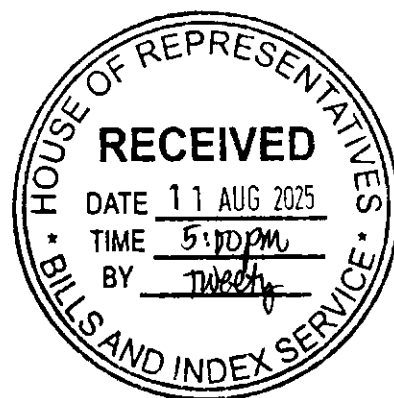


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH (20th) CONGRESS
First Regular Session



HOUSE BILL NO. 3499

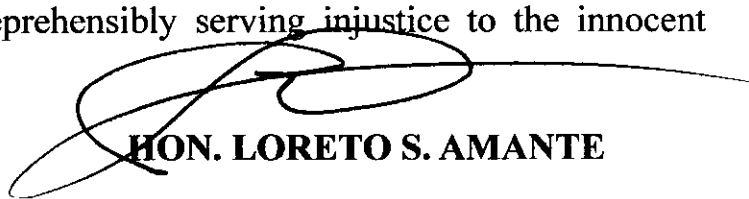
Introduced by **HONORABLE LORETO "AMBEN" S. AMANTE**
Third (3rd) Legislative District, Province of Laguna

**AN ACT PRESCRIBING THE STANDARD INVESTIGATION
PROCEDURE DURING TRAFFIC ACCIDENTS, AMENDING FOR
SUCH PURPOSE CHAPTER IV OF REPUBLIC ACT NO. 4136, AS
AMENDED, OR OTHERWISE KNOWN AS THE "LAND
TRANSPORTATION AND TRAFFIC CODE", AND FOR SUCH
OTHER PURPOSES**

Explanatory Note

Republic Act No. 4136, or the compilation of all land transportation laws and traffic rules in the country, indeed became the cornerstone that laid the foundation for all the country's subsequent traffic laws and regulations. For no less than sixty (60) years since its enactment on June 20, 1964, several notable amendatory laws have been passed in order to acclimatize it to the exigency of evolving society. Nevertheless, it remains wanting of equal treatment and fairness to all road users in times of traffic accidents. More often than not, law-abiding drivers/motorists encountering vehicular mishaps are solely blamed or even put in jail when the proximate causation thereof, commonly rooted on neglect or omission, emanated from other road users. Or, if at all, the causative negligence thereof could be characterized as either contributory or comparative in nature.

Amidst the abundance of transportation laws, as well as established traffic rules and regulations, the undersigned earnestly believes that the fundamental cause as to such society's frustration and government's drawback is the lack of entrenched procedure to be followed by our law enforcement personnel, in standard manner, while attending to and dealing with traffic accidents. Undoubtedly, while our law enforcement agencies are certainly equipped with wisdom and ability to conduct any mishap investigation, it is the absence of standard protocol which regrettably caused their detrimental failure, most of the times, to ascertain the negligent party or the party at fault, thereby reprehensibly serving injustice to the innocent party.


HON. LORETO S. AMANTE

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

SECTION 1. *Declaration of Policy.*— The State values the dignity of every human person and guarantees full respect for human rights. And in this regard, it is the policy of the State to establish a system of efficient and equitable transportation regulations favorable to the people.

SECTION 2. Chapter IV of Republic Act No. 4136, otherwise known as the “Land Transportation and Traffic Code”, as amended, is hereby further amended by adding new Article, Section and Sub-sections, to read as follows:

**“ARTICLE VI
STANDARD INVESTIGATION PROCEDURE
DURING TRAFFIC ACCIDENTS**

Section 55-A. In all cases of traffic accidents, the following legal principles shall be applied, unless there is sufficient proof to the contrary—

- (a) Res Ipsa Loquitur- It applies when the result of the incident itself would show which party is at fault or negligent that causes the occurrence thereof;
- (b) Last Clear Chance- It applies when both parties in an incident were negligent, but one party has the last clear opportunity to avoid the accident;

