

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

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SENATE
S.B. NO. **416**

RECEIVED BY: *JR*

Introduced by SENATOR FERDINAND R. MARCOS, JR.

Explanatory Note

Our roads should be shared by all. Having been constructed using the public's tax money, they are intended to belong to and used by the public in general. In fact, no less than our Civil Code confirms that these roads are intended for public use (Article 420 and 424, Civil Code).

Being common public property, our roads should not be a source of conflict among its communal users, who are all equally entitled to share in their use.

Sadly, however, we cannot turn a blind eye to the fact that these roads have for several times been the cause, and equally so, the very scene, of hostilities that more often than not have turned violent. The situation is internationally known in popular parlance as "road rage".

On 26 November 2009, Top Gear Magazine, right after the Jason Ivler road rage incident in 2009, listed the "5 Most Alarming Road-Rage Cases in the Philippines". The article is hereby quoted in full as follows:

The road rage episode at the corner of Ortigas Avenue and Santolan Road that resulted in the death of a Malacañang official's son is just one of the many alarming incidents involving hot-headed drivers. Let us refresh your memory about the five traffic altercations that ended up with the senseless loss of lives.

- 1. Raul Bautista and Sowaib Salie.** On June 21, a traffic altercation in Imus, Cavite turned into a deadly family feud as it left six people dead. According to an ABS-CBN report, the trouble started at a traffic jam on the Nueno highway in Imus as Sowaib Salie repeatedly honked his vehicle's horns at the car in front--driven by Raul Bautista. A confrontation erupted when both motorists arrived at the public market. Bautista then left the scene only to come back later with reinforcement in tow. A brief firefight erupted leaving six people dead, including Bautista, his two sons and the family driver, and Salie and his fellow trader Mahmud Sultan.


2. **Eldon Maguan and Rolito Go.** This incident put road rage on the front page of every newspaper in the country. On July 2, 1991, 25-year-old Eldon Maguan, a De La Salle University engineering student, was driving his car down a one-way street in San Juan and nearly collided with Rolito Go's vehicle, which was traveling the wrong way. The businessman got off his car and shot Maguan, who died a few days later. Go was convicted of murder "in absentia" in 1993 by the Pasig Regional Trial Court as he was in hiding after he escaped from the Rizal Provincial Jail a few days before the sentencing. Go was finally caught in 1996 in Pampanga and then served his life imprisonment sentence at the New Bilibid Prison in Muntinlupa. Go was transferred from the prison's maximum security facility to the minimum security area early this year, allowing him to walk around the facility without security escorts.
3. **Feliber Andres and Inocencio Gonzales.** The Andres family's 1998 All Saints' Day eve pilgrimage to the Loyola Memorial Park in Marikina took a ghastly turn when their vehicle nearly collided with the one driven by Inocencio Gonzalez. Noel Andres tailed Gonzalez' vehicle first before he cut his path which resulted in a confrontation between the two motorists. In the heat of the argument, Gonzalez pulled out a gun and shot at the Andres' vehicle, hitting Andres' pregnant wife, Feliber, their two-year old son, and their nephew. Feliber did not survive the attack but the doctors were able to save her baby. The son and the nephew were discharged from the hospital a few days later. Gonzalez was found guilty of murder and two counts of frustrated murder in 1999. The Supreme Court then modified the trial court's decision in 2001, finding him guilty of homicide.
4. **Jay Llamas.** Jay Llamas was traversing the busy northbound lane of Taft Avenue on January 10, 2003 when his Toyota Corolla was bumped by a motorcycle as they neared the Buendia intersection. Llamas and the unnamed motorcycle driver got into a heated argument which ended when the suspect drew a gun and shot Llamas at close range three times--twice in the head and once in the body. The suspect then hailed a parked tricycle and fled the scene. The case remains unsolved to this date.
5. **Edgardo Canizares and Manuel Hernandez Jr.** On October 2, 2007, Edgardo Canizares was traveling with a passenger along Gen. Roxas Street near the corner of Shaw Boulevard when his Nissan Cefiro almost hit the car of Manuel Hernandez Jr., a Pasig City Hall legal officer and nephew of a Sandiganbayan Justice. Hernandez was reportedly driving against the flow of traffic, prompting an angry Canizares to get out of his car and insult Hernandez. Hernandez pulled out a gun and shot Canizares four times and his passenger, twice. Homicide charges were filed against Hernandez but he was freed after posting an P80,000 bail.

This bill hopes to once and for all stamp road rage as an unnecessary and reprehensible evil, and define such as a circumstance that could aggravate, or even qualify, an offense occasioned by it. Senseless violence need not erupt from the road. Road users always begin their respective journeys incognito and as strangers. It is unfortunate if these strangers on the road end up hurting, or even killing, each other over a dispute that arise out of spontaneity on a communal road.

