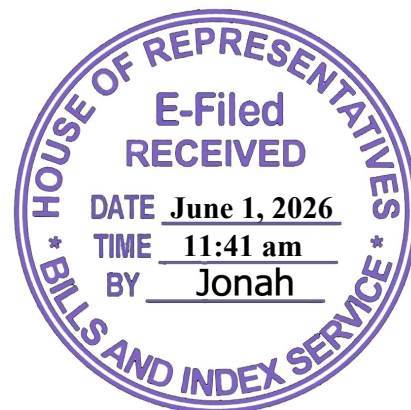


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 9575

Introduced by
HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO

AN ACT
STRENGTHENING LAWS ON RECKLESS IMPRUDENCE, PROMOTING RESPONSIBLE AND DEFENSIVE DRIVING, PROVIDING DRIVER PROTECTION, ESTABLISHING FAIR PRESUMPTIONS OF LIABILITY, DEFINING THE AUTHORITY OF LAW ENFORCEMENT OFFICERS, AND IMPOSING APPROPRIATE PENALTIES AND LIABILITIES FOR ROAD SAFETY INCIDENTS

EXPLANATORY NOTE

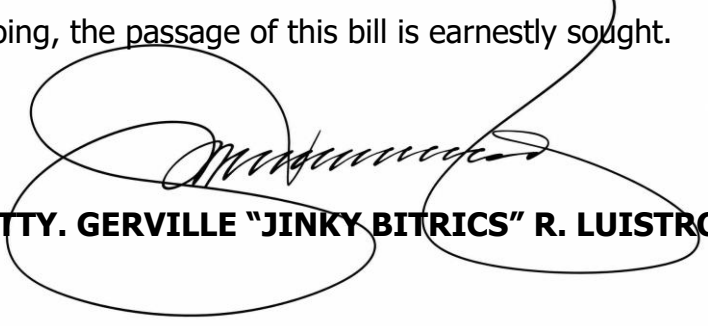
Road traffic accidents are one of the leading causes of injury and death in the Philippines, with a significant portion attributed to reckless and negligent driving. Existing laws, while penalizing offenders, often fail to distinguish between truly negligent drivers and those who have exercised due diligence and defensive driving. This has led to situations where innocent drivers are unjustly detained despite clear evidence of compliance with traffic laws.

This proposed measure seeks to address this imbalance by promoting responsible and defensive driving while ensuring fairness in the determination of liability. It introduces clear standards on aggravating and mitigating circumstances, establishes presumptions of liability, and strengthens the authority of law enforcement officers in handling road safety incidents.

Moreover, the bill recognizes the importance of modern evidence such as dashboard cameras and CCTV footage in protecting innocent drivers. By allowing the presentation of such evidence, it ensures that individuals who exercise due care are not unjustly penalized.

Ultimately, this measure aims to create a balanced legal framework that upholds accountability, protects the rights of drivers, and enhances road safety for all.

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



HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO

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

1 **SECTION 1. Short Title.** This Act shall be known as the "Responsible
2 and Defensive Driving and Fair Liability Act."

3
4 **SECTION 2. Declaration of Policy.** It is hereby declared the policy of
5 the State to protect life, property, and public safety by promoting responsible,
6 prudent, and defensive driving. The State shall ensure fairness in the
7 determination of liability arising from road safety incidents, protect innocent
8 drivers from unjust arrest or detention, and impose accountability on negligent
9 and reckless road users.

10
11 **SECTION 3. Definition of Terms.** For purposes of this Act:

12
13 (a) "Reckless Driving" refers willful or grossly negligent operation of a
14 vehicle with conscious disregard of probable harm.

15
16 (b) "Defensive Driving" refers to the practice of anticipating hazards,
17 maintaining safe distances, and exercising vigilance at all times;

18
19 (c) "Impaired Driving" refers to operating a vehicle under the influence
20 of alcohol, drugs, fatigue, or any condition affecting control.
21

(d) "Dashboard Camera" refers to a recording device installed in a vehicle capturing real-time road activity;

(e) "Law Enforcement Officer" refers to any person authorized by law to enforce traffic laws and regulations.

(f) "Careless Driving" refers to negligent operation of a vehicle without due regard to safety.

(g) "Irresponsible Custody of a Vehicle" refers to allowing unqualified individuals to operate a vehicle.

SECTION 4. Promotion of Defensive Driving. All drivers shall exercise defensive driving at all times. This includes maintaining safe distance, observing traffic signals, avoiding distractions, anticipating hazards, and prioritizing pedestrian and cyclist safety. Failure to observe defensive driving principles shall be considered in determining negligence or liability.

