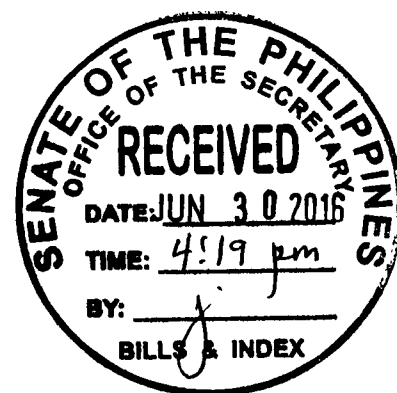


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



SENATE  
S. B. No. 118

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Introduced by Senator Aquilino "Koko" Pimentel III

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

**EXPLANATORY NOTE**

*Article II, Section 5* of the 1987 Philippine Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

One of the purposes of criminal laws is the protection of members of society from potential wrongdoers. These laws are directed against acts or omissions which society does not approve of and therefore serve as deterrents against incidents that may claim lives or cause damage to property.

We may have heard of the tragedies like that which befell seven students of Bulacan State University during a field trip; the Kentex fire in Valenzuela City; the sinking of M/B Kim Nirvana in Ormoc; the durian and mangosteen candy poisonings in Surigao del Sur, Surigao del Norte, and Agusan del Sur; the Ceres buses collision in Magalona, Negros Occidental; the Barney bus which lost control and fell off a ravine in the province of Quezon; the Valisno bus accident on Quirino Highway; the two people who were killed when a six-wheeler truck that was hit by a 22-wheeler truck rammed into their car while in Ortigas, Pasig City; and the recent one, the 38-year-old husband and father who was hit by a speeding sports utility vehicle while he was standing in an island for pedestrians with his bike in tow along Diosdado Macapagal Boulevard, Parañaque City. These tragedies were caused by people who recklessly disregarded standards of care which our laws have imposed.

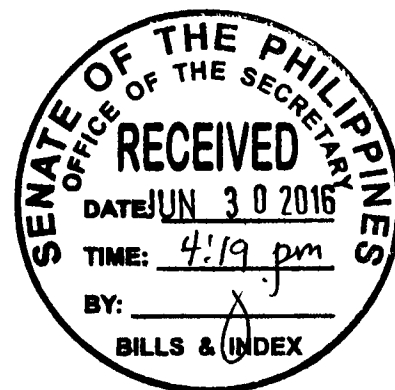
To avoid similar episodes in the future, it is proposed that Article 365 of the Revised Penal Code be amended to provide our law on reckless imprudence and negligence more teeth by increasing the penalties of imprisonment and fine therein. Aside from the deterrent effect of this measure, it may likewise disqualify those convicted of any act of reckless imprudence which, had it been intentional, would constitute a grave felony, or which if coupled with violation of the Automobile Law, would result to death of a person, from availing of the benefits of probation.

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

  
**AQUILINO "KOKO" PIMENTEL III**

SEVENTEENTH CONGRESS OF THE )  
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Introduced by Senator Aquilino “Koko” Pimentel III

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

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

4        **SECTION 1.** Article 365 of Act No. 3815, as amended, otherwise  
5        known as the Revised Penal Code, is amended to read as follows:

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

15            xxx.

16  
17            When the execution of the act covered by this article shall  
18            have only resulted in damage to the property of another, the  
19            offender shall be punished by a fine ranging from an amount  
20            equal to the value of said damages to three times such value[,  
21            but which shall in no case be less than 25 pesos].

22            A fine not exceeding **40,000** [200] pesos and censure shall be  
23            imposed upon any person, who, by simple imprudence or

1 negligence, shall cause some wrong which, if done  
2 maliciously, would have constituted a light felony.

3 In the imposition of these penalties, the courts shall exercise  
4 their sound discretion, without regard to the rules prescribed  
5 in article 64.

6 The provisions contained in this article shall not be  
7 applicable:

8 1. When the penalty provided for the offense is equal to or  
9 lower than those provided in the first two paragraphs of  
10 this article, in which case the court shall impose the  
11 penalty next lower in degree than that which should be  
12 imposed in the period which they may deem proper to  
13 apply.

14 2. When, by imprudence or negligence and with violation of  
15 the Automobile Law, the death of a person shall be  
16 caused, in which case the defendant shall be punished by  
17 [prisión correccional in its medium and maximum periods]  
18 **PRISION MAYOR IN ITS MAXIMUM PERIOD TO**  
19 **RECLUSION TEMPORAL IN ITS MINIMUM**  
20 **PERIOD.**

21 xxx.”

22 **SECTION 2. *Separability Clause.***- Should any provision of this Act be  
23 declared invalid, the remaining provisions shall continue to be valid and  
24 subsisting.

25 **SECTION 3. *Repealing Clause.***- All laws, executive orders, or  
26 administrative orders, rules and regulations or parts thereof, which are  
27 inconsistent with this Act are hereby amended, repealed or modified  
28 accordingly.

29 **SECTION 4. *Effectivity.***- This Act shall take effect within fifteen (15)  
30 days after its publication in a newspaper of general circulation.

31 *Approved,*