

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

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SENATE
S. No. 1464

RECEIVED BY: 


Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Penal Code, Article 365, on imprudence and negligence is the law which governs vehicular accidents resulting in damage to persons and to property, or both.

Due to the frequency of vehicular incidents, judges all over the country have voiced the need to increase the present penalties for those acts which are outright malicious, intentional, grossly irresponsible or unlawful resulting in damage to property and physical injuries or death, or both.

This bill increases the penalty from *arresto mayor* in its maximum period to *prison correccional* in its maximum period as the minimum penalty and death as the maximum penalty. It also changes the presumption of negligence to one of malice or intent. Since this bill provides that the provisional remedy of attachment shall only be resorted to when both the offender and the person responsible for such offender are insolvent, the imposition of higher civil penalties thereof, is favored over the provisional remedy of attachment since victims are usually in need of immediate cash for hospitalization and medical expenses and it takes a long time for a victim to recover under the remedy of attachment.*



MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 IMPOSING HIGHER PENALTIES FOR VEHICULAR ACCIDENT

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Vehicle Accidents Act of
6 2007.”

7 SECTION 2. *Declaration of State Policy.* – The laws on transportation were enacted to
8 promote public safety and to punish violators. Towards this end, when the laws are no longer
9 adequate to protect the public, the State shall ensure through the imposition of stiffer penalties
10 that vehicular drivers who are guilty of intentionally causing damage to persons and property or
11 are guilty of grossly irresponsible and unlawful behavior are punished accordingly.

12 SECTION 3. *Vehicular Incidents, Penalties.* – Any person who shall commit any act
13 resulting in physical injuries or death and/or damage to property on account of a vehicular
14 incident, shall suffer the penalty of *prison mayor* in its maximum period to death.

15 Unless proven otherwise, it shall be presumed that any act which causes damage to
16 person and/or property under this section was done maliciously and with intent.

17 *Prison mayor* in its maximum shall be imposed upon the offender who fails to lend on the
18 spot to the injured parties such help as may be in his hand to give.

19 SECTION 4. *Civil Indemnities.* – When the execution of the Act covered by this article
20 shall have only resulted in damage to the property of another, the offender shall be punished by a
21 fine ranging from an amount equal to the value of said damages to three times such value, but
22 which in no case shall be less than ten thousand pesos (P10, 000.00)

1 The provisional remedy of attachment of vehicle shall only be imposed when the
2 offender and/or the person who has supervision or control over the offender are insolvent.

3 Section 5. *Separability Clause.* – If any provision or part hereof, is held invalid or
4 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
5 valid and subsisting.

6 Section 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive order,
7 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the
8 provision of this Act is hereby repealed, modified or amended accord

9 Section 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspaper of general circulation.

11 Approved,