



Republic of the Philippines
House of Representatives

20th CONGRESS
First Regular Session

HOUSE BILL NO. 7814



Introduced by Hon. Charisse Anne C. Hernandez

City of Calamba Lone District

EXPLANATORY NOTE

Road accidents remain a persistent concern in the Philippines, often resulting in injury, loss of life, and significant property damage. In many such incidents, drivers involved in collisions are immediately taken into police custody, even when the accident may have been caused by circumstances entirely beyond their control. This practice has led to situations where innocent drivers face arrest and detention despite clear indicators that they were not at fault.

There are numerous cases wherein traffic accidents were later proven to have been caused by *force majeure*, or by the deliberate acts of victims, such as an intentional self-inflicted fatal act or deliberate self-harm. In these situations, arresting drivers who are already traumatized by the event results in injustice and unnecessary deprivation of liberty.

This bill seeks to amend Article 365 of the Revised Penal Code by introducing clear exceptions to criminal liability in cases where evidence shows that the collision was caused not by the driver's negligence or imprudence, but by unavoidable events or the intentional acts of the victim. It also prohibits the immediate arrest or detention of drivers in such cases pending preliminary investigation.

The passage of this measure is an important step toward ensuring fairness, upholding due process, and preventing the unjust detention of innocent drivers.

Approval of this bill is earnestly sought.

CHARISSE ANNE C. HERNANDEZ
Lone District, Calamba City



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AN ACT
ESTABLISHING CLEAR EXCEPTIONS TO CRIMINAL LIABILITY IN ROAD
ACCIDENTS ARISING FROM FORCE MAJEURE OR INTENTIONAL ACTS OF THE
VICTIM, AMENDING ARTICLE 365 OF THE REVISED PENAL CODE, AND FOR
OTHER PURPOSES

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

SECTION 1. This Act shall be known as the “**Fair Road Accident Responsibility Act.**”

SEC. 2. Article 365 of the Revised Penal Code is hereby amended by adding a new paragraph at the end thereof, to read as follows:

“ART. 365. Imprudence and Negligence. — ...

PROVIDED, FINALLY, THAT NO CRIMINAL LIABILITY UNDER THIS ARTICLE SHALL ATTACH IN CASES WHERE THE DAMAGE, INJURY, OR DEATH IS THE DIRECT RESULT OF:

(A) AN ACT OF GOD OR FORCE MAJEURE WHICH COULD NOT BE FORESEEN OR WHICH, THOUGH FORESEEN, WAS INEVITABLE; OR

(B) THE INTENTIONAL ACT OF THE VICTIM, SUCH AS INTENTIONAL SELF-INFLICTED FATAL ACT OR DELIBERATE SELF-HARM, AS ESTABLISHED BY CLEAR

AND CONVINCING EVIDENCE, INCLUDING BUT NOT LIMITED TO DASHBOARD CAMERA FOOTAGE, CCTV RECORDINGS, OR CONSISTENT TESTIMONIES OF DISINTERESTED WITNESSES.

IN SUCH CASES, THE DRIVER SHALL NOT BE SUBJECT TO IMMEDIATE ARREST OR DETENTION PENDING THE PRELIMINARY INVESTIGATION OF THE CASE.”

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

SEC. 4. Repealing Clause. All laws, presidential decrees, executive orders, rules and regulations, and other issuances inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.