- (c) **Registered Owner Rule-** It holds the registered owner of a motor vehicle primarily liable for damages caused by such vehicle, regardless of who was actually driving at the time of the incident, and notwithstanding unrecorded motor vehicle transfer/disposal;
- (d) **Violation of Traffic Rule-** It means that a motor vehicle driver who was violating any traffic law, rule regulation at the time of the accident is presumed negligent;
- (e) **Contributory Negligence-** If the offended party's own negligence contributed to the occurrence of the accident, any indemnity is reduced, but not barred;
- (f) **Proximate Cause-** It means that the motor vehicle driver is primarily liable if his/her own negligence had set in motion the resulting traffic incident;
- (g) **Sudden Emergency—** It applies when a motor vehicle driver, confronted with a sudden peril of not his own making, is presumed not negligent if he chooses, in the agony of the moment, a course of action that a reasonably prudent person might also take;
- (h) **Common Carriers Negligence-** In case of death or injury of passenger/s, common carrier is presumed to be at fault or acted negligently;
- (i) **Previous Violations Rule-** It means that a motor vehicle driver is negligent if, at least twice within the next preceding two (2) months, he was found guilty of reckless imprudence or traffic violation rule/s;
- (j) **Rear Vehicle Fault-** It means that the motor vehicle driver who hit the rear portion of another motor vehicle is negligent since he/she had the full control of the situation, being in the position to observe the motor vehicle in front;
- (k) **Other doctrines or principles which the Highest Court of the Land may pronounce subsequent hereof;**

Section 55-B. In the event that the traffic incidents involve other public road user/s, including, but not limited to, pedestrian/s, bicycle rider/s, e-bikes/scooters/trikes and the like, the following legal principles shall be applied, unless there is sufficient proof to the contrary—

- (a) Negligent to Traffic Rules— When the mentioned road user failed to utilize the designated pedestrian lane/ footbridge in case of pedestrian, or in case of bicycle rider, e-bikes/scooters/trikes and the like, he/she is not traversing the rightmost lane of the road, and further in case of bicycle user, he/she is not wearing safety devices;
- (b) Substance-impaired road user— When the mentioned road user is under influence of liquor, illegal drug or other prescription medicine;

Section 55-C. Investigation Procedure to follow during a traffic accident:

- (a) Only a person in authority or law enforcer specifically deputized by the Department or the LTO to implement the provisions of this Act and other traffic rules and regulations shall have the sole authority to conduct the proper investigation over any traffic incident;
- (b) In accordance with his/her investigation vis-a-vis the legal principles enumerated above, the investigating officer shall issue an indicative finding, in writing, as to who is the party at fault or negligent, fully supported with valid and competent evidence at hand;
- (c) In case such indicative finding, as substantiated by sufficient evidence, establishes that the resulting death, injury or property damage was not due to the fault or negligence of the driver, but due to the fault or negligence of the other driver/s or the other public road user/s, the former shall not be taken into custody, but his/her driver's license shall be confiscated, and both or all the motor vehicles involved shall be impounded at the nearest designated impounding facility, for further investigation and consequent institution of court action/s, if warranted;
- (d) In the event such indicative finding, through sufficient evidence, discloses that the resulting death, injury or property damage was due to the fault or negligence of the driver, he/she shall be taken into custody, together with the confiscation of his/her driver's license and impounding of the motor vehicle at the nearest impounding facility;

- (e) Within a maximum period of twenty-four (24) hours from such written finding in relation to Item (d) above, appropriate case/s shall be filed before the proper DOJ-Public Prosecution Office in order for the latter to proceed with its Preliminary Investigation as prescribed by law, together with the corresponding disposition of the driver-respondent and the motor vehicle involved;
- (f) Notwithstanding the foregoing, the involved motor vehicle shall be held in *custodia legis* pending the outcome of the criminal and/or civil proceeding/s instituted thereby, unless the driver/registered owner/operator shall post a cash bond of at least Three Hundred Thousand Pesos (PhP 300,000.00) as security for the satisfaction if a favorable judgment has been subsequently rendered by the proper court;
- (g) The provisions hereof notwithstanding, the offended party may institute, at his/her own election, corresponding civil and/or administrative charges against the erring driver, or together with the owner/operator, within the prescriptive period as provided for by law;
- (h) In civil suit, the proper court may award actual or compensatory damages, moral damages, exemplary damages, litigation expenses and attorneys fees in such respective amounts discretionary to the court; Provided that, in awarding actual damages, the same shall not be less than double the amount of the actual expenses incurred by the offended party;
- (i) In administrative proceeding, the concerned agency may either suspend the driver's license of negligent driver for a period of not less than one (1) year or perpetually revoke such driver's license, depending upon the severity of the offense/s;"

SECTION 3. *Separability Clause.* If any provision of this Act is declared invalid or void, the rest of the provisions not affected thereby shall remain in full force and effect.

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

SECTION 5. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least one (1) newspaper of general circulation.

Approved.