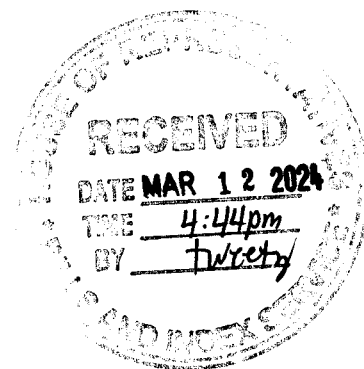




Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

**NINETEENTH CONGRESS**  
Second Regular Session



**HOUSE BILL NO. 10128**

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Introduced by 4Ps Partylist Representative  
**JC M. ABALOS**

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#### **EXPLANATORY NOTE**

Road traffic deaths in the Philippines are on the rise according to a report by the Philippine Statistics Authority (PSA). In 2021, road traffic deaths reached 11,096, a 39% jump from the 7,938 recorded deaths in 2011. While the leading cause of death among 15- to 29-year-old Filipinos are caused by road traffic injuries.

Road, vehicle, and human error are the three factors in traffic events. Road conditions and obstructions contribute to road accidents, while unworthiness and other vehicle-related issues are sources of road mishaps. However, the key element in road safety are road users, such as motorists, pedestrians, passengers, cyclists, and public transport operators. According to experts, human failure is generally the principal cause of accidents, such as negligence, loss of control, distraction, drunk driving, texting while driving, overspeeding, and physical challenges.

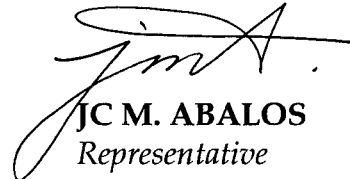
However, there have been cases where drivers were blamed – worse, even put behind bars – despite evidence showing the ones at fault were the other motorists or pedestrians. A case in point is the recent accident involving an Asian Utility Vehicle (AUV) driver navigating the Skyway Stage 3 when a motorcycle rider suddenly crashed into him, causing his subsequent death. CCTV cameras and the AUV's dash camera showed that the motorcycle rider was illegally in the counterflowing and that the AUV driver was in the proper traffic flow. There were also reports that the motorcycle rider was inebriated, overspeeding, and was not wearing proper riding

gear as mandated by law. Nevertheless, a complaint was filed against the AUV driver by the Highway Patrol Group. Under the current law, the AUV driver is likely to be detained until he can post bail due to the death of the motorcycle rider, despite overwhelming evidence showing his innocence.

With the passage of this bill, fairness of current laws is achieved to encourage responsible and accountable road users to reduce road accidents.

A similar version of this bill was filed in the 18th Congress by the Honorable Frederick W. Siao. This version has slight modifications recognizing the rights of lawfully abiding motorcycle and bicycle riders.

Hence, support for this bill is earnestly sought.



**JC M. ABALOS**  
*Representative*  
*4Ps Partylist*



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**AN ACT TO PROMOTE RESPONSIBLE DRIVING AND ESTABLISH FAIR  
ACCOUNTABILITY FOR ROAD SAFETY INCIDENTS AND VIOLATIONS OF  
TRAFFIC LAWS AND REGULATIONS, AND FOR OTHER PURPOSES**

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

**SECTION 1.** *Short Title.* – This Act shall be known as the “*Philippine Responsible Driving and Accountability Act*”.

**SEC. 2.** *Declaration of Policy.* – It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents and to provide effective and efficient regulation of road transportation.

**SEC. 3.** *Definition of Terms.* – The following definitions are hereby adopted to enforce the provisions of this Act.

- a. *Dangerous driving* is the willful operation or control of a motor vehicle in a manner, and with awareness of probable or actual road, traffic, and pedestrian conditions, which directs and focuses the threat of death or injury on persons, and/or damage to property on the road or on the sidewalk.

