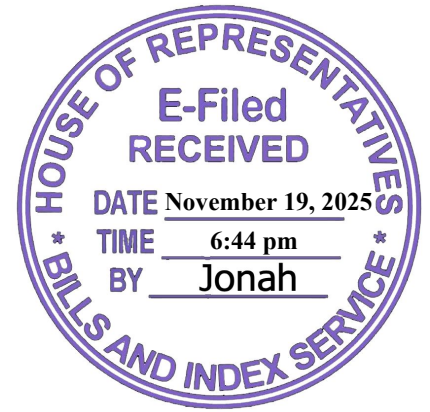


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 6233

Introduced by **REP. BERNADETTE "DETTE" G. ESCUDERO**

AN ACT
INCREASING THE PENALTY FOR CRIMINAL NEGLIGENCE COMMITTED BY
COMMON CARRIERS, FURTHER AMENDING ARTICLE 365 OF ACT NO.
3815, AS AMENDED, OR THE REVISED PENAL CODE

EXPLANATORY NOTE

In 2023, deaths from land transportation accidents reached a 10-year high of 13,125, accounting for 1.9% of the 694,821 total deaths in the country, per the Philippine Statistics Authority. This figure is 7.2% higher than in 2022, with young adults aged 20-24 being the most affected.

In light of these concerns and severe accidents involving common carriers, this bill provides a corrective policy by increasing the penalty for their criminal negligence. The current law requires common carriers to exercise "utmost diligence," but this provision merely covers civil liability and excludes criminal accountability. Criminal liability falls under Article 365 of the Revised Penal Code, which imposes imprisonment from one (1) month to four (4) years and two (2) months. These penalties have proven insufficient to ensure common carriers, especially buses, adhere to their obligations. Thus, the required "utmost diligence" must be reinforced with stronger criminal sanctions. This bill proposes to penalize criminal negligence by common carriers where in case of injury, Imprisonment from arresto mayor in its maximum period to prision mayor (four (4) months and one (1) day to twelve (12) years), depending on the gravity. In case of death: Reclusion temporal (twelve (12) to twenty (20) years).

It is submitted that this increase in penalty will improve road safety and deter reckless and irresponsible driving.


HON. BERNADETTE "DETTE" G. ESCUDERO

Representative
1st District, Sorsogon

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

1 **Section 1.** Article 365 of Act No. 3815, as amended, is hereby further amended
2 to read as follows:

3 "Art. 365. *Imprudence and negligence.* – Any person who, by
4 reckless imprudence, shall commit any act which, had it been intentional,
5 would constitute a grave felony, shall suffer the penalty of *arresto mayor*
6 in its maximum period to *prision correccional* in its medium period; if it
7 would have constituted a less grave felony, the penalty of *arresto mayor*
8 in its minimum and medium periods shall be imposed; if it would have
9 constituted a light felony, the penalty of *arresto menor* in its maximum
10 period shall be imposed.

11 "Any person who, by simple imprudence or negligence, shall
12 commit an act which would otherwise constitute a grave felony, shall
13 suffer the penalty of *arresto mayor* in its medium and maximum periods;
14 if it would have constituted a less serious felony, the penalty of *arresto*
15 *mayor* in its minimum period shall be imposed.

16 "When the execution of the act covered by this article shall have
17 only resulted in damage to the property of another, the offender shall be
18 punished by a fine ranging from an amount equal to the value of said
19 damages to three times such value, but which shall in no case be less
20 than twenty-five pesos.

21 "A fine not exceeding two hundred pesos and censure shall be
22 imposed upon any person who, by simple imprudence or negligence, shall
23 cause some wrong which, if done maliciously, would have constituted a
24 light felony.

1 "In the imposition of these penalties, the court shall exercise their
2 sound discretion, without regard to the rules prescribed in Article sixty-
3 four.

4 "The provisions contained in this article shall not be applicable:

5 "1. When the penalty provided for the offense is equal to or
6 lower than those provided in the first two paragraphs of this article,
7 in which case the court shall impose the penalty next lower in
8 degree than that which should be imposed in the period which they
9 may deem proper to apply.

10 "2. When, by imprudence or negligence and with violation
11 of the Automobile Law, the death of a person shall be caused, in
12 which case the defendant shall be punished by *prision correccional*
13 in its medium and maximum periods.

14 **"3. WHEN BY IMPRUDENCE OR NEGLIGENCE OF A**
15 **COMMON CARRIER EITHER THROUGH ITS SHIP CAPTAIN,**
16 **AIRPLANE CHIEF, DRIVER, EMPLOYEE, AGENT, OPERATOR**
17 **OR OWNER, THE DEATH OR INJURY OF A PERSON SHALL**
18 **BE CAUSED, IN WHICH CASE THE DEFENDANT SHALL**
19 **SUFFER THE PENALTY OF *RECLUSION TEMPORAL*, IN CASE**
20 **OF DEATH, AND *ARRESTO MAYOR* IN ITS MAXIMUM**
21 **PERIOD TO PRISION MAYOR, IN CASE OF INJURY,**
22 **DEPENDING ON THE EXTENT OR GRAVITY OF THE INJURY**
23 **AS PROVIDED FOR UNDER TITLE EIGHT, CHAPTER 2, ON**
24 **PHYSICAL INJURIES, OF THIS ACT.**

25 "Reckless imprudence consists in voluntary, but without malice,
26 doing or failing to do an act from which material damage results by reason
27 of inexcusable lack of precaution on the part of the person performing or
28 failing to perform such act, taking into consideration his employment or
29 occupation, degree of intelligence, physical condition and other
30 circumstances regarding persons, time and place.

31 "Simple imprudence consists in the lack of precaution displayed in
32 these cases in which the damage impending to be caused is not immediate
33 nor the danger clearly manifest.

34 "The penalty next higher in degree to those provided for in this
35 article shall be imposed upon the offender who fails to lend on the spot
36 to the injured parties such help as may be in this hand to give."

37 **Sec. 2. Repealing Clause.** – All laws, presidential decrees, executive orders,
38 proclamations and/or administrative regulations which are inconsistent with the
39 provisions of this Act are hereby amended, modified, superseded or repealed
40 accordingly.

41 **Sec. 3. Effectivity.** – This Act shall take effect fifteen (15) days from its
42 publication in the *Official Gazette* or at least two (2) newspapers of national circulation.

Approved,