

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

'04 PL5 -3 P249

SENATE
S.B. No. 1591

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

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

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

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the last congress.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO *df*

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

SECRETARY

'04 AUG -3 P2:49

SENATE
S.B. No. **1591**

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

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

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

SECTION 1. Article 248 of 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 through 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 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:

- (a) RECLUSION PERPETUA, if the pedestrian died reason, or on
occasion of, driver’s felonious acts.
- (b) Prison 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 IMPOSED
UPON OWNERS AND OPERATORS OF PUBLIC UTILITY MOTOR

VEHICLES WHOSE DRIVERS ARE FOUND GUILTY OF THE CRIME AS 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; PROVIDE, 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 HEREIN 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.