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SENATE
P.S. Resolution No. 1675

RECEIVED BY: *J.*

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

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE ALLEGED SUDDEN UNINTENDED
ACCELERATION OF MITSUBISHI MONTERO SPORT VEHICLES IN ORDER TO
PROTECT THE CONSUMERS AGAINST POSSIBLE HAZARDS
TO THEIR HEALTH AND SAFETY

Whereas, it is a declared policy of the State to protect the interests of the consumer, promote the consumer's general welfare and to establish standards of conduct for business and industry. Republic Act No. 7394, otherwise known as "The Consumer Act of the Philippines," empowered concerned departments to "order the recall, prohibition or seizure from public sale or distribution of consumer products found to be injurious, unsafe or dangerous;"

Whereas, the State shall implement measures to provide protection against hazards to health and safety. Under R.A. No. 7394, the Department of Trade and Industry (DTI) and other concerned departments are mandated "to investigate the causes of and maintain a record of product-related deaths, illnesses and injuries for use in researches or studies on the prevention of such product-related deaths, illnesses and injuries." It further mandates concerned departments to conduct investigations in response to consumer complaints in order to provide for the consumer an avenue to seek redress for his/her grievances;

Whereas, a number of consumer complaints have been raised since 2010 regarding accidents allegedly involving a sudden unintended acceleration (SUA) of Mitsubishi Montero Sport vehicles. While only three (3) cases have been known to be officially filed with DTI, a blog site, *monteroaccidents.blogspot.com*, documented thirty (30) SUA-related complaints from Montero Sport vehicle owners/drivers as of 2011. In a congressional hearing last May 2015, the Mitsubishi Motors Philippines Corporation (MMPC) attested that it had already received ninety seven (97) SUA-related complaints regarding the said vehicle;

Whereas, based on the 1998 National Highway Traffic Safety Administration (NHTSA) international study, SUA is defined as an unintended, unexpected, high-power acceleration from a stationary position or a very low initial speed accompanied by an apparent loss of braking effectiveness.¹ A more recent NHTSA/NASA report in 2011 defines "unintended acceleration" as "the occurrence of any degree of acceleration that the driver did not purposely cause to occur." It is intended to be a broader term that encompasses "sudden acceleration incidents" as well as incidents where brakes are partially or fully effective, including occurrences such as pedal entrapment by floor mats at full throttle and high speeds and incidents of lesser throttle openings at various speeds. Despite this more general definition, NHTSA claims in their latest report that "No mechanism has been identified that could cause the throttle to open because of brake application and any

¹ An Electronic Cause for Sudden Unintended Acceleration by Ronald A. Belt, Plymouth MN 5547, 11 April 2012

engine power increases that may occur during a brake application should be easily controllable by the driver;"²

Whereas, photos, videos and stories circulating on social media and featured in television news reports regarding recent accidents, and damages, physical injuries and even deaths resulting from these, have renewed and elevated public concern regarding the safety and condition of Montero Sport vehicles;

Whereas, in 2011, MMPC declared that it had conducted extensive tests on the Montero Sport vehicle and found no problems with the said vehicle. Given recent developments on the issue, it reiterated this month its earlier position that the Montero Sport vehicle is neither defective nor unsafe to use. It further noted that no electronic or mechanical defect in the said vehicle was found as a result of extensive testing and investigation undertaken by the corporation. Moreover, it stated that except for five (5) isolated cases, there have been no incidents of SUA in other countries;

Whereas, the DTI issued Memorandum Order No. 15-2580 on 25 November 2015 creating a three-person panel composed of Dir. Anselmo B. Adriano (Consumer Protection and Advocacy Bureau), Dir. Claire C. Cabochan (Bureau of Philippine Standards), and Dir. Danilo B. Enriquez (Fair Trade Enforcement Bureau) to investigate and release a report in two (2) weeks on the alleged cases of sudden and unintended acceleration involving Mitsubishi Montero Sport vehicles;

Whereas, there is a need to have independent electrical engineering consultants to give their expert opinion on sudden acceleration and/or surge incidents of Mitsubishi Montero Sport vehicles. The Product Design Center of the Department of Science and Technology (DOST) can also provide technical assistance to investigate and provide their conclusions to clarify the reasons for the SUA of Mitsubishi Montero Sport vehicles. In the conduct of these investigations by the DTI and other concerned government agencies, the best interest of the consumer should be given utmost priority to avoid further damage to property and more importantly, to spare further injury and loss of lives due to these reported accidents;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved to direct the appropriate Senate committees to conduct an inquiry, in aid of legislation, on the alleged sudden unintended acceleration of Mitsubishi Montero Sport vehicles in order to protect the consumers against possible hazards to their health and safety.

Adopted,



² NHTSA report, "Technical Assessment of Toyota Electronic Throttle Control (ETC) Systems", February 2011, footnote 48, p23, http://www.nhtsa.gov/staticfiles/nvs/pdf/NHTSA-UA_report.pdf.