

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

RECEIVED BY: 

S. No. 784


INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

The Penal Code, Article 365 on imprudence and negligence, is the law which governs vehicular accident resulting in damage to persons and to property, or both.

Due to frequency of vehicular incidents, judges all over the country have voiced the need to increase the present penalties for those acts which are outright malicious, intentional, grossly irresponsible or unlawful resulting in damage to property and physical injuries or death, or both.

This bill increases the penalty from Arresto Mayor in its maximum period to Prision Correccional in its maximum period as the minimum penalty and death as the maximum penalty. It also changes the presumption of negligence to one of malice or intent. Since this bill provides that the provisional remedy of attachment shall only be resorted to when both the offender and the person responsible for such offender are insolvent, the imposition of higher civil penalties therefore, is favored over the provincial remedy of attachment since victims are usually in need of immediate cash for hospitalization and medical expenses and it takes a long time for a victim to recover under the remedy of attachment.


MANUEL B. VILLAR, JR.

The provisional remedy of attachment of vehicle shall only be imposed when the offender and/or the person who has supervision or control over the offender are insolvent.

Section 5. Separability Clause - If any provision or part of this Act is held invalid or unconstitutional, the remainder of the law or the provision not otherwise shall remain valid and subsisting.

Section 6. Repealing Clause - Any law, presidential decree or issuance, executive order, Letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provision of this Act is hereby repealed, modified, or amended accordingly.

Section 7. Effectivity Clause - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,