

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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24 AUG 21 P3:12

SENATE
S.B. No. 2798

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Introduced by Senator Joseph Victor G. Ejercito

AN ACT
PROHIBITING THE DETENTION OF MOTOR VEHICLE DRIVERS WHO ARE
INVOLVED IN A TRAFFIC ACCIDENT WHO PROVIDED SUFFICIENT PROOF
OF THEIR DEFENSIVE DRIVING, AMENDING FOR THE PURPOSE ARTICLE
124 OF THE REVISED PENAL CODE

EXPLANATORY NOTE

In recent months, the public has been inundated with reports and footage of vehicular accidents where innocent drivers have been unjustly arrested by authorities, even when they were clearly victims themselves. This is particularly concerning when the at-fault drivers have been killed or seriously injured due to their own negligence.

A recent high-profile case on Skyway Stage 3 in Quezon City exemplifies this issue. An intoxicated motorcycle rider, going against traffic flow, collided with an oncoming Asian Utility Vehicle (AUV). Tragically, the motorcycle rider succumbed to his injuries. Despite being an obvious victim of the other party's recklessness, the AUV driver was detained¹, sparking outrage among the public. These incidents persist and will continue to persist, unless we take legislative action.

To prevent such injustices, this bill seeks to amend Article 124 of the Revised Penal Code. The proposed measure aims to include a provision exempting a driver of

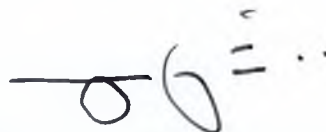
¹ <https://news.abs-cbn.com/news/2024/3/14/suv-driver-in-skyway-counterflow-incident-released-hpg-1441>

a motor vehicle involved in a traffic incident to be detained when he/she can provide a dashcam video, a closed-circuit television (CCTV) footage, or any other video footage or still image from other witness, showing his/her innocence or that he/she was not violating any traffic laws before and during the incident.

While understanding the need for authorities to detain individuals involved in accidents, we must ensure that innocent drivers are not unfairly penalized.

In cases where individuals can provide compelling evidence of their innocence or defensive driving, authorities should swiftly release them. By prioritizing the swift release of innocent drivers and conducting thorough investigations, we can establish a more equitable and just system that protects the rights of all parties involved in accidents.

The approval of this bill is earnestly sought.

A handwritten signature in black ink, consisting of a stylized 'J' followed by 'V', 'G', and 'E' with a horizontal line through them, and a small 'J' at the end.

JOSEPH VICTOR G. EJERCITO

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AN ACT
PROHIBITING THE DETENTION OF MOTOR VEHICLE DRIVERS WHO ARE INVOLVED IN A TRAFFIC ACCIDENT WHO PROVIDED SUFFICIENT PROOF OF THEIR DEFENSIVE DRIVING, AMENDING FOR THE PURPOSE ARTICLE 124 OF THE REVISED PENAL CODE

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

1 **Section 1.** This Act shall be known as the "Defensive Driving Act of 2024".
2

3 **Sec. 2.** Article 124 of Act No. 385, otherwise known as the Revised Penal Code,
4 as amended, is hereby amended to read as follows:

5 Article 124. Arbitrary detention. - Any public officer or employee
6 who, without legal grounds, detains a person, shall suffer;

- 7 1. The penalty of *arresto mayor* in its maximum period to *prision*
8 *correccional* in its minimum period, if the detention has not
9 exceeded three days;
10 2. The penalty of *prision correccional* in its medium and maximum
11 periods, if the detention has continued more than three but not
12 more than fifteen days;
13 3. The penalty of *prision mayor*, if the detention has continued for
14 more than fifteen days but not more than six months; and
15 4. That of *reclusion temporal*, if the detention shall have exceeded
16 six months.

17 The commission of a crime, or violent insanity or any other ailment
18 requiring the compulsory confinement of the patient in a hospital, shall
19 be considered legal grounds for the detention of any person.

1
2 **"PROVIDED, THAT A PERSON DRIVING A MOTOR VEHICLE WHO**
3 **IS INVOLVED IN A TRAFFIC INCIDENT, MAY NOT BE DETAINED**
4 **BY THE ARRESTING OFFICER IF HE OR SHE CAN PROVIDE**
5 **PROOF OF HIS HER DEFENSIVE DRIVING SUCH AS, BUT NOT**
6 **LIMITED TO:**

- 7
8 **A. A DASHCAM VIDEO TAKEN BY THE DRIVER OF THE**
9 **MOTOR VEHICLE SHOWING THAT HE OR SHE WAS NOT**
10 **VIOLATING ANY TRAFFIC LAWS BEFORE AND DURING**
11 **THE INCIDENT;**
12 **B. A CLOSED-CIRCUIT TELEVISION (CCTV) FOOTAGE**
13 **SHOWING THAT THE DRIVER OF THE MOTOR VEHICLE**
14 **WAS NOT VIOLATING ANY TRAFFIC RULES BEFORE AND**
15 **DURING THE INCIDENT; OR**
16 **C. ANY OTHER VIDEO FOOTAGE OR STILL IMAGE FROM ANY**
17 **WITNESS IN THE VICINITY OF THE INCIDENT SHOWING**
18 **THAT THE DRIVER OF THE VEHICLE WAS NOT**
19 **VIOLATING ANY TRAFFIC RULES BEFORE AND DURING**
20 **THE INCIDENT.**

21
22 **PROVIDED, FURTHER, THAT THE ARRESTING OFFICER SHALL**
23 **HAVE THE AUTHORITY TO ACQUIRE AND PROCESS THE**
24 **PERSONAL INFORMATION OF THE DRIVER OF THE VEHICLE**
25 **INVOLVED IN THE INCIDENT. THE ARRESTING OFFICER SHALL**
26 **ALSO HAVE THE AUTHORITY TO IMPOUND THE VEHICLE**
27 **INVOLVED IN THE INCIDENT, IN ACCORDANCE WITH**
28 **PERTINENT LAWS, RULES AND REGULATIONS.**

29
30 **PROVIDED, FINALLY, THAT THE DRIVER OF THE VEHICLE**
31 **INVOLVED IN THE TRAFFIC INCIDENT SHALL NOT BE**
32 **EXONERATED FROM ANY LIABILITY UNDER THE LAW, BASED**
33 **SOLELY ON THE EVIDENCE PROVIDED UNDER THIS ARTICLE.**
34 **ANY OTHER PERSON WHO SUFFERED INJURY TO HIMSELF OR**
35 **HERSELF OR HIS OR HER PROPERTY, OR THE HEIRS OF THE**
36 **PERSON WHO DIED DUE TO THE INCIDENT SHALL HAVE THE**
37 **RIGHT TO PURSUE ALL OTHER LEGAL REMEDIES AVAILABLE TO**
38 **THEM UNDER THE LAW."**

39
40 *Sec. 3. Separability Clause.* - If any portion or provision of this Act is declared
41 unconstitutional, the remainder of this Act or any provision not affected thereby shall
42 remain in force and effect.

1
2 Sec. 4. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules
3 and regulations and other issuances, or any part thereof, inconsistent with this Act are
4 hereby repealed, modified, or amended accordingly.

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

9
10 *Approved,*