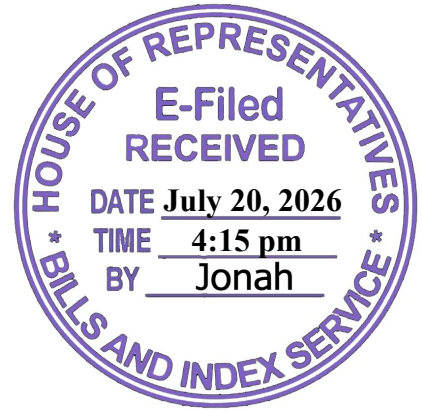


1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Constitution Hills, Quezon City

4
5 **TWENTIETH CONGRESS**
6 Second Regular Session

7
8 **HOUSE BILL NO. 10128**
9



10
11 Introduced by REP. JESUS “BONG” C. SUNTAY
12

13 **EXPLANATORY NOTE**
14

15 Article 365 of the Revised Penal Code governs criminal liability arising from
16 imprudence and negligence. Its present text, however, contains different and
17 potentially conflicting rules on the application of penalties and modifying
18 circumstances.
19

20 In *Noli Z. Ilon v. People of the Philippines*, G.R. No. 260538, promulgated on
21 November 11, 2025 and uploaded to the Supreme Court website on May 7, 2026, the
22 Supreme Court held that Article 64 of the Revised Penal Code applies to reckless
23 imprudence resulting in homicide committed through the use of a motor vehicle
24 under paragraph six (6), subparagraph two (2) of Article 365. The Court also ruled
25 that failure to render assistance is a qualifying circumstance which must be
26 specifically alleged in the information and proved beyond reasonable doubt.
27

28 The Court observed that the present wording of Article 365 produces an inequitable
29 distinction. Cases falling under paragraph six (6) may be mitigated or aggravated
30 pursuant to Article 64, while cases falling under the first four paragraphs may not be
31 mitigated because of paragraph five (5), even though they may still be subjected to
32 the penalty-increasing circumstance of failure to render assistance. The Court
33 emphasized that the determination of penalties is a matter of legislative policy and
34 furnished copies of its Decision to the President, the Senate President, and the
35 Speaker of the House of Representatives pursuant to Article 5 of the Revised Penal
36 Code.
37

38 This measure addresses the statutory incongruence identified by the Supreme Court.
39 It provides for the uniform appreciation of mitigating and aggravating circumstances
40 in prosecutions under Article 365, in accordance with Articles 64 and 65 of the
41 Revised Penal Code, while preserving judicial discretion in fixing the duration of the
42 penalty within the proper period based on the degree of negligence and the
43 circumstances of each case.
44

1 The bill likewise removes the ambiguous statement that the provisions of Article 365
2 shall not apply to certain cases. Instead, it specifies that only the general penalties
3 contained in the first two paragraphs shall not govern the exceptional cases
4 enumerated therein.

5
6 Finally, the measure expressly provides that failure to render assistance is a qualifying
7 circumstance which must be alleged in the information and proved beyond
8 reasonable doubt. It also codifies the rule that contributory negligence does not
9 extinguish criminal liability, although it may be appreciated as an analogous
10 mitigating circumstance and considered in determining civil liability.

11
12 In view of the foregoing, the immediate passage of this bill is earnestly sought.
13
14
15

16
17
18 
REV. JESUS "BONG" C. SUNTAY

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8 **HOUSE BILL NO. 10128**
9

10 Introduced by REP. JESUS “BONG” SUNTAY
11

12
13 **AN ACT**
14 **AMENDING ARTICLE 365 OF ACT NO. 3815, AS AMENDED,**
15 **OTHERWISE KNOWN AS THE REVISED PENAL CODE**
16
17

18 *Be it enacted by the Senate and House of Representatives of the Philippines in*
19 *Congress assembled:*
20

21 **SECTION 1.** Short Title. — This Act shall be known as the “*Vehicular Reckless*
22 *Imprudence Penalty Harmonization Act.*”
23

24 **SECTION 2.** Declaration of Policy. — It is the policy of the State to ensure
25 consistency, fairness, and proportionality in the imposition of penalties for quasi-
26 offenses under Article 365 of the Revised Penal Code, particularly those involving
27 death or serious physical injuries caused through the operation of motor vehicles.
28

