

SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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SENATE

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P. S. R. No. 1671

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Introduced by Senator Aquilino "Koko" Pimentel III

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**RESOLUTION**  
**DIRECTING THE SENATE COMMITTEE ON**  
**TRADE, COMMERCE, AND ENTREPRENEURSHIP**  
**TO CONDUCT AN INQUIRY, IN AID OF**  
**LEGISLATION, ON THE REPORTS OF SUDDEN**  
**UNINTENDED ACCELERATION (SUA) INCIDENTS**  
**INVOLVING MITSUBISHI MONTERO SPORTS**  
**UTILITY VEHICLES TO THE PREJUDICE OF**  
**PUBLIC SAFETY, WITH THE END IN VIEW OF**  
**PROTECTING AND SAFEGUARDING CONSUMER**  
**RIGHTS AND THE WELFARE OF MOTORISTS**

WHEREAS, *Article XVI, Section 9 of the 1987 Constitution provides that "[T]he State shall protect consumers from trade malpractices and from substandard or hazardous products";*

WHEREAS, *Article 2 of Republic Act No. 7394 or the Consumer Act of the Philippines provides that "[I]t is the policy of the State to protect the interests of the consumer, promote his general welfare, and to establish standards of conduct for business and industry";*

WHEREAS, *Section 2 of Republic Act No. 10642 or the Philippine Lemon Law provides that "[I]t is hereby declared the policy of the State to promote full protection to the rights of consumers in the sale of motor vehicles against business and trade practices which are deceptive, unfair, or otherwise inimical to consumers and the public interest";*

WHEREAS, since 2011, numerous reports have circulated the internet and social media concerning complaints of motorists that their Mitsubishi Montero Sport Utility Vehicles (Montero SUVs) had abruptly and uncontrollably sped up upon shifting from Park to Drive,

even as the drivers firmly had their foot on the brake pedal. This defect is known as Sudden Unintended Acceleration (SUA);<sup>1</sup>

**WHEREAS**, sometime in 2010, Atty. Rebecca Arambulo-Barbo, the wife of former Eastern Samar Governor and Senate Secretary Lutgardo B. Barbo, was backing up at their driveway when her Montero SUV suddenly accelerated forward while on reverse gear, bumping their family's other car;

**WHEREAS**, Atty. Casiano P. Flores, Jr., another member of the undersigned's office, was hospitalized for 12 days (including 2 days at the Intensive Care Unit) after sustaining a head injury and a minor fracture on his right leg when on October 24, 2015, while backing up from a food establishment, his Montero SUV quickly accelerated and crashed into a wall despite his stepping on the brakes;

**WHEREAS**, on November 10, 2015, retired Department of Public Works and Highways (DPWH) Engr. Bernardino Bernardo sustained minor burns, while his wife Avelina had a fractured right arm when their Montero SUV abruptly sped up even before Engr. Bernardo had his foot on the accelerator. The SUV mowed down two (2) motorcycles and tricycles which were parked in front of it, including an empty passenger utility vehicle when Engr. Bernardo managed to swerve the SUV towards a vacant lot to avoid injuring more people. Engr. Bernardo posted this incident on his *Facebook* page<sup>2</sup>, which immediately became viral, triggering several other complaints from motorists with similar experiences;

**WHEREAS**, on November 23, 2015, ABS-CBN aired a primetime news report featuring several complaints, including one from Atty. Charlie Tomaru, who had the same experience when his Montero SUV suddenly accelerated while he was driving through Quezon Avenue with his seven (7) children on July 25, 2015, and another similar experience from Jenny Pantoja, whose Montero SUV abruptly accelerated while she was driving through Subic Airport, the SUV flipping over three times across a steep highway roadside before it was prevented from falling off a ledge by an electric post;

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<sup>1</sup> Inquirer.net. Retrieved from: <http://business.inquirer.net/42375/unintended-sudden-acceleration-theories>, on November 3, 2015.

<sup>2</sup> Retrieved from: <https://www.facebook.com/bernardino.bernardo.96/posts/1667813766820206?pnref=story>, on November 24, 2015.

**WHEREAS**, since 2011, the Philippine National Police Highway Patrol Group (PNP-HPG) has recorded at least twenty three (23) SUA incidents involving Montero SUVs from motorists in Metro Manila, Cavite, Antipolo City, Batangas, Tacloban City, and Iloilo City;<sup>3</sup>

**WHEREAS**, a latest official statement from Mitsubishi Motors Philippines<sup>4</sup> indicate that the Montero Sports is neither defective nor unsafe to use, and that the series of tests conducted from 2011 on Montero SUVs allegedly experiencing the said problem yielded not a single manifestation of SUA. Despite this, however, several complaints from motorists on the issue of SUA still continue to surface social media and internet blog sites;<sup>5</sup>

**WHEREAS**, however, in the official report of the House Committee on Trade and Industry on the inquiry conducted pursuant to House Resolution No. 1964 filed by Cong. Rodolfo Farinas on March 9, 2015 concerning SUA incidents, Mr. Angeles Trinidad, Mitsubishi Motors Philippines Corporation (MMPC) Customer Service Operations Group (CSOG) First Vice President and MMPC CSOG Service Department Assistant Vice President David Doctor verified that there were ninety seven (97) reported cases of SUAs of Mitsubishi Montero SUVs;

**WHEREAS**, with the thousands of passenger cars travelling commuter roads daily, Congress has a responsibility to determine if there is a need to enhance, modify, or amend existing legislation to guarantee that automotive units assembled and manufactured by the local automotive industry, as well as the quality of spare parts imported by our country, are at par with regional and global safety and performance standards;

**WHEREAS**, at pace with the steady year-on-year growth of the country's automotive industry<sup>6</sup>, Congress should also assess and evaluate existing legislation on consumer protection to ensure that

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<sup>3</sup> The Journal Online. Retrieved from: <http://www.journal.com.ph/editorial/opinion/deadly-montero-defects-alarm-congress-pnp>, on November 2, 2015.

<sup>4</sup> Mitsubishi Motors Philippines Corporation Website. Retrieved from: <http://www.mmpc.ph/latestnews/statement-of-mitsubishi-motors-philippines-on-claims-of-sudden-unintended-acceleration.html>, on November 24, 2015.

<sup>5</sup> Wordpress.ph. Retrieved from: <https://thewanderingarcher.wordpress.com/2014/01/09/montero-sport-unintended-acceleration-incidents/>, on November 4, 2015.

<sup>6</sup> Chamber of Automotive Manufacturers of the Philippines (CAMPI). Retrieved from: <http://www.campiauto.org/automotive-sales-growth-momentum-continues-at-18-5/>, on November 4, 2015.

consumers will have avenues to seek efficient redress from government agencies mandated by existing laws to protect consumer rights, as well as put in place mechanisms for the efficient identification of issues concerning motor vehicles;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SENATE OF THE PHILIPPINES, THAT THE SENATE COMMITTEE ON TRADE, COMMERCE, AND ENTREPRENEURSHIP BE DIRECTED TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTS OF SUDDEN UNINTENDED ACCELERATION (SUA) INCIDENTS INVOLVING MITSUBISHI MONTERO SPORTS UTILITY VEHICLES TO THE PREJUDICE OF PUBLIC SAFETY, WITH THE END IN VIEW OF PROTECTING AND SAFEGUARDING CONSUMER RIGHTS AND THE WELFARE OF MOTORISTS.**

*Adopted,*

  
**AQUILINO "KOKO" PIMENTEL III**