SENATE
S. No. **1650**

Introduced by Senator Miriam Defensor Santiago
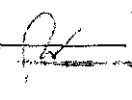
EXPLANATORY NOTE

Act No. 3815, otherwise known as 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 the said law by incorporating a new subsection, Article 248 A, which defines and penalizes the crime of murder committed under extraordinary circumstances.[1]

.MIRIAM DEFENSOR SANTIAGO

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[1] This bill was originally filed during the Thirteenth Congress, First Regular session.

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

SENATE
S. No. 1650

SENATE
OFFICE OF THE SECRETARY

10 JUL 20 A11 :18

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AN ACT
AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
PENAL CODE, SECTION 248, TO DEFINE AND PENALIZE THE CRIME OF
MURDER COMMITTED UNDER EXTRAORDINARY CIRCUMSTANCES

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

SECTION 1. Article 248 of Act No. 3815, otherwise known as the Penal Code, is hereby
amended by incorporating a new subsection, article 248-A, to read as follows:

"Article 248-A. Crimes 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 though negligence or accident, regardless of whether or not the pedestrian

sustain serious injuries, and who, upon subsequent or simultaneous discovery thereof,

deliberately run over the same pedestrian for the second time, or employs other means,

method or forms for the purpose o killing or causing the death of the same pedestrian,

shall be liable for the crime or murder committed under extraordinary circumstances and

shall suffer penalty of:

(a) *RECLUSION PERPETUA,* if the pedestrian died reason, or on occasion of,

driver's felonious acts.

(b) *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

(c) THE SAME PENALTY IN SUBSECTION (B) SHALL BE IMPOSED

UPON OWNERS AND OPERATORS OF PUBLIC UTILITY MOTOR

VEHICLES WHOSE DRIVERS ARE FOUND GUILTY OF THE CRIME AS

1   DEFINED IN THIS ACT AND PENALTY OF ONE DEGREE LOWER THAN

2   THOSE PROVIDE UNDER THE SAME SUBSECTION, SHALL BE

3   IMPOSED, IF IT CAN BE SHOWN THAT SAID OWNERS/OPERATORS DID

4   NOT EXERCISE EXTRAORDINARY DILIGENCE IN THE SELECTION

5   AND SUPERVISION OF THEIR EMPLOYEES; PROVIDE, THAT, IF THE

6   MOTOR VEHICLE USED IN COMMITTING THE ABOVEMENTIONED

7   CRIME IS REGESTERED TO A CORPORATION, PARTNERSHIP OR

8   ASSOCIATION, THE PENALTY ATTACHED SHALL BE IMPOSED UPON

9   ITS PROPER OFFICERS AND EMPLOYEES, IF IT CAN LIKEWISE BE

10 SHOWN THAT OFFICERS AND EMPOLYEES DID NOT EXERCISE

11 EXTRAORDINARY DILIGENCE IN THE SELECTION AND SUPERVISION

12 OF THEIR EMPLOYEES; PROVIDED, FURTHER THAT THE TERM

13 "PROPER OFFICERS AND EMPLOYEES" USED HEREIN SHALL

14 INCLUDE, BUT ARE NOT LIMITED TO, THE PRESIDENT, VICE-

15 PRESIDENT, CORPORATE SECRETARY, TREASURER, MANAGER,

16 ADMINISTRATIVE OFFICERS AND DIRECTORS OF THE

17 CORPORATION, PARTNERSHIP OR ASSOCIATION CONCERNED."

18

19 SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive

20 order, letter of instruction, administrative rule or regulation contrary to o inconsistent with the

21 provision of this Act is hereby repealed, modified or amended accordingly.

22

23 SECTION *3. Effectivity Clause.* - This Act shall effect fifteen (15) days after its

24 publication in at least two newspapers of general circulation.

25

26 Approved.

27