29 The State likewise recognizes the need to harmonize the provisions of Article 365 with
30 Article 64 of the Revised Penal Code in light of evolving jurisprudence, ensure fair
31 notice to the accused, preserve due process rights, and establish clearer statutory
32 standards governing mitigating and aggravating circumstances in cases of reckless
33 imprudence.
34

35 **SECTION 3.** Article 365 of Act No. 3815, as amended, otherwise known as the
36 Revised Penal Code, is hereby further amended to read as follows:
37

38 **“ART. 365. IMPRUDENCE AND NEGLIGENCE.** — ANY PERSON
39 WHO, BY RECKLESS IMPRUDENCE, SHALL COMMIT ANY ACT
40 WHICH, HAD IT BEEN INTENTIONAL, WOULD CONSTITUTE A GRAVE
41 FELONY, SHALL SUFFER THE PENALTY OF *ARRESTO MAYOR* IN ITS
42 MAXIMUM PERIOD TO *PRISION CORRECCIONAL* IN ITS MEDIUM
43 PERIOD; IF IT WOULD HAVE CONSTITUTED A LESS GRAVE FELONY,
44 THE PENALTY OF *ARRESTO MAYOR* IN ITS MINIMUM AND MEDIUM
45 PERIODS SHALL BE IMPOSED; IF IT WOULD HAVE CONSTITUTED A
46 LIGHT FELONY, THE PENALTY OF *ARRESTO MENOR* IN ITS
47 MAXIMUM PERIOD SHALL BE IMPOSED.

1 “ANY PERSON WHO, BY SIMPLE IMPRUDENCE OR NEGLIGENCE,
2 SHALL COMMIT AN ACT WHICH WOULD OTHERWISE CONSTITUTE
3 A GRAVE FELONY SHALL SUFFER THE PENALTY OF *ARRESTO MAYOR*
4 IN ITS MEDIUM AND MAXIMUM PERIODS; IF IT WOULD HAVE
5 CONSTITUTED A LESS SERIOUS FELONY, THE PENALTY OF *ARRESTO*
6 *MAYOR* IN ITS MINIMUM PERIOD SHALL BE IMPOSED.

7
8 “WHEN THE EXECUTION OF THE ACT COVERED BY THIS ARTICLE
9 SHALL HAVE ONLY RESULTED IN DAMAGE TO THE PROPERTY OF
10 ANOTHER, THE OFFENDER SHALL BE PUNISHED BY A FINE
11 RANGING FROM AN AMOUNT EQUAL TO THE VALUE OF THE
12 DAMAGES TO THREE (3) TIMES SUCH VALUE, BUT WHICH SHALL IN
13 NO CASE BE LESS THAN FIVE THOUSAND PESOS (₱5,000.00).

14
15 “A FINE NOT EXCEEDING FORTY THOUSAND PESOS (₱40,000.00)
16 AND CENSURE SHALL BE IMPOSED UPON ANY PERSON WHO, BY
17 SIMPLE IMPRUDENCE OR NEGLIGENCE, SHALL CAUSE SOME
18 WRONG WHICH, IF DONE MALICIOUSLY, WOULD HAVE
19 CONSTITUTED A LIGHT FELONY.

20
21 “IN THE IMPOSITION OF THE PENALTIES PROVIDED IN THIS
22 ARTICLE, MITIGATING AND AGGRAVATING CIRCUMSTANCES SHALL
23 BE APPRECIATED, AND THE PROPER PERIOD OF THE PENALTY
24 SHALL BE DETERMINED, IN ACCORDANCE WITH ARTICLES 64 AND
25 65 OF THIS CODE, AS APPLICABLE. IN FIXING THE DURATION OF
26 THE PENALTY WITHIN THE PROPER PERIOD, THE COURTS SHALL
27 CONSIDER THE DEGREE OF NEGLIGENCE AND THE
28 CIRCUMSTANCES REGARDING PERSONS, TIME, AND PLACE.