- b. *Reckless driving* is the willful operation or control of a motor vehicle or bicycle in a manner, and with awareness of probable or actual road, traffic, and pedestrian conditions, which poses a clear or likely risk of death or injury to any person or damage to property, on the road or on the sidewalk.
- c. *Suicidal driving* is the driver's willful operation or control of a motor vehicle in a manner, and with awareness of probable or actual road, traffic, and pedestrian conditions, which directs and focuses the threat of death or injury specifically to oneself.
- d. *Terroristic driving* is the willful operation or control of a motor vehicle in a manner and with awareness of probable or actual road, traffic, and pedestrian conditions that directs and focuses the threat of multiple deaths or injuries on other persons on the road or on the sidewalk with the clear intent to cause mayhem, chaos, panic, and terror in the furtherance of an extremist political or religious purpose.
- e. *Careless driving* is grossly negligent failure to operate or control a vehicle, motorized or not, in a careful and prudent manner, with disregard for the road, traffic, pedestrian, and all other attendant circumstances, endangering the life, limb, or property of any person on the road or on the sidewalk.
- f. *Impaired driving* is the complete or partial lack of control of a vehicle, motorized or not, in the custody of the driver for whatever reason, including but not limited to fatigue, lack of sleep, a medical emergency, intoxication, use of illegal drugs, overdose, or misuse of medication, advanced age, physical or mental disability, or distracted driving.
- g. *Irresponsible custody of a vehicle* is the temporary or continuing custody and control of a motor vehicle, including its ignition or access keys, with carelessness, imprudence, and disregard for probable threats or dangers arising from, but not limited to, driving by minors, driving by seniors with manifest impaired abilities, amateur stunt driving, and distracted driving.
- h. *National Roads* comprise National Primary, Secondary, and Tertiary Roads, as defined by Department Order No. 133 of the Department of Public Works and Highways.

- i. *Local Roads* consist of Provincial Roads, Municipal and City Roads, and Barangay Roads, as defined by Department Order No. 133 of the Department of Public Works and Highways.

**SEC. 4. *Aggravating Circumstances.*** – The following circumstances shall constitute aggravating circumstances in driving violations:

- a. Driving a stolen vehicle;
- b. Driving without a proper driver's license;
- c. Possession of or driving under the influence of illegal drugs;
- d. Driving while intoxicated;
- e. Possession of firearms, explosives, and other weapons; and
- f. Carrying dangerous cargo such as combustible materials and chemicals.

**SEC. 5. *Mitigating Circumstances.*** – The following circumstances and situations constitute mitigating circumstances in driving violations:

- a. Fast driving due to a medical emergency to rush to a hospital or other medical facility for immediate care;
- b. Pursuit of a suspect in a crime who is fleeing or has just fled from the scene of a crime;
- c. Rushing home or to the workplace because of a fire or other disaster; and
- d. Serious to gross defects in the design and construction of roads and bridges, and of traffic signs and warnings.

**SEC. 6. *Criminal, Civil, and Administrative Liability.*** – Dangerous driving, reckless driving, careless driving, suicidal driving, terroristic driving, impaired driving, irresponsible custody of a motor vehicle, and violation of traffic rules and regulations carry criminal, civil, and administrative liability.

**SEC. 7. *Presumption of Liability.*** – The initial presumption of liability shall be determined by the person in authority or law enforcer who is first at the scene of the incident or on whom continuing investigative responsibility is vested by competent authority over the road safety incident resulting in death, injury, destruction of property, or traffic congestion.

The determination of initial liability must be either in writing in a traffic incident report or orally, with witnesses present, while the law enforcer's lawful arrest without a warrant or civilian citizen's arrest is being made.

A person in authority or deputized law enforcer may order the confiscation or personally and immediately confiscate the driver's license of a suspected erring

driver to prevent or avoid probable immediate future danger to self or other persons on the road or sidewalk.

Whether the driver or drivers are initially liable or not, the law enforcer investigating the road safety incident is hereby required to secure the signed and sworn statements of the drivers and other persons involved in and who witnessed the incident.

The driver involved in a road safety incident is presumed to be liable when:

- a. The driver flees from the scene of the road safety incident;
- b. The driver was driving at high speed according to recorded eyewitness' accounts taken at the scene of the road safety incident;
- c. The driver had just committed at least one serious traffic violation immediately prior to the incident ;
- d. The driver is intoxicated or under the influence of illegal substances or prescription medication;
- e. The driver does not have a driver's license or has an expired driver's license;
- f. The victim is a bicycle rider wearing safety devices or gears traveling on the rightmost lane or designated bike lane, as the case may be; and
- g. The victim is a motorcycle driver wearing safety devices or gears traveling in the designated motorcycle lane.

