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SENATE

S.B. No. 3094

RECEIVED BY: 

Introduced by Senator JOSEPH VICTOR G. EJERCITO

**AN ACT
DEFINING THE CRIME OF ROBBERY OF TRAIN IMPLEMENTS,
CLASSIFYING THE ACT AS HEINOUS CRIME AND IMPOSING
PENALTY THEREOF**

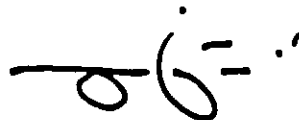
EXPLANATORY NOTE

On April 29, 2015, three coaches of Philippine National Railways (PNR) Train 1507 traversing the track from Manila to Alabang were derailed. According to news reports, 80 out of 500 passengers sustained minor injuries, some suffered bruises, and others suffered trauma.¹

As a result, PNR requested the assistance of TÜV Rheinland (TÜV) of Germany, a global provider of technical, safety, and certification services, to examine and finally determine the cause of the derailment. Based on investigation and numerous inspections of the derailment site, track structure, and coach cars, the most probable cause of the derailment was the missing or stolen track components, i.e. angle bars, and other rail fastenings.²

In view of the serious danger and risk to the lives of the riding public, this representation is compelled to file a bill defining the crime of robbery involving railway implements and imposing penalty for its violation.

In view of the foregoing, passage of this bill is earnestly sought.



JOSEPH VICTOR EJERCITO

¹ <http://newsinfo.inquirer.net/688461/80-injured-as-pnr-train-derails-in-taguig-city#ixzz3ebVyKzp2>

² PNR



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

1 **SECTION 1. Short Title.** This Act shall be known as "**Train Protection**
2 **Act**".

3
4 **SEC. 2. Declaration of Policy.** It is hereby declared the policy of the State
5 to serve and protect the people and to promote the general welfare, by
6 providing safe, efficient and affordable mode of public transportation.

7
8 **SEC. 3. How Committed.** Robbery of Train Implements – Robbery of Train
9 Implements maybe committed by any person who, with intent to gain,
10 shall unlawfully take train parts, fixtures, railway tracks or any facilities
11 providing safety and security or any other similar objects thereof.

12
13 **SEC. 4. Who May Be Liable.**

14
15 Persons liable as Principal

16
17 (a) Any person who take a direct participation in the commission of the
18 crime of robbery of train implements.

19 (b) Those who directly force or induce others to commit the crime of
20 robbery of train implements;

21 (c) Those who knowingly and intentionally cooperate in the
22 commission of the crime of robbery of train implements and without
23 which the crime would not have been committed. Such person need
24 not be a party at the planning stage.

25 (d) Any person who conspire, by prior agreement for the commission of
26 the crime of robbery of train implements.

27
28 Participants shall have a community of purpose with the principals
29 and they act collectively and individually, which demonstrate the
30 existence of a common design towards the accomplishment of the
31 same purpose.

35 Persons liable as Accomplice

36

37 (a) Any person, who, not being a principal, cooperates in the execution
38 of the offense by previous or simultaneous acts.

39

40 He/She should intentionally take part in the commission of the
41 crime but his/her participation is not essential to its perpetration
42 that even without it the crime could have been accomplished.

43

44 There shall be unanimity of criminal design but came to know
45 about it after the conspirators have reached the decision and only
46 then do they agree to cooperate in its execution.

47

48 (b) Those who, not fully complying with the elements of being a
49 principal, conspire with the commission of the crime of robbery of
50 train implements.

51

52 Persons liable as Accessory

53

54 Accessory is any person who conceals or destroys the effects or
55 instruments of the crime of robbery of train implements in order to
56 prevent discovery.

57

58 The following are presumed to be Co-conspirators:

59

60 (a) Any person who profits or assists the offender to profit by the
61 effects of the crime; and

62

(b) Any person found to be in possession of the effects of the crime.

63

64 **SEC. 5. Penalty.** Any person who shall be found guilty of the crime of
65 robbery of train implements shall suffer the following penalties:

66

67 (a) *For Principal – Life Imprisonment to Death*, if the commission has
68 endangered the life of any person, regardless of the amount of
69 property taken; and

70

(b) *For Accomplice* – a penalty, one degree lower to that of the principal.

71

(c) *For Accessory* – a penalty, two degree lower to that of the principal.

72

73 **SEC. 6. Separability Clause.** If, for any reason or reasons, any part of the
74 provision of this Act shall be held to be unconstitutional or invalid, other
75 parts or provisions hereof which are not affected thereby shall continue
76 to be in full force and effect.

77 **SEC. 7. Repealing Clause.** All laws, decrees, orders, rules, and
78 regulations, or parts thereof, inconsistent with the provisions of this Act
79 are hereby repealed, amended, or modified accordingly.

80

81 **SEC. 8. Effectivity Clause.** This Act shall take effect after fifteen (15) days
82 following its publication in at least two (2) newspapers of general
83 circulation.

84

85 Approved,