29
30 “THE PENALTIES PROVIDED IN THE FIRST TWO (2) PARAGRAPHS OF
31 THIS ARTICLE SHALL NOT APPLY:

32
33 “1. WHEN THE PENALTY PROVIDED FOR THE OFFENSE IS EQUAL TO
34 OR LOWER THAN THOSE PROVIDED IN THE FIRST TWO (2)
35 PARAGRAPHS OF THIS ARTICLE, IN WHICH CASE THE COURT SHALL
36 IMPOSE THE PENALTY NEXT LOWER IN DEGREE THAN THAT
37 WHICH SHOULD OTHERWISE BE IMPOSED, IN THE PERIOD
38 DETERMINED IN ACCORDANCE WITH ARTICLES 64 AND 65 OF THIS
39 CODE; AND

40
41 “2. WHEN, BY IMPRUDENCE OR NEGLIGENCE IN THE USE OR
42 OPERATION OF A MOTOR VEHICLE, THE DEATH OF A PERSON IS
43 CAUSED, IN WHICH CASE THE OFFENDER SHALL SUFFER THE
44 PENALTY OF *PRISION CORRECCIONAL* IN ITS MEDIUM AND
45 MAXIMUM PERIODS.

1 “RECKLESS IMPRUDENCE CONSISTS IN VOLUNTARILY, BUT
2 WITHOUT MALICE, DOING OR FAILING TO DO AN ACT FROM WHICH
3 MATERIAL DAMAGE RESULTS BY REASON OF AN INEXCUSABLE
4 LACK OF PRECAUTION ON THE PART OF THE PERSON PERFORMING
5 OR FAILING TO PERFORM SUCH ACT, TAKING INTO
6 CONSIDERATION THE OFFENDER’S EMPLOYMENT OR OCCUPATION,
7 DEGREE OF INTELLIGENCE, PHYSICAL CONDITION, AND OTHER
8 CIRCUMSTANCES REGARDING PERSONS, TIME, AND PLACE.

9
10 “SIMPLE IMPRUDENCE CONSISTS IN THE LACK OF PRECAUTION
11 DISPLAYED IN THOSE CASES IN WHICH THE DAMAGE IMPENDING
12 TO BE CAUSED IS NOT IMMEDIATE NOR THE DANGER CLEARLY
13 MANIFEST.

14
15 “THE PENALTY NEXT HIGHER IN DEGREE THAN THAT OTHERWISE
16 IMPOSABLE UNDER THIS ARTICLE SHALL BE IMPOSED UPON AN
17 OFFENDER WHO, WITHOUT JUSTIFIABLE CAUSE AND DESPITE
18 HAVING THE CAPACITY TO DO SO WITHOUT DANGER TO THE
19 OFFENDER OR TO ANOTHER PERSON, FAILS TO RENDER ON THE
20 SPOT TO THE INJURED PARTY SUCH REASONABLE ASSISTANCE AS
21 MAY BE WITHIN THE OFFENDER’S POWER TO GIVE.

22
23 “FAILURE TO RENDER ASSISTANCE UNDER THE IMMEDIATELY
24 PRECEDING PARAGRAPH IS A QUALIFYING CIRCUMSTANCE AND
25 SHALL NOT BE APPRECIATED UNLESS SPECIFICALLY ALLEGED IN
26 THE INFORMATION AND PROVED BEYOND REASONABLE DOUBT.

27
28 “CONTRIBUTORY NEGLIGENCE ON THE PART OF THE OFFENDED
29 PARTY SHALL NOT EXEMPT THE OFFENDER FROM CRIMINAL
30 LIABILITY. WHEN DULY ESTABLISHED, IT MAY BE APPRECIATED AS
31 AN ANALOGOUS MITIGATING CIRCUMSTANCE UNDER ARTICLE 13
32 OF THIS CODE AND MAY BE CONSIDERED IN THE DETERMINATION
33 OF CIVIL LIABILITY.”

34
35 **SECTION 4. Retroactive Application.** — This Act shall have retroactive effect
36 insofar as it is favorable to an accused or to a person serving sentence by final
37 judgment, consistent with Article 22 of the Revised Penal Code.

38
39 **SECTION 5. Separability Clause.** — If any provision of this Act is declared
40 unconstitutional or invalid, the remaining provisions not affected thereby shall
41 remain in full force and effect.

42
43 **SECTION 6. Repealing Clause.** — All laws, decrees, executive orders, rules and
44 regulations, and other issuances or parts thereof inconsistent with this Act are hereby
45 repealed, amended, or modified accordingly.

1 **SECTION 7. Effectivity.** — This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in a newspaper of general circulation.

3
4 Approved,