


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

'04 AUG 10 P4:43

SENATE  
S.B. No. 1709

RECEIVED BY: 

---

Introduced by Senator Miriam Defensor Santiago

---

EXPLANATORY NOTE

Act No. 3815 (The Penal Code), Art. 248, does not include in defining and penalizing the crime of murder committed under extraordinary circumstances.

Hence, this bill seeks to amend Act No. 3815 (The Penal Code) by incorporating a new subscription, Article 248-A, which defines and penalizes the crime of murder committed under extraordinary circumstances.

This bill is a product of the public hearing conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the 10<sup>th</sup> Congress.

  
MIRIAM DEFENSOR SANTIAGO

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

'04 AUG 10 P4:43

SENATE  
S.B. No. 1709

RECEIVED BY: \_\_\_\_\_

---

Introduced by Senator Miriam Defensor Santiago

---

AN ACT  
DEFINING AND PENALIZING THE CRIME OF MURDER COMMITTED UNDER  
EXTRAORDINARY CIRCUMSTANCES AMENDING ARTICLE 248 OF THE PENAL  
CODE

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

SECTION 1. Article 248 of the Penal Code is hereby amended to read as follows:

“Art. 248-A. *Crime Under Extraordinary Circumstances.* - The provision of Article 365 of the Penal Code notwithstanding, any person who, while operating a motor vehicle in any private or public road, street, alley, bridge or highway, runs over a pedestrian through negligence or accident, regardless of whether or not the pedestrian sustain serious injuries, and who, upon subsequent simultaneous discovery thereof, deliberately runs over the same pedestrian for the second time, or employs other means, method or forms for the purpose of killing or causing the death of the same pedestrian, shall be liable for the crime of murder committed under extraordinary circumstances and shall suffer penalty of:

(1) RECLUSION PERPETUA, if the pedestrian died by reason, or on occasion of, the driver's felonious acts.

(2) *Prision Mayor* in its maximum period to Reclusion Temporal in its MAXIMUM period if the pedestrian merely suffered physical injuries, despite being ran over for the second time; AND

DEFINED IN THIS ACT AND PENALTY OF ONE DEGREE LOWER THAN TOSE PROVIDE UNDER THE SAME SUBSECTION, SHALL BE IMPOSED, IF IT CAN BE SHOWN THAT SAID OWNERS/OPERATORS DID NOT EXERCISE EXTRAORDINARY DILIGENCE IN THE SELECTION AND SUPERVISION OF THEIR EMPLOYEES; PROVIDED THAT, IF THE MOTOR VEHICLE USED IN COMMITTING THE ABOVEMENTIONED CRIME IS REGESTERD TO A CORPORATION, PARTNERSHIP OR ASSOCIATION, THE PENALTY ATTACHED SHALL BE IMPOSED UPON ITS PROPRE OFFICERS AND EMPLOYEES, IF IT CAN LIKEWISE BE SHOWN THAT OFFICERS AND EMPOLYEEES DID NOT EXERCISE EXTRAORDINARY DILIGENCE IN THE SELECTION AND SUPERVISION OF THEIR EMPLOYEES; PROVIDED FURTHER, THAT THE TERM "PROPER OFFICERS AND EMPLOYEES" USED HERBIN SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE PRESIDENT, VICE-PRESIDENT, CORPORATE SECRETARY, TREASURER, MANAGER, ADMINISTRATIVE OFFICERS AND DIRECTORS OF THE CORPORATION, PARTNERSHIP OR ASSOCIATION CONCERNED."

SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to o inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall effect fifteen (15) days after its publication in at least two newspapers of general circulation

Approved.

/984