

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



Senate  
Office of the Secretary

'15 JUN -1 P2 :49

SENATE  
S. No. 2791

RECEIVED BY: Y.

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING ACT NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE,  
BY PENALIZING ROBBERY OF PUBLIC TRANSPORTATION VEHICLE  
AND RELATED THINGS

EXPLANATORY NOTE

The Constitution, Article 2, Section 5, provides:

SEC. 5. The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

The safety of our riding public is the ultimate consideration in crafting transportation policies. As such, our laws are geared towards making our common carriers, or public transport providers liable for any harm that might befall the passengers. They are required exercise not only ordinary diligence, but extraordinary diligence. The extraordinary diligence required of common carriers demands that they take care of the goods or lives entrusted to their hands as if they were their own.<sup>1</sup>

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<sup>1</sup> Spouses Cruz v. Sun Holidays, 622 SCRA 389 (2010).

The Civil Code, Article 1755 provides:

Art. 1755. A common carrier is bound to carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances.

However, while the law requires the highest degree of diligence from common carriers in the safe transport of their passengers and creates a presumption of negligence against them, it does not however, make the carrier and insurer of the absolute safety of its passengers.<sup>2</sup>

It is clear that neither the law nor the nature of the business of a transportation company makes it an insurer of the passenger's safety, but that its liability for personal injuries sustained by its passenger rests upon its negligence, its failure to exercise the degree of diligence that the law requires.<sup>3</sup>

The law does not protect the passengers from acts of other people that increase the risk of harm not only to the passengers but to the transport providers as well.

Just recently, the Philippine National Railway had to suspend its operations after one of their trains was derailed in Makati City. PNP spokesperson Paul de Quiros said missing rail joints, angle bars, and rail clips, which were likely pilfered, had caused the derailment.<sup>4</sup>

While the robbers see these items as mere scraps of metal, which they can sell for quick money, they are essential to the safety and proper functioning of our

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<sup>2</sup> Pilapil v. CA, 180 SCRA 546 (1989).

<sup>3</sup> *Id.*

<sup>4</sup> Francisco, Katerina. "PNR Suspends Train Service Indefinitely." URL <<http://www.rappler.com/nation/92237-pnr-operations-suspended-indefinitely>> Rappler. 5 May 2015.

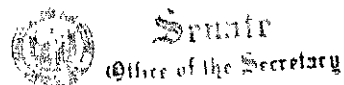
public transport system. As such, stealing them not only results in loss of property but more importantly, may cause the loss of lives.

Thus, a special policy consideration must be made against persons who steal from public transport systems and deter the possible offenders from endangering the lives of the public transport passengers.

This bill seeks to create a separate act of robbery under the Penal Code with higher penalty for the robbery of all or part of a public transportation vehicles, spare parts, or safety devices, or of public transportation fixtures or equipment, including railroad tracks.


  
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4 AND RELATED THINGS

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

5 SECTION 1. *Short Title.* – This Act shall be known as “Public Transport  
6 Preservation Act.”

7 SECTION 2. Article 302-A of Act No. 3815, otherwise known as the Penal  
8 Code, is hereby inserted after Article 302, which shall read as follows:

9 ART. 302-A. *Robbery of Public Transportation Vehicle and*  
10 *Related Things.* – In cases enumerated in Articles 299 and 302, when  
11 the robbery consists in the taking of all or part of a public  
12 transportation vehicles, spare parts, or safety devices, or of public  
13 transportation fixtures or equipment, including railroad tracks, the  
14 offender shall suffer the penalty next higher in degree than that  
15 prescribed in the said articles.

1           SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules, and  
2 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby  
3 repealed, amended, or modified accordingly.

4           SECTION 4. *Effectivity Clause.* – This Act shall take effect after fifteen (15)  
5 days following its publication in at least two (2) newspapers of general circulation.

Approved,

/apm05062015