


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

6 FEB -6 P1:26

SENATE
P. S. R. No. 433

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE
PHILSPORTS DISASTER; AND TO EXPRESS THE SENSE OF THE SENATE
THAT THE EXECUTIVE INVESTIGATION SHOULD BE TRANSFERRED
FROM THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT
TO THE DEPARTMENT OF JUSTICE

WHEREAS, it appears that on Saturday, 4 February 2006, a stampede broke out at the Philsports Arena, Pasig City, resulting in the death of 74 people and injuries to 500 people;

WHEREAS, it appears that the stampede ensued after a big crowd struggled against each other to enter the Arena to watch the anniversary celebration of a game show in the ABS-CBN TV channel;

WHEREAS, the crowd was estimated between 30,000 to 50,000 people, most of them coming from depressed areas in Metro Manila and the adjacent provinces, lured by the prospect of a chance to win prizes which in all were worth P2.5 million;

WHEREAS, the Arena reportedly has a total seating capacity of only 17,000 to 19,000 people;

WHEREAS, the Penal Code, Article 365, penalizes quasi-offenses consisting of reckless imprudence and negligence, and of simple imprudence and negligence;

WHEREAS, Article 365 gives the following definition: "Reckless imprudence consists in voluntarily, but without malice, failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition, and other circumstances regarding persons, time, and place;"

WHEREAS, under Article 365, the highest criminal penalty for reckless imprudence is merely imprisonment of 4 years and 2 months; and according to the latest Supreme Court decisions, the civil penalty is merely P50,000 as death indemnity, plus moral damages, actual damages consisting of indemnity for loss of earning capacity and other compensatory damages, exemplary damages, and attorney's fees;

WHEREAS, Article 365 further gives the following definition: "Simple imprudence consists in the lack of precaution displayed in those cases in which the damage impending to be caused is not immediate nor the damage clearly manifest;"

WHEREAS, the President ordered an investigation by the Department of Interior and Local Government (DILG) which has become problematic, because the newly appointed DILG secretary is the brother of the ABS-CBN legal counsel; hence, the investigation should be conducted by the Department of Justice, concurrently with the Senate;

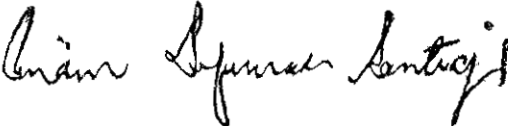
WHEREAS, it appears from the initial DILG investigation that there was inexcusable lack of precaution on the part of the firm ABS-CBN and its security officers;
NOW THEREFORE BE IT

RESOLVED, as it is hereby resolved, that the Senate through the proper committee shall conduct an investigation in aid of legislation on the criminal and civil liabilities of ABS-CBN and its security officials for the quasi-offense of reckless imprudence resulting in multiple homicide and grave multiple physical injuries;

RESOLVED FURTHER, that the inquiry should result in a recommendation amending the Penal Code, Article 365, to raise the penalties for reckless imprudence and negligence, particularly on the part of entertainment firms, including TV stations, that deliberately seek to attract big crowds of people, beyond their capacity to manage, thus posing danger to life and limb among the masses;

RESOLVED FURTHER, to express the sense of the Senate that the ongoing fact-finding investigation by the Department of Interior and Local Government should be transferred to the Department of Justice, because the newly appointed DILG secretary is the brother of the TV firm's lead counsel, thus posing a conflict of interest; and because it is the DOJ who has power to conduct preliminary investigation of all criminal cases.

Adopted,


MIRIAM DEFENSOR SANTIAGO