



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS

First Regular Session

HOUSE BILL NO. **1657**



Introduced by: **Hon. CHEENO MIGUEL D. ALMARIO**

EXPLANATORY NOTE

In the event of a road accident involving two or more vehicles, it has been a standard procedure by the Philippine National Police (PNP) to take an individual believed to have caused the accident into custody after an investigation. However, there are certain incidents wherein the accidents are allegedly caused by the individuals who unfortunately die or sustain injuries. In such cases, the driver of the other vehicle involved, who is perceived by many as innocent, gets arrested instead.

On March 11, 2024, a motorcycle driver from A. Bonifacio Avenue was killed after he attempted to counterflow along Skyway Stage 3 in Quezon City. Reports showed that personnel of the Skyway tried to prevent the said driver from entering and continuing along the Balintawak portion but the motorcycle was moving too fast at 80 kilometers per hour. Eventually, the motorcycle collided head on with an Asian Utility Vehicle (AUV) and the motorcycle driver, who was found to be intoxicated, was thrown from his vehicle and died at a hospital later. The AUV driver sustained injuries and despite having a right of way, was facing a complaint from the Highway Patrol Group before the Quezon City Prosecutor's Office.'

In another incident on April 10, 2024, a 60-year-old driver in Cebu City landed in jail after being involved in a collision along the viaduct of the Cebu South Coastal Road (CSCR). Investigation showed that the victim, a motorcycle driver, first crashed into a center island, and was thrown into the opposite lane and eventually made impact to the driver's vehicle, causing the former's death. The motorcycle driver's backrider, a 28-year-old waitress, also died in the accident. Due to the deaths of the motorcycle driver and his companion, the poor senior driver was taken into police custody and temporarily detained. A charge of reckless imprudence resulting in double homicide was prepared by the police against him.?

Because of the seemingly unjust detention of innocent drivers, public clamor calls for the reformation of procedure in case of accidents. Thus, this

bill proposes to do away with the detention of drivers involved in vehicular accidents if he or she can provide evidence of his or her defensive driving.

Hence, approval of this bill is earnestly sought.



HON. CHEENO MIGUEL D. ALMARIO

Representative

Second District of Davao Oriental



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HOUSE BILL NO. **1657**

Introduced by **REPRESENTATIVE CHEENO MIGUEL D. ALMARIO**

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

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

SECTION 1. This Act shall be known as the DEFENSIVE DRIVING ACT OF 2025.

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

Article 124. Arbitrary detention. - Any public officer or employee who, without legal grounds, detains a person, shall suffer;

1. The penalty of arresto mayor in its maximum period to prision correccional in its minimum period, if the detention has not exceeded three days;
2. The penalty of prision correccional in its medium and maximum periods, if the detention has continued more than three but not more than fifteen days;
3. The penalty of prision mayor, if the detention has continued Has continued for more than More than more than fifteen days for but not more than six months; and
4. That of reclusion temporal, if the detention shall have exceeded six months.

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

PROVIDED, A PERSON DRIVING A MOTOR VEHICLE WHO IS INVOLVE IN A TRAFFIC INCIDENT, MAY NOT BE DETAINED BY THE ARRESTING OFFICER IF HE OR SHE CAN PROVIDE PROOF OF HIS OR HER DEFENSIVE DRIVING SUCH AS, BUT NOT LIMITED TO:

A. A DASHCAM VIDEO TAKEN BY THE DRIVER OF THE MOTOR VEHICLE SHOWING THAT HE OR SHE WAS NOT VIOLATING ANY TRAFFIC LAWS BEFORE AND DURING THE INCIDENT;

B. A CLOSED-CIRCUIT TELEVISION (CCTV) FOOTAGE SHOWING THAT THE DRIVER OF THE MOTOR VEHICLE WAS NOT VIOLATING ANY TRAFFIC RULES BEFORE AND DURING THE INCIDENT; OR

C. ANY OTHER VIDEO FOOTAGE OR STILL IMAGE FROM ANY WITNESS IN THE VICINITY OF THE INCIDENT SHOWING THAT THE DRIVER OF THE VEHICLE WAS NOT VIOLATING ANY TRAFFIC RULES BEFORE AND DURING THE INCIDENT.

PROVIDED, FURTHER, THAT THE ARRESTING OFFICER SHALL HAVE THE AUTHORITY TO ACQUIRE AND PROCESS THE PERSONAL INFORMATION OF THE DRIVER OF THE VEHICLE INVOLVED IN THE INCIDENT. THE ARRESTING OFFICER SHALL ALSO HAVE THE AUTHORITY TO IMPOUND THE VEHICLE INVOLVED IN THE INCIDENT, IN ACCORDANCE TO PERTINENT LAWS AND RULES AND REGULATIONS.

PROVIDED, FINALLY, THE DRIVER OF THE VEHICLE INVOLVED IN THE TRAFFIC INCIDENT SHALL NOT BE EXONERATED FROM ANY LIABILITY UNDER THE LAW, BASED SOLELY ON THE EVIDENCE PROVIDED UNDER THIS ARTICLE. ANY OTHER PERSON WHO SUFFERED INJURY TO HIMSELF OR HERSELF OR HIS OR HER PROPERTY, OR THE HEIRS OF THE PERSON WHO DIED DUE TO THE INCIDENT SHALL HAVE THE RIGHT TO PURSUE ALL OTHER LEGAL REMEDIES AVAILABLE TO THEM UNDER THE LAW.

SECTION 3. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 4. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified or amended accordingly.

SECTION 5. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,