT OF THE INCIDENT,**
30 **INCLUDING THEIR LEGAL HEIRS, RETAIN THE RIGHT TO SEEK**
31 **APPROPRIATE REMEDIES UNDER THE LAW.”**

32
33 **SEC. 3. Anti-Abuse Provision.** - Any driver who knowingly submits falsified,
34 tampered, or misleading evidence in an attempt to avoid lawful detention under the preceding

1 section shall be criminally liable under applicable laws, including but not limited to
2 falsification of public documents (Articles 171–172, Revised Penal Code), perjury (Article
3 183), or obstruction of justice (Presidential Decree No. 1829).

4
5 Law enforcement officers who, despite the presentation of clear and credible exculpatory
6 evidence, still proceed with unjustified detention, or who act with manifest bias, malice, or bad
7 faith, shall be held administratively liable under the Civil Service Rules, and criminally liable
8 under this Code and other applicable laws.

9
10 **SEC. 4. Separability Clause.** - If any clause, sentence, paragraph, or part of this Act
11 shall be declared unconstitutional or invalid, other provisions not affected shall remain in full
12 force and effect.

13 **SEC. 5. Repealing Clause.** – All laws, decrees, orders, rules, and regulations or parts
14 thereof inconsistent with this Act are hereby repealed or amended accordingly.

15 **SEC. 6. Effectivity.** - This Act shall take effect after fifteen (15) days following its
16 publication in the Official Gazette or in any major newspaper of general circulation in the
17 Philippines.

Approved,