

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE
P.S. Resolution No. **573**

RECEIVED BY: *fi*

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

**A RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INVESTIGATION,
IN AID OF LEGISLATION, ON THE FAILURE OF THE BUS COMPANIES TO PROVIDE
FINANCIAL ASSISTANCE TO THE VICTIMS OF ROAD ACCIDENTS CAUSED BY THE
NEGLIGENCE OF THE BUS DRIVERS/OPERATORS WITH THE END VIEW OF REVIEWING THE
PROVISIONS OF THE CIVIL CODE OF THE PHILIPPINES, TRANSPORTATION LAW AND
OTHER PERTINENT LAWS**

Whereas, under Article 1733 of the Civil Code of the Philippines, it provides that common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all the circumstances of each case;

Whereas, though a common carrier is not an absolute insurer of all risks of travel, the bus companies should be able to render their services with the greatest skill and utmost foresight since they are duty bound to safely transport their passengers to their destinations. In the event they cause injury to their passengers or worse, cause their untimely death, common carriers are presumed to have been at fault or to have acted negligently, unless they prove that they observed extraordinary diligence. Further, the families of the victims are entitled to damages in accordance with Article 2206 of the Civil Code on the death of a passenger caused by the breach of contract by a common carrier;

Whereas, based on news reports, the families of the victims of the Florida bus accident last 07 February 2014 in Bontoc, Mountain Province, were contemplating on filing a class lawsuit against the owners of the bus company. It was further reported that the Land Transportation Franchising and Regulatory Board (LTFRB), together with the Insurance Commission, were able to convince the owners of G.V. Florida Transport to shell out money for the fatalities. LTFRB chairman Winston Ginez said each family of the 15 fatalities will receive P150,000 in insurance benefits—P100,000 from G.V. Florida Transport, Inc. and P50,000 from an insurance consortium;

Whereas, in a separate report conducted by the LTFRB on the most dangerous and accident-prone bus companies, it shows that Don Mariano has been involved in several road accidents in recent years. In 2011, it was involved in three accidents resulting in two injuries and damage to properties. Last July 2012, a Don Mariano bus almost fell off the EDSA flyover in Ortigas, which damaged part of the rails and hurt eight passengers. Admiral Transport was involved in two accidents in 2010, one resulted in a death and the other caused physical injuries. Several bus companies were also included in the report;

Whereas, the erring bus companies continue to renege their obligation to provide financial assistance to the victims of the road mishaps caused by the negligence of the bus owners/drivers. While some of the bus companies offer assistance to the victims, the amounts given fall short of what has been lost, that is the precious lives of the victims. While they might experience heavy financial burden on the payment of these obligations, the rule of law must still prevail. The safety of their passengers is the paramount consideration. Failure to adhere to that higher duty of care constitutes negligence and thus, they should be held liable for the death of its passengers, and the injuries caused by such road accidents;

Whereas, existing Philippine laws impose duties and liabilities upon the common carriers for the safety of its passengers. The government should be alarmed at the increasing number of bus accidents in the country and the failure of these operators to provide the adequate financial assistance to the victims. Despite the provisions of the Civil Code and other pertinent laws, the bus operators/owners still manifest their unwillingness to attend to the financial needs of the victims despite repeated demands;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved to direct the appropriate Senate Committees to conduct an investigation, on the failure of the bus companies to provide financial assistance to the victims of road accidents caused by the negligence of the bus drivers/operators, with the end view of reviewing the provisions of the Civil Code of the Philippines, Transportation Law and other pertinent laws.

Adopted,

A handwritten signature in black ink, appearing to read "Bam Aquino". The signature is written in a cursive, flowing style with a prominent initial "B".