

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



Senate
Office of the Secretary

22 AUG -3 P 6 :09

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SENATE
Senate Bill No. 1015

Introduced by Senator Aquilino “Koko” Pimentel III

**AN ACT AMENDING ARTICLE 365 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE,
AS AMENDED**

EXPLANATORY NOTE

Under the Revised Penal Code (RPC), culpable or unintentional felonies are called “quasi-offenses”. Specifically defined in Article 365 of the RPC, imprudence and negligence are wrongs done as a result of an act performed without criminal intent. This conceptual feature sets them apart from the mass of intentional felonies defined in Titles One to Thirteen of Book II of the RPC.

According to the Supreme Court in *Ivler v. San Pedro*¹, Article 365 of the RPC is a substantive rule penalizing not an act defined as a felony but “the mental attitude behind the act, the dangerous recklessness, lack of care or foresight,” a single mental attitude regardless of the resulting consequences.

As such, the evil sought to be prevented in punishing imprudence and negligence is the offender’s mental attitude or condition that could result in criminal consequences. Although not malicious or intentional, quasi-offenses cause damage to properties, physical injuries and even

¹ G.R. No. 172716, November 17, 2010

claim lives. This mental attitude runs contrary to human duty to act with due care and diligence so that no injurious or offensive results may be suffered by others.

The State should take more active role in reforming this mental attitude or condition. One approach is to amend Article 365 of the RPC in order that our laws on imprudence and negligence will have more teeth by increasing the penalty of imprisonment. It must also be noted that the fines imposable under the same Article were already increased in 2016 by virtue of the amendments introduced by Republic Act No. 10951.


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


AQUILINO "KOKO" PIMENTEL III

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

1 **SECTION 1.** Article 365 of Act No. 3815, otherwise known as
2 the Revised Penal Code, as amended by Republic Act No. 1790 and
3 Republic Act No. 10951, is hereby further amended to read as follows:
4

5 “ARTICLE 365. Imprudence and Negligence. – Any person
6 who, by reckless imprudence, shall commit any act which,
7 had it been intentional, would constitute a grave felony,
8 shall suffer the penalty of [arresto mayor in its maximum
9 period to prisión correccional in its medium period]
10 **PRISION CORRECCIONAL IN ITS MAXIMUM**
11 **PERIOD TO PRISION MAYOR IN ITS MEDIUM**
12 **PERIOD**; if it would have constituted a less grave felony,
13 the penalty of [arresto mayor in its minimum and medium
14 periods] **PRISION CORRECCIONAL IN ITS**

1 **MINIMUM AND MEDIUM PERIODS** shall be imposed;
2 X X X.

3
4 Any person who, by simple imprudence or negligence, shall
5 commit an act which would otherwise constitute a grave
6 felony, shall suffer the penalty of [arresto mayor in its
7 medium and maximum periods] **PRISION**
8 **CORRECCIONAL IN ITS MEDIUM AND**
9 **MAXIMUM PERIODS**; if it would have constituted a less
10 [serious] **GRAVE** felony, the penalty of [arresto mayor in
11 its minimum period] **PRISION CORRECCIONAL IN**
12 **ITS MINIMUM PERIOD** shall be imposed.

13
14 X X X.

15
16 The provisions contained in this article shall not be
17 applicable:

18
19 X X X.

20
21 2. When, by imprudence or negligence and with
22 violation of the Automobile Law, the death of a person
23 shall be caused, in which case the defendant shall be
24 punished by [prisión correccional in its medium and
25 maximum periods] **PRISION MAYOR IN ITS**
26 **MEDIUM AND MAXIMUM PERIODS.**

27
28 X X X.”

29
30 **SEC. 2. Separability Clause.** – Should any provision or part of
31 this Act be declared unconstitutional or invalid, the other provisions
32 and parts hereof, insofar as they are separable from the invalid ones,
33 shall remain in full force and effect.

1
2 **SEC. 3. *Repealing Clause.*** – All laws, decrees, orders, issuances,
3 rules and regulations or parts thereof which are inconsistent with this
4 Act are hereby repealed or modified accordingly.

5
6 **SEC. 4. *Effectivity.*** – This Act shall take effect fifteen (15) days
7 after its publication in the *Official Gazette* or in at least two (2)
8 newspapers of general circulation.

Approved,