

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7909



Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

EXPLANATORY NOTE

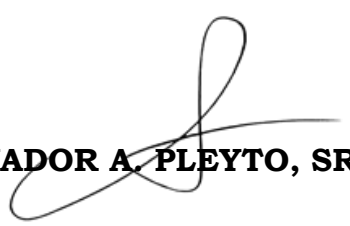
Under current Philippine jurisprudence and the application of Article 365 of the Revised Penal Code, drivers involved in road accidents are almost automatically charged with "Reckless Imprudence Resulting in Homicide, Serious Physical Injuries, or Damage to Property."

This is a long-standing grievance for many drivers—the "presumed guilt" that often results in a driver being handcuffed while the person who jumped over a highway barrier is rushed to the hospital, or a person who fell off a bridge or overpass and was bumped or run over by a vehicle below and died.

In practice, this often leads to the immediate detention of the driver, regardless of whether they were following traffic laws, speeding limits, and safety protocols. This "detain first, investigate later" culture ignores the reality of unavoidable accidents—situations where a pedestrian or another motorist acts with such gross negligence (e.g., crossing a high-speed expressway, ignoring "No Crossing" signs, or darting into traffic) that no amount of care by the driver could have averted the collision.

This bill seeks to institutionalize the "Doctrine of Unavoidable Accident." It aims to protect law-abiding drivers from the trauma of unwarranted detention and prosecution when the evidence clearly shows that the accident was caused by the victim's own reckless behavior. It's time we stop punishing people for failing to perform the impossible.

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


SALVADOR A. PLEYTO, SR.

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Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

AN ACT PROVIDING FOR THE EXEMPTION OF DRIVERS FROM CRIMINAL AND CIVIL LIABILITY IN ACCIDENTS RESULTING FROM THE GROSS NEGLIGENCE OF PEDESTRIANS OR OTHER PARTIES, AMENDING FOR THIS PURPOSE ARTICLE 365 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 "Fair Liability and Driver Protection Act."

SEC. 2. Declaration of Policy. - It is the policy of the State to ensure justice for all parties in road safety incidents. While the State protects the life and limb of pedestrians, it shall also protect drivers from unjust prosecution and detention when they are not at fault, and the accident was unavoidable.

SEC. 3. Exemption from Liability. - Any driver of a motor vehicle shall be exempt from criminal and civil liability for any injury or death resulting from a traffic accident, provided the following conditions are met:

1. The driver was operating the vehicle in a lawful manner, adhering to speed limits and traffic regulations.
2. The accident occurred due to the gross negligence of the pedestrian or another party (e.g., crossing in prohibited areas, ignoring traffic signals).
3. The driver had no "Last Clear Chance" to avoid the accident due to the sudden or unpredictable nature of the other party's actions.

SEC. 4. Presumption of Innocence Across All Vehicle Classes. - In any investigation involving a collision between a four-wheeled (or larger) motor vehicle and a motorcycle, bicycle, or any non-motorized transport, the size or weight of the vehicle shall not be a basis for a presumption of fault.

SEC. 5. *Specific Negligence of Two-Wheeled Motorcycles and Bicycles* - A driver of a four-wheeled vehicle shall be non-labile if the accident was caused by any of the following actions by the rider/cyclist:

1. Lane Splitting or Filtering at High Speed: Moving between lanes of traffic in a manner that prevents the four-wheeled driver from perceiving them through standard mirrors.
2. Counter-Flowing: Operating against the legal flow of traffic.
3. Overtaking on the Right: Attempting to pass a vehicle on its right side while that vehicle is making a legal right-hand turn.
4. Operating Without Lights: Using the road at night or during heavy rain without functional headlamps or high-visibility reflectors.
5. Swerving into "No-Zones": Entering the immediate "blind spot" of a larger vehicle (trucks/SUVs) where the driver has no physical way of seeing the smaller craft.

SEC. 6. *Prohibition on Immediate Detention*. – Law enforcement officers are hereby prohibited from detaining a driver involved in an accident if:

- Dashcam footage, CCTV, or at least two (2) disinterested witnesses' testimonies clearly indicate the driver was not at fault.
- The accident occurred on a "limited access" facility (expressways) where pedestrian crossing is strictly prohibited.
- The driver remained at the scene to provide assistance (unless fleeing is necessary to avoid mob violence).

SEC. 7. *Protection from Mob Rule, Harassment, and Extrajudicial Accusation*. – If a driver feels threatened by a crowd at the scene, they may proceed to the nearest police station to report the incident immediately. This shall not be considered "Hit and Run" or "Abandonment of Victim," provided the driver identifies themselves to authorities within one (1) hour.

Law enforcement must secure the driver from physical or verbal assault by bystanders. Any person who uses force or intimidation against a driver before a formal investigation is concluded shall be liable for Grave Coercion or Physical Injuries.

SEC. 8. *Evidentiary Weight of Technology*. – Dashcam recordings and verified CCTV footage shall be considered primary evidence in the immediate scene investigation to determine if the "unavoidable accident" clause applies.

SEC. 9. *Penalties for Malicious Prosecution.* – Any party or officer who insists on the detention of a driver despite clear evidence of the driver’s innocence under this Act shall be subject to administrative sanctions.

SEC. 10. *Right to Countersuit and Recovery of Damages.* - A driver who is cleared of liability under the provisions of this Act shall have the express right to seek civil indemnity from the negligent party (pedestrian, rider, or their legal guardians).

SEC. 11. *Compulsory Damages* - Upon finding of gross negligence by the other party, the court shall award the driver actual damages, moral damages, attorney’s fees, and loss of income (compensation for workdays missed due to court hearings, or vehicle unavailability).

SEC. 12. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 13. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the remainder of the Act or the provisions not otherwise affected shall remain in full force and effect.

SEC. 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,