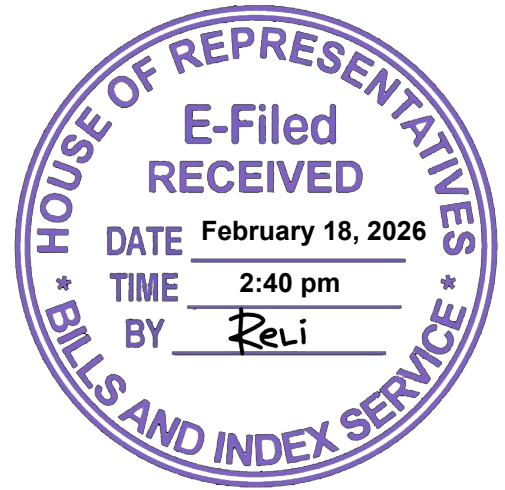


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7867



Introduced by **HON. BRIAN RAYMUND S. YAMSUAN**

**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**

EXPLANATORY NOTE

Article III, Section 14(2) of the Constitution enshrines the presumption of innocence and the right of the accused to a speedy trial. These rights are interconnected. A person is presumed innocent until proven guilty beyond reasonable doubt, and the burden rests squarely upon the prosecution to establish culpability. Until then, the State must tread carefully. Arbitrary detention is not a minor procedural error or inconvenience which can be ignored; it is a violation of a constitutional right and a damage to reputation, livelihood, and even peace of mind.

In practice, individuals involved in traffic incidents are often subjected to automatic detention and inquest proceedings, even in situations where available evidence strongly indicates the absence of negligence. This bill seeks to address that harsh reality.

The proposed Defensive Driving Act of 2026 amends Article 124 of the Revised Penal Code on Arbitrary Detention. It recognizes that in this modern age, traffic incidents are no longer solely reconstructed through testimonial accounts. Today, technology offers objective, contemporaneous documentation of events. Dashcams, CCTV footage, and videos captured by bystanders have already become commonplace. These tools can establish whether a driver was complying with traffic laws before and during an incident. They can show speed, traffic signals, and the sudden, unforeseeable acts of third parties. The bill therefore provides that a person

driving a motor vehicle who is involved in a traffic incident may not be detained by the arresting officer if he or she can provide proof of defensive driving, such as dashcam video, CCTV footage, or other credible visual evidence demonstrating compliance with traffic rules prior to and during the incident. This bill does not offer an exemption from investigation, nor an immunity from prosecution. It only operationalizes Constitutional safeguards by providing against premature and unnecessary detention.

As a case in point, in an incident on February 12, 2026, at the LRT-1 Fernando Poe Jr. station, a driver was detained for inquest proceedings after hitting an individual who reportedly jumped or fell onto the northbound lane of EDSA.¹ Available dashcam footage circulating online showed that the said driver was not speeding, was not recklessly swerving, and had no reasonable opportunity to avoid the collision. Despite this, he was subjected to custodial procedures, and only after significant public attention and clamor on social media was he eventually released. Justice, however, should not depend on virality. For every incident that draws public sympathy, there are many others that do not. There are many drivers—ordinary Filipinos—who spend days under detention, separated from their families and burdened with the stigma of arrest, even when available evidence shows the absence of negligence.

This measure affirms that the presumption of innocence must be given full effect from the outset of the criminal process. Arrest or detention should not be automatic responses to every traffic incident involving injury or death. When credible and readily available evidence shows that a driver exercised due care and complied with traffic laws, the government must respond with proper restraint.

At the same time, the bill carefully balances individual rights with public safety and accountability. It grants arresting officers the authority to acquire and process the personal information of the driver involved in the incident, or impound the vehicle, if necessary. It also categorically provides that a driver shall not be exonerated from any liability under the law based solely on the evidence presented at the scene. Moreover, this measure does not extinguish criminal, civil, or administrative liability. Injured parties and even the heirs of victims retain full access to legal remedies, and our courts of justice remain the ultimate arbiters of guilt or innocence.

The proposed measure also addresses a broader institutional concern. Our detention facilities and jails are notoriously congested.² Pre-trial detainees comprise

¹ Fernandez, J. (2026, February 12). Driver of vehicle struck by man who jumped from LRT-1 faces inquest. DZRH. Retrieved from <https://dzh.com.ph/post/driver-of-vehicle-struck-by-man-who-jumped-from-lrt-1-faces-inquest>

² Inquirer.net. (2025, December 11). COA report: Almost 70 percent of jails congested. Philippine Daily Inquirer. Retrieved from <https://newsinfo.inquirer.net/2153860/fwd-coa-on-bjamp-report-on-jail-congestion>

a significant portion of the incarcerated population,³ and every unnecessary detention exacerbates this situation.

Finally, this bill acknowledges the inevitable reality that police operations and investigations must evolve alongside technological advancement. Law enforcement agencies are increasingly relying on body cameras, digital forensics, and similar surveillance systems. It is only logical that they likewise integrate readily available video evidence in determining whether custodial detention is necessary in traffic-related incidents.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



BRIAN RAYMUND S. YAMSUAN
Representative
2nd District of Parañaque

³ See UN News. (2024, July 12). Philippines now has one of Asia's most progressive gender recognition policies. United Nations.

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ARTICLE 124 OF THE REVISED PENAL CODE**

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

SECTION 1. Short Title. – This Act shall be known as the “Defensive Driving Act of 2026”.

SECTION 2. Definition of Terms. - For purposes of this Act, the following terms shall be defined as follows:

- (a) 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.
- (b) Dashboard Camera (DashCam) 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.

SECTION 3. 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 for more than fifteen days 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 INVOLVED 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 DASHBOARD CAMERA (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 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 4. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SECTION 5. *Repealing Clause.* – All laws, decrees, orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 6. *Effectivity.* – Notwithstanding the non-issuance of the implementing rules and regulations, this Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,