SECTION 5. Proof of Defensive Driving and Driver Protection. Any driver involved in a road accident shall not be immediately detained if he or she can present credible proof of lawful or defensive driving. Such proof may include:

- a. Dashcam recordings;
- b. CCTV footage;
- c. Footage from other persons; and
- d. Other admissible evidence

Provided, that such presentation shall not exempt the driver from liability that may be established by competent courts.

SECTION 6. Aggravating Circumstances. The following circumstances shall increase liability and penalties:

- a. Driving recklessly;
- b. Driving without a valid license;
- c. Driving while intoxicated;
- d. Driving under the influence of illegal drugs;
- e. Driving a stolen vehicle;
- f. Carrying hazardous cargo; and
- g. Driving and using firearms, explosives, or dangerous materials;
- h. Attempting to escape the location where the imprudence occurred

SECTION 7. Mitigating Circumstances. The following shall mitigate liability:

- a. Medical emergencies;
- b. Lawful pursuit of suspects;
- c. Emergency disaster response;
- d. Defective road conditions; and
- e. Absence of proper traffic signs

1 **SECTION 8. Presumption of Liability.** A driver shall be presumed
2 liable when fleeing the scene, intoxicated, speeding, or committing prior
3 violations. A driver shall be presumed not liable when the victim violated traffic
4 laws or the driver acted under emergency conditions.

5
6 **SECTION 9. Authority of Law Enforcement Officers.** Law
7 enforcement officers are authorized to determine initial liability, confiscate
8 licenses, impound vehicles, and gather evidence. They shall ensure due process
9 and respect the rights of all parties.

10
11 **SECTION 10. Criminal, Civil, and Administrative Liability.**
12 Violations shall give rise to criminal liability under the Revised Penal Code, civil
13 liability for damages, and administrative sanctions.

14
15 **SECTION 11. Penalties.**

16
17 (a) Reckless Imprudence Resulting in Death – prisión correccional
18 maximum to prisión mayor minimum (4 years, 2 months and 1 day to 8
19 years), and a fine ranging from ₱200,000 to ₱1,000,000, plus civil
20 indemnity and perpetual disqualification from a driver's license.

21
22 (b) Reckless Imprudence Resulting in Serious Physical Injuries – arresto
23 mayor maximum to prisión correccional medium (4 months and 1 day to
24 4 years and 2 months), and a fine ranging from ₱50,000 to ₱200,000,
25 plus license suspension of five (5) years.

26
27 (c) Less Serious Physical Injuries – arresto mayor minimum to medium
28 (1 month and 1 day to 4 months), and a fine ranging from ₱20,000 to
29 ₱50,000.

30
31 (d) Slight Physical Injuries – arresto menor (1 day to 30 days) or a fine
32 ranging from ₱10,000 to ₱20,000, or both.

33
34 (e) Damage to Property – fine equivalent to three (3) times the value of
35 damage, but not less than ₱20,000 nor more than ₱500,000, and license
36 suspension of one (1) to three (3) years.

37
38 (f) Aggravated Reckless Driving – penalty in maximum period, fine
39 increased by fifty percent (50%), automatic revocation of license, and
40 disqualification for ten (10) years.

41
42 (g) Impaired Driving – prisión correccional medium to maximum (2
43 years, 4 months and 1 day to 6 years), and a fine ranging from ₱100,000
44 to ₱500,000, plus mandatory rehabilitation.

45
46 (h) Hit-and-Run – prisión correccional maximum to prisión mayor
47 minimum (4 years, 2 months and 1 day to 8 years), and a fine ranging
48 from ₱200,000 to ₱1,000,000, with permanent revocation of license.

1
2 (i) Traffic Obstruction – fine ranging from ₱10,000 to ₱50,000 and
3 license suspension of one (1) year.

4
5 (j) Repeat Offenders – prisión correccional maximum (4 years, 2 months
6 and 1 day to 6 years) and permanent disqualification from obtaining a
7 driver's license.

8
9 (k) Application of Circumstances – aggravating circumstances shall
10 impose the maximum penalty; mitigating shall impose the minimum
11 penalty.

12
13 (l) Administrative Penalties – administrative sanctions shall be separate
14 and without prejudice to criminal liability.

15
16 **SECTION 12. Separability Clause.** If any provision of this Act is
17 declared unconstitutional, the remainder shall remain in force.

18
19 **SECTION 13. Repealing Clause.** All inconsistent laws are hereby
20 repealed or modified accordingly.

21
22 **SECTION 14. Effectivity.** This Act shall take effect fifteen (15) days
23 after publication.

24
25 Approved,