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SENATE
S. B. NO. 2067

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Sometime in December 2013, a commuter bus fell off a skyway along South Luzon Expressway in Parañaque, Metro Manila and landed on a truck. Seventeen (17) died from the incident, while several others including the driver of the bus sustained serious physical injuries.

Not long before, on November 2013, two passenger buses figured in an accident along EDSA. There were at least six (6) fatalities reported, and almost thirty (30) people injured.

Back in 2009, two accidents involving passenger vessels for inter-island travel occurred just days apart. Dozens of people perished, while several others remain missing.

There are numerous other similar transport related tragedies that could be culled from recent past.

Investigation on these transport mishaps reveal that apart from the negligence of the employee, the owners of the common carrier largely contributed to the incidents because of their failure to comply with transportation laws intended for the safety and security of public transportation.

Unfortunately, although criminal cases have been filed against the employees directly liable for the crime, the owners of the common carriers are practically absolved since their civil liability for criminal negligence is merely subsidiary to that of their employee.

Clearly, there is an urgent need to rationalize our transportation law in order to ensure the safety and security of public transportation. This bill therefore proposes to increase the liability of owners of common carriers transporting passengers, whether by land, sea, or air, by making their civil liability for the criminal negligence of their employees solidary to that of their employees.

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

MARIA LOURDES NANCY S. BINAY
Senator

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1 AN ACT INCREASING THE LIABILITY OF PERSONS, FIRMS, CORPORATIONS,
2 AND OTHER ENTITIES ENGAGED IN THE BUSINESS OF TRANSPORTING
3 PASSENGERS, BY LAND, WATER, OR AIR, BY MAKING THEIR CIVIL
4 LIABILITY SOLIDARY FOR THE ACTS AND OMISSIONS OF THEIR EMPLOYEES
5 IN THE DISCHARGE OF THEIR DUTIES, AMENDING FOR THIS PURPOSE ACT
6 NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE
7

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

10
11 **SECTION 1.** A new Article 103-A is hereby inserted in Act No. 3815, as amended,
12 otherwise known as the Revised Penal Code, to read as follows:

13
14 ART. 103-A. SOLIDARY CIVIL LIABILITY OF COMMON CARRIERS. —
15 THE CIVIL LIABILITY OF PERSONS, FIRMS, CORPORATIONS, OR ANY
16 OTHER ENTITIES ENGAGED IN THE BUSINESS OF CARRYING OR
17 TRANSPORTING PASSENGERS, BY LAND, WATER, OR AIR, FOR
18 COMPENSATION, OFFERING THEIR SERVICES TO THE PUBLIC, FOR
19 THE ACTS OR OMISSIONS OF THEIR EMPLOYEES, AGENTS, OR ANY
20 OTHER PERSONS IN THEIR CHARGE, IN THE DISCHARGE OF THEIR
21 DUTIES, SHALL BE SOLIDARY.
22

23 **SECTION 2.** *Repealing Clause.* All laws, decrees, orders, rules and regulations, other
24 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
25 modified accordingly.
26

27 **SECTION 3.** *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete
28 publication in at least two (2) national newspapers of general circulation.
29

30 Approved,