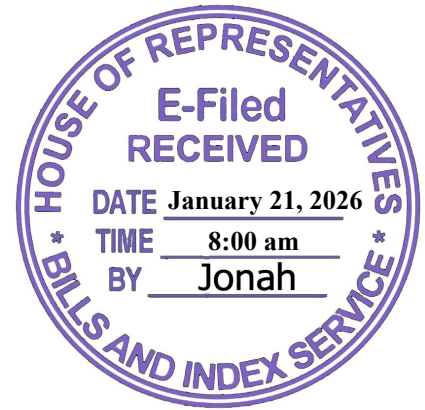


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 7209



Introduced by the Honorable Richard I. Gomez, DPA

EXPLANATORY NOTE

In March 2024, a motorcycle rider lost his life after colliding with an AUV along Skyway Stage 3. Aside from (1) over-speeding and (2) counterflowing, the motorcycle driver was (3) not wearing a helmet, and (4) was driving a 150cc engine motorcycle while the minimum allowed on the said road is 400cc engine motorcycles.

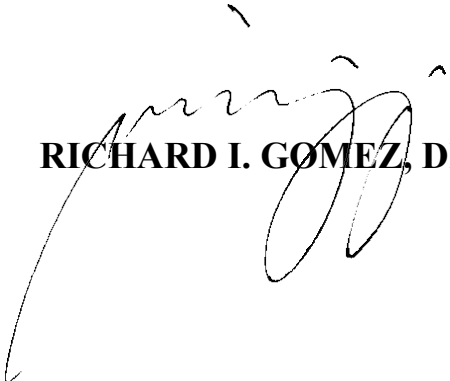
The AUV driver was detained following the collision, even though evidence showed he was not at fault. This is not an isolated case. All over the country, responsible drivers are arrested or held without due process after accidents, simply on account of a dubious police protocol which is based on the flawed assumption that because the other driver died, the surviving one must, presumptively, be at fault (hence must be detained). This undue detention of law-abiding drivers becomes all the more curious when we consider that the Civil Code itself already provides that “Unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation”. (Article 2185).

This bill seeks to establish a fair, transparent, and expedient process for determining culpability, and ensure the prompt release of individuals who are not at fault. Specifically, it mandates that any individual apprehended following a traffic accident must be released within twelve (12) hours if, upon thorough investigation and attestation by the Chief of Police or their duly authorized representative, all evidence points to their lack of fault. By setting a clear and reasonable timeframe, the bill minimizes unnecessary detention and safeguards the rights of innocent drivers.

The measure likewise emphasizes accountability and transparency in law enforcement. By requiring timely and accurate investigations, and placing responsibility on the Chiefs of Police or their designated representatives to certify the findings, it ensures that the process is both efficient and credible. This provision not only protects innocent individuals but also compels law enforcement agencies to perform their duties diligently.

In sum, innocent drivers, who have diligently observed traffic regulations and acted with care, should not be penalized as though they were guilty criminals. The current practice of detaining individuals for extended periods pending investigation has stirred public clamor for reform. Citizens demand a more just system that respects rights while ensuring accountability in cases involving property damage, injury, or even death.

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



RICHARD I. GOMEZ, DPA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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House Bill No. 7209

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**AN ACT PROMOTING THE FAIR TREATMENT OF INDIVIDUALS
INVOLVED IN TRAFFIC ACCIDENTS BY DEFINING DEFENSIVE
DRIVING AND PROVIDING PROTECTION TO MOTOR VEHICLE
DRIVERS WHO CAN PRESENT SUFFICIENT PROOF THEREOF**

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

SECTION 1. *Short Title.* – This Act shall be known as the "Defensive Driving Protection Act of 2026".

SEC. 2. *Definition of Terms.* – For purposes of this Act, the following terms are defined as follows:

- a. *Accident Investigation* refers to the process of securing facts upon which to base an accident prevention program, determining whether or not laws have been violated, gathering evidence which will reveal the road user responsible for the accident, and taking on-the-scene police action and ascertaining the facts so that those involved in accidents can properly exercise claims under our Civil Law.
- b. *Apprehension* shall refer to the act of detaining an individual suspected of being involved in a traffic accident.

- c. *Chief of Police* shall refer to the highest-ranking law enforcement officer within the territorial jurisdiction where the traffic accident occurred.
- d. *Defensive Driving* refers to a proactive approach to road safety and involves anticipating and responding to potential hazards, keeping an appropriate distance from other vehicles, and staying alert for possible risk on the road.
- e. *Dashboard Camera* refers to a camera that is mounted in or around the dashboard of a motor vehicle. It faithfully records all it sees as the vehicle moves about its daily business.
- f. *Law Enforcement Officer* refers to all officers of the law who exercise the powers of arrest or detention and are tasked with the conduct of traffic investigation.
- g. *Not at fault* shall refer to a determination that the individual involved in the traffic accident bears no legal responsibility for its occurrence.
- h. *Traffic Accident* shall refer to any collision involving vehicles on public roads within the territorial jurisdiction where the traffic accident occurred.

SEC. 3. *Proof of Defensive Driving.* – Any person driving a motor vehicle who is involved in a traffic accident shall not be detained by the law enforcement officer if he or she can provide credible evidence of his or her defensive driving such as, during traffic investigation, but not limited to the following:

- 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 accident;
- 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 accident; or,
- c. Any other video footage or still image from any witness in the vicinity of the accident showing that the driver of the vehicle was not violating any traffic rules before and during the incident.

Provided, that the presentation of the foregoing evidence shall not exonerate the driver of the motor vehicle from any liability under the law.

Provided, further, that 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 road accident shall retain the right to pursue all other legal remedies available to them under the law.

SEC. 4. *Duty of the Law Enforcement Officer* – All persons involved in traffic accidents shall be brought to the nearest police station for traffic investigation. It shall be the duty of law enforcement officers to conduct a thorough traffic investigation. In case of submission of sufficient proof of defensive driving, the law enforcement officer shall recommend for the release of the person not at fault and submit their findings to the Chief of Police within six (6) hours from the occurrence of such an accident. The Chief of Police or his/her designated representative shall act on the recommendation within three (3) hours from receipt of the findings. The performance of the duty of the law enforcement officer and Chief of Police or his representative in herein Section shall proceed even during weekends and holidays.

SEC. 5. *Authority of the Law Enforcement Officer*. – Notwithstanding the presentation of evidence under Section 3 of this Act, the law enforcement officer shall have the authority to acquire and process the personal information of the driver of the vehicle involved in the incident, and impound the vehicle involved in the incident, in accordance with pertinent laws, rules and regulations.

SEC. 6. *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.

SEC. 7. *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.

SEC. 7. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,