More especially so in our roads in the Philippines. We all know that our roads and traffic conditions here leave so much to be desired and are already a cause of great stress to the users. This stress caused behind the steering wheel should not be allowed to be channeled to the point of infliction of unnecessary injuries upon another.

Hence, we need higher penalties and sanctions and stricter laws and rules on this matter. Driving and anger management education should also be deemed essential in curbing this evil that occurs on the highway.

In view of thereof, the passage of this bill is earnestly requested.



FERDINAND R. MARCOS, JR

SIXTEENTH CONGRESS OF THE)
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SENATE
SENATE BILL NO. 416

RECEIVED BY: *jin*

Introduced by Senator FERDINAND R. MARCOS, JR.

**AN ACT DEFINING ROAD RAGE, PRESCRIBING PENALTIES THEREFOR, AND
FOR OTHER PURPOSES**

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

SECTION 1. Title. – This Act shall be known as "**The Road Rage Law.**"

SECTION 2. Declaration of Policy. – It is the policy of the State to curb the occurrences of senseless violence on Philippine roads that are primarily caused by incidents and conditions on the road, and to instill discipline, control and restraint in the road users, whether drivers and passengers of vehicles, or mere pedestrians and onlookers.

SECTION 3. Definitions. – For purposes of this Act, the following are hereby defined:

- 1) Road rage - An assault or attack on the person or property of the driver or passenger of another vehicle, or upon the person or property of a pedestrian or onlooker, by reason of or on the occasion of an incident that occurred on the road.
- 2) Road - An open way intended for the passage of vehicles. It includes public and private roads, highways, bridges, shoulders, parking lots and facilities, railways, pedestrian lanes, and other areas passable to vehicular traffic.
- 3) Vehicle - A device or structure used for the transportation of persons or things. It includes both motorized and non-motorized vehicles, and also carts, carriages, implements, trailers, and other appurtenances.

SECTION 4. Road Rage Offenses; Special Aggravating Circumstance. – Road rage shall be considered as a special aggravating circumstance when, on the occasion of road rage, the following offenses shall have been committed:

- 1) Damage to property or malicious mischief;
- 2) Physical injuries;
- 3) Threats;
- 4) Defamation.

SECTION 5. Special Qualifying Circumstances. – If on the occasion of road rage, physical injuries, damage to property or malicious mischief, or threats is committed with the use of a deadly weapon, the crime committed shall be punished with the penalty next higher in degree. The penalty next higher in degree shall also be imposed if the crime is committed by two or more persons.

If on the occasion of road rage the offender shall have caused death to the victim, the penalty therefor shall be reclusion perpetua.

SECTION 6. Liability for Other Offenses. – Liability of the offender or offenders under this Act shall be without prejudice to liability under other provisions of law.

SECTION 7. Prima Facie Evidence. – Any of the following shall constitute prima facie evidence of road rage:

- 1) If the offense committed is immediately preceded by an incident or mishap that happened on the road, whether or not such offense is actually committed on the road;
- 2) If the offense committed is immediately preceded by a chase that is initiated by an incident or mishap that happened on the road, whether or not such offense is actually committed on the road;
- 3) If the offense committed is immediately preceded by argument or shouting match between the parties involved in an incident or mishap that happened on the road, whether or not such offense is actually committed on the road.

SECTION 8. Mandatory Education for Offenders. – The Land Transportation Office is hereby mandated to conduct seminar on proper, safe and careful driving and anger management to road rage offenders.

The Land Transportation Office is also mandated to conduct trainings and seminars on the same topics to the public on a voluntary basis.

SECTION 9. Cancellation of License and Lifetime Ban. – Road rage offenders shall be subject to administrative proceedings by the Land Transportation Office for the cancellation of their driver's licenses and lifetime prohibition and disqualification from future issuance of driver's licenses.

SECTION 10. Informer's Reward. – Any person who voluntarily gives information leading to the arrest, prosecution and for the conviction of the persons charged with road rage offenses shall be given reward money in an amount fixed by the Land Transportation Office (LTO). The LTO is authorized to include in its annual budget the amount necessary to carry out the purposes of this section. Any information given by informers shall be treated as confidential matter.

SECTION 11. Implementing Rules and Regulations. – Within ninety (90) days from effectivity of this Act, the LTO shall promulgate the rules and regulations in order to effectively implement the provisions of this Act.

SECTION 12. Separability Clause. – The provisions of this Act are hereby declared to be separable and if any clause, sentence, provision or section of this Act or its application thereof to any person or circumstance should, for any reason, be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Act which can be given force and effect.

SECTION 13. Repealing Clause. – All laws, decrees, charters, executive orders, administrative orders, proclamations, rules and regulations, or parts thereof insofar as they are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. Effectivity. – This Act shall take effect fifteen (15) days after completion of publication in the Official Gazette or in a newspaper of general circulation.

Approved,