THIRTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

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THE SECRETARY

SENATE

OFFICE OF

SENATE

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.

THIRTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES *First Regular Session*

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

AN ACT IMPOSING HIGHER PENALTIES FOR VEHICULAR ACCIDENTS

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

Section 1. Short Title - This Act shall be known as the "Vehicular Accidents Act."

Section 2. Declaration of State Policy- The laws on transportation were enacted to promote public safety and to punish violators Towards this end, when the laws are no longer adequate to protect the public, the State shall ensure through the imposition of stiffer penalties that vehicular drivers who are guilty of intentionally causing damage to persons and property or are guilty of grossly irresponsible and unlawful behavior are punished accordingly.

Section 3. Vehicular Incident Penalties- Any person who shall commit any act resulting in physical injuries or death and /or damage to property on account o a vehicular incident, shall suffer the penalty of Prision Mayor in its maximum period of death.

Unless proven otherwise, it shall be presumed that any act which causes damage to persons and/or property under this section as done maliciously and with intent.

Prision Mayor in its maximum shall be imposed upon the offender who fails to lend on the spot to the injured parties such help as may be in his hand to give.

Section 4. Civil Indemnities – When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from a amount equal to the value of said damages to three times such value, but which in no case shall be less than ten thousand pesos (P10,000.00)

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 - I 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 his 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.

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Approved,