FOURTEENTH CONGRESS OF THE )
  REPUBLIC OF THE PHILIPPINES )
Second Regular Session              )

## SENATE

## S. No. 2695

### Introduced by Senator Antonio "*Sonny*" F. Trillanes IV

## EXPLANATORY NOTE

In the early morning hours last Tuesday, October 21, 2008, Dr. Francisco *"Toto"* Sarabia was driving his car along the North Bound lane of EDSA, near Santolan Road when his vehicle was rammed by a speeding Joanna Jesh Transport bus. The bus was reportedly racing with another Joanna Jesh Transport bus in an apparent bid to beat the later to the bus stop in order to be first in picking up passengers waiting of their ride.

Dr. Sarabia's car violently spun several times. Dr. Sarabia's companion was pulled-out of the wreck by bystanders before the vehicle burst into flames and exploded. It took the attending emergency personnel around fifteen minutes before they were able to put out the fire and recover Dr. Sarabia's charred remains.

The driver of the bus, Martinito Madrid, who later surrendered, admitted having figured in another accident just this April 2008, which accident resulted to injuries to a number of individuals. According to news reports, however, Madrid was involved in no less than seven (7) traffic accidents before the fatal incident which killed Dr. Sarabia.

Enough is enough! Too many lives have been claimed and too many dreams have been extinguished already by reckless, senseless drivers, often times driving hulking public utility buses (PUBs), container trucks, passenger vans, taxis and jeepneys, in wanton disregard of the safety and well-being of others on the road. *It is time to hold these drivers accountable their acts of putting the lives and limbs of fellow drivers, passengers and commuters in harm's way.*
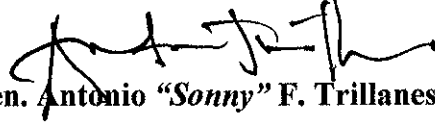
Likewise, the operators and/or owners of these offending vehicles have to be made directly responsible for any damages, prejudice and injuries which may be caused by their wayward drivers in their employ in order to compel them to exercise extra-ordinary diligence in the selection and supervision of said drivers.

To date, however, reckless driving has not been defined as a crime in the statute books but is only penalized as a quasi-offense under Article 365 of the Revised Penal Code as reckless imprudence resulting to homicide, physical injuries and damage to property.
This bill seeks to define reckless driving in itself as a criminal offense and to provide stiffer penalties for its commission. Likewise, the bill makes the owner and/or operator of the offending vehicle principally and directly liable for the damage, injury and/or prejudice resulting from the incident unless they can show that they exercised extra-ordinary diligence in the selection and supervision of their drivers.

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It is the hope that when passed into law, this bill will work to deter this pernicious practice or at the very least, keep reckless drivers away from our thoroughfares.

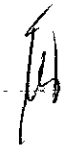The immediate passage of this bill is most earnestly requested.

**Sen. Antonio *"Sonny"* F. Trillanes IV**

SENATE

S. No. 2695

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**Introduced by Senator Antonio "*Sonny*" F. Trillanes IV**

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AN ACT
DEFINING THE OFFENSE OF RECKLESS DRIVING AND PROVIDING
PENALTIES FOR THE COMMISSION THEREOF AND FOR OTHER
RELATED PURPOSES.

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

1    **SECTION 1.** *Declaration and State Policy.* – It is hereby declared that

2    act of driving recklessly is pernicious to public interest. Hence, it is the policy of

3    the State to consider the same as a criminal offense and to severely penalize the

4    same.

5

6    **SEC. 2.** *Definition.* – Any person who is in control of any vehicle

7    traveling upon a highway, or upon public or private property open to public use,

8    drives the same carelessly, imprudently and heedlessly or without due caution and

9    circumspection, or at a speed or in a manner as to endanger or be likely to

10   endanger any person or property, or who passes when there is a prohibition

11   against passing, shall be guilty of reckless driving and upon conviction shall be

12   punished as provided in Section Three (3) hereof;

13   **SEC. 3.** *Penalties.* – Any person found to be guilty of reckless driving

14   shall be subjected to a penalty of imprisonment from one (1) month to six (6)

15   months and/or a fine of Ten Thousand Pesos (PhP 10,000.00) or both.

1    In case the offender's act results to slight physical injuries to any party, the

2    penalty imposable shall be imprisonment of six (6) months and one (1) day to two

3    (2) years plus a fine of Twenty Thousand Pesos (PhP 20,000.00).

4    In case the offender's act results to less serious physical injuries to any

5    party, the penalty imposable shall be imprisonment of two (2) years and one (1)

6    day to four (4) years plus a fine of Forty Thousand Pesos (PhP 50,000.00).

7    In case the offender's act results to serious physical injuries to any party,

8    penalty imposable shall be imprisonment of four (4) years and one day to six (6)

9    years plus a fine of Eighty Thousand Pesos (PhP 80,000.00).

10   In case the offender's act results to the death, permanent injury or

11   mutilation of any body part of any party, the penalty imposable shall be

12   imprisonment of six (6) years and one (1) day to twelve (12) years plus a fine of

13   One Hundred Thousand Pesos (PhP 100,000.00).

14   When the execution of the act covered by this article shall have only

15   resulted in damage to the property of another, the offender shall be punished by

16   imprisonment of six (6) months to two (2) years and/or a fine ranging from an

17   amount equal to the value of said damages to three times such value, but which

18   shall in no case be less than Ten Thousand Pesos (PhP 10,000.00).

19   The trial court shall also award the actual and compensatory damages to

20   the victims, based on the evidence presented and pursuant to existing rules and

21   jurisprudence.

22   Any government official or employee, who by neglect or connivance, has

23   in any manner aided or abetted in the violation or circumvention of the provisions

24   of this Act, shall be held criminally liable as co-principal under this section and

25   shall, in addition, suffer the penalty of perpetual absolute disqualification to hold

26   public office.

1   **SEC. 4.** *Direct liability of Operator and/or Owner of the offending*

2   *vehicle.* – The owner and/or operator of the vehicle driven by the offender shall

3   be directly and principally liable together with the offender for the fine and the

4   award against the offender for civil damages unless he or she is able to

5   convincingly prove that he or she has exercised extra-ordinary diligence in the

6   selection and supervision of his or her drivers in general and the offending driver

7   in particular.

8   This rule shall principally apply to the owners and/or operators of public

9   utility vehicles, commercial vehicles like delivery vans, cargo trucks, freight

10  trucks, container trucks, etc., as well as school and company buses, hotel

11  transports, car or vans for rent, taxi cabs, etc.

12  In any case, the subsidiary liability of the owner and/or operator of the

13  vehicle driven by the offending driver shall remain.

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15  **SEC. 5.** *Repeated offenders.* – In case a person is found guilty of reckless

16  driving for two (2) or more times committed within a period of five (5) years, the

17  same shall be a ground for the permanent revocation of his license by the Land

18  Transportation Office (LTO).

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20  **SEC. 6.** *Severability.* – If any provision of this Act or the applicability of

21  such provision to any person or circumstance shall be held invalid, the validity of

22  the other provisions of this Act and the applicability of such provisions to other

23  persons or circumstances shall not be affected thereby.

24

1   **SEC. 7.** *Repealing Clause.* – All laws, executive issuances, orders and

2 rules and regulations contrary to or inconsistent with this Act, or any part thereof,

3 are hereby repealed, amended and/or modified accordingly.

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5   **SEC. 8.** *Effectivity.* – This Act shall take effect upon its approval and

6 upon publication in the Official Gazette and two (2) newspapers of general

7 circulation in the country.

   Approved,