The driver is presumed not liable, or not totally at fault, for the incident under investigation when:

- a. The victim, as a result of intoxication or influence of illegal substances, engages in conduct that is in violation of traffic laws and regulations;
- b. The victim was not crossing the street at a designated pedestrian lane or footbridge;
- c. The victim jaywalked;
- d. The victim is a driver of a motorcycle, bicycle, or tricycle traveling on national and local roads below the minimum speed limit and not on the rightmost lane of the roadway or designated bike lane;
- e. The victim is a driver who, at the exact time of the incident, did not have the right of way on the road;
- f. The driver did not flee from the scene of the road safety incident;
- g. The driver, at the time of the incident, has a medical emergency such as, but not limited to, heart attack, stroke, asthma attack, or diabetic shock; and
- h. The driver of the other vehicle has non-functional or lacks headlights, tail lights, and other warning devices.

The investigating law enforcer is hereby authorized to confiscate the driver's license of the driver or drivers involved as a temporary preventive suspension measure to ensure road safety while such suspension is under automatic review by the license issuing authority.

**SEC. 8. *Penalties and Liabilities.*** — The provisions of the Revised Penal Code (RPC), as amended by subsequent laws, including Republic Act 10951, and of laws in effect on road safety and land transportation, as well as the Civil Code of the Philippines, as amended, shall apply in the determination of criminal, civil, and administrative liabilities of violators of this Act.

For the crime of dangerous driving resulting in the death of the victim or victims, the provisions of Article 248 of the RPC, as amended, and corresponding punishment, including the factoring in of aggravating and mitigating circumstances, shall apply.

For the crime of reckless driving causing the unintentional death of the victim or victims, the provisions of Article 249 of the RPC, as amended, and corresponding punishment, including the factoring in of aggravating and mitigating circumstances, shall apply.

For the crime of suicidal driving, the provisions of Article 263 of the RPC on serious physical injuries, as amended, shall apply.

For the crime of terroristic driving, the penal provision of Republic Act 9372, specifically Section 3 thereof, shall apply, which states the punishment of forty (40) years of imprisonment, without the benefit of parole, as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

For dangerous driving, reckless driving, suicidal driving, terroristic driving, careless driving, impaired driving, and irresponsible custody of a vehicle, Chapter Two, Sections 104 to 111, and Chapter Three, Sections 112 to 113 of the Civil Code of the Philippines, as amended, as well as the provisions of Republic Act 10951, shall apply. Further, the exact award of civil damages, indemnification, and obligations shall be determined by the proper court.

For driving resulting in the death of any person, the administrative penalty shall be permanent disqualification from the issuance of a driver's license, as well as fines provided in Republic Act 10951.

For driving resulting in permanent disability or serious physical injuries suffered by any person, the administrative penalty shall be a five (5)-year suspension of the driver's license, as well as fines provided in Republic Act 10951.

For driving resulting in the destruction of property other than the offender's own vehicle, the administrative penalty shall be a three (3)-year suspension of the driver's license, as well as fines provided in Republic Act 10951.

For driving resulting in traffic congestion lasting over an hour, the administrative penalty shall be one (1) year, as well as fines provided in Republic Act 10951.

**SEC. 9. *Translation into Filipino and Other Philippine Languages and Dialects.*** — To ensure widespread and more effective understanding of this Act by drivers, pedestrians, and other road users nationwide, the Komisyon ng Wikang Filipino shall translate the text of this Act into Filipino, other Philippine languages, and, if feasible, Philippine dialects.

**SEC. 10. *Separability Clause.*** If for any reason or reasons, any portion or provision of this Act is held unconstitutional or invalid, the remaining portions or provisions not affected thereby shall continue to be in full force and effect.

**SEC. 11. *Repealing Clause.*** All laws, decrees, executive orders, proclamations, rules, regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SEC. 12. *Effectivity.*** The Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation/ or a newspaper of general circulation.

*Approved,*