

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2805

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 10 AUG 2016

TIME: 2:38PM

BY: jeli

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by Rep. Winston "Winnie" Castelo

EXPLANATORY NOTE

When family members leave their houses and go out into our streets, their lives are at the mercy of reckless drivers. The government should set out a public policy that ensures utmost protection to pedestrians and commuters. Due diligence and circumspection should be exercised by every driver of a motor vehicle. Many tragic stories have hogged the news about innocent people whose dreams and future have been senselessly snuffed because of heedless and neglectful drivers. The lack of severe punishment emboldens unscrupulous drivers even to intentionally run over a victim believing it would be better to kill the victim than to assist him because the damages they would be required to pay would be much less than the hospitalization expenses.

The Revised Penal Code is silent on this pernicious act and it is high time that this offense constituted a criminal act. Hence, this bill seeks to criminalize reckless driving and prescribe severe penalties therefor in order to curb this sinister offense.

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


WINNIE CASTELO

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AN ACT
CRIMINALIZING RECKLESS DRIVING AND PROVIDING PENALTIES FOR THE
COMMISSION THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the "Reckless Driving Criminal Act of 2016."

SEC. 2. Declaration of Policy. The State shall outlaw reckless driving as it poses imminent threat to life and limb. The State shall ensure the safety of pedestrians at all times and hence, it is the policy of the State to consider reckless driving as a criminal act and to prescribe a severe penalty therefor.

SEC. 3. Definition. Any person who is in control of any type of motor vehicle driving on a highway, or on private road open to public use, drives the same in a careless, incautious or heedless manner, or at a wayward speed as to unreasonably imperil or likely to imperil any person or property, or who passes when there is proscription against passing, shall be guilty of reckless driving and upon conviction shall be punished as provided in Section 4 hereof;

SEC. 4. Penalties. Any person found to be guilty of reckless driving shall meted out a penalty of imprisonment for a minimum of six (6) months to one (1) year and/or a fine of One Hundred Thousand Pesos (Php100,000.00);

In case the offender's act results in slight physical injuries to any party, the penalty to be imposed shall be imprisonment of one (1) year plus a fine of Two Hundred Thousand Pesos (Php200,000.00).

In case the offender's act results in less serious physical injuries to any party, the penalty to be imposed shall be imprisonment of three (3) years plus a fine of Five Hundred Thousand Pesos (Php500,000.00).

In case the offender's act results in serious physical injuries to any party, the penalty to be imposed shall be imprisonment of five (5) years plus a fine of One Million Pesos (Php1,000,000.00).

In case the offender's act results in death, permanent disability or mutilation of any body part of any party, the penalty to be imposed shall be imprisonment of ten (10) years plus a fine of Two Million Pesos (Php2,000,000.00).

When the execution of the act covered by this article results in damage to the property of another, the offender shall be punished by imprisonment of one (1) to two (2) years and/or a fine ranging from an amount equal to the value of said property to three times such value, but which shall in no case be less than One Hundred Thousand Pesos (Php100,000.00).

The trial court shall also award the actual, moral and exemplary damages to the victim/s, based on the evidence presented and pursuant to existing rules and jurisprudence.

SEC. 5. Direct liability of Operator and/or Owner of the Offending Vehicle. The Owner and/or Operator of the vehicle driven by the offender shall be directly and principally liable jointly with the offender for the fine against the offender for civil damages unless he or she is able to establish that he or she exercised due diligence in the selection and supervision of the offending driver.

This rule shall apply to the owner/s and/or operator/s of all types of motor vehicles.

In any case, the subsidiary liability of the owner/or operator of the vehicle driven by the offending driver shall remain.

SEC. 6. Repeat Offenders – In the event a person is found guilty of reckless driving for two (2) or more times committed within a period of five (5) years, the same shall be a ground for the permanent revocation of his license by the Land Transportation Office (LTO).

SEC. 7. Separability Clause – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 8. Repealing Clause – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

SEC. 9. Effectivity - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,