

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th CONGRESS
First Regular Session

HOUSE BILL NO. 468

HOUSE OF REPRESENTATIVES
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REGISTRATION UNIT BILLS AND INDEX SERVICE

Sponsored by Rep. RANEO E. ABU
Second District, Batangas

AN ACT
IMPOSING STIFFER PENALTIES ON THE OFFENSE OF STEALING
OR VANDALIZING GOVERNMENT INSTALLED ROAD AND
HIGHWAY TRAFFIC, WARNING AND PROTECTIVE SIGNAGES AND
RAILINGS AND OTHER FACILITIES

EXPLANATORY NOTE

Under Section 5, Article II of the 1987 Philippine Constitution, the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Likewise, under Article 2189 of the Civil Code of the Philippines, provinces, cities and municipalities shall be liable for damages for the death of, or injuries suffered by, any person by reason of the defective condition of roads, streets, bridges, public buildings and under public works under their control or supervision.

In view of the foregoing, the National Government through the Department of Public Works and Highways (DPWH) has been diligently installing the necessary street, road and highway traffic and warning signages as well as the protective facilities like bridge railings among others as safety measures for motorists from imminent danger and risks along our roads and highways.

However, due to rampant stealing and vandalizing of these road and highway signages and damaged protective facilities a number of road accidents fatalities have been increasing through the years. The Philippine National Police – Highway Patrol Group (PNP-HPG) data, as of June 20, 2016, shows that from the 15, 272 incidents of road crashes

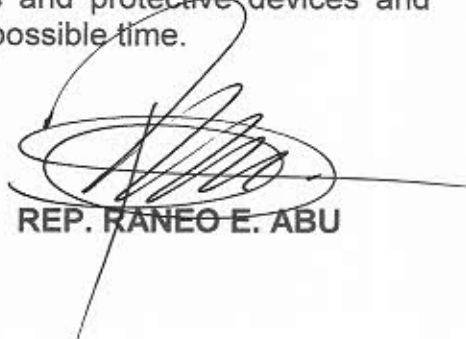
across the country that resulted in 1, 252 deaths in 2014, the number has increased to 24, 565 road crash incidents that resulted in 1,040 deaths in 2015. However, in just the first four (4) months of 2016, the PNP-HPG has already recorded 10,656 road crashes with 549 dead in the whole country.

The PNP reported that most traffic accidents are caused mainly by driver errors. Notable to be the cause that induces driver errors is the absence of visible road signs, i.e. warning signs that there is sharp curves, slippery roads or roads with on going repairs. These road signs installed by the DPWH were either stolen or damaged/vandalized. The DPWH reported a total of 42, 558 pieces of such signages and devices stolen and vandalized as of January 24, 2013.

Under Article 308 of the Revised Penal Code, theft is committed by any person, who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent. It is likewise committed by any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or object of the damage caused by him.

In the instant provision of the Revised Penal Code, the properties subject of theft do not include traffic signage, warning signs and traffic protective devices such as highway or bridge railings. Moreover, the penalties imposed therein on stolen property depends upon the value of the property, which ranges from prison correctional to prison mayor. However, these penalties do not fit the offense of stealing, vandalizing or damaging the street, road and highway signages, risks and protective devices, accessories and facilities installed by the Government as safeguards to motorists because the damages that result therefrom can cause loss of lives and limbs of the people.

Considering the reasons mentioned above, though the guidance and help of former AGHAM Party-List Representative, Hon. Angelo B. Palmones, who first filed this bill during the 15th Congress, this representation now therefore earnestly requests that this bill, imposing stiffer penalties on theft, vandalizing and malicious damaging of vital street, road and highway signages, risks and protective devices and facilities, be enacted into law the soonest possible time.



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AN ACT
IMPOSING STIFFER PENALTIES ON THE OFFENSE OF STEALING
OR VANDALIZING GOVERNMENT ROAD SIGNS AND OTHER
WARNING DEVICES, ACCESSORIES, AND OTHER FACILITIES,
AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the “**Stealing and
Vandalism of Road and Traffic Signs Act of 2016**”.

SECTION 2. Declaration of Policy. It is the policy of the State to
protect the people from damage to property and loss of lives by
improving conditions of roads and making vehicular traffic as safe as
possible by providing drivers with appropriate information through signs
and accident-prevention devices. In pursuit of this end the State has
mandated concerned government agencies and instrumentalities to
install in conspicuous and appropriate places road and traffic signs and
devices to warn drivers of risks and dangers on the road.

**SECTION 3. Theft and damage of traffic signs and road safety
devices** – It shall be unlawful to dismantle, remove, transfer, and take
into possession road warning devices installed by national and local
governments or non-government organizations for the purpose of
warning motorists of imminent dangers along the road.

It is likewise unlawful to store or keep in inventory such road and traffic
signs and warning devices without authority from the government or any
of its instrumentalities for any purpose whatsoever.

**SECTION 4. Traffic signs and accident warning devices and
instruments** – For the purpose of this Act “traffic signs and accident

warning devices and instruments” shall mean road or traffic signs exemplified by signs of “stop”, “yield”, “slippery when wet”, signs of zig-zag-ing sections of roads, railings, and similar devices. Man-hole covers shall also be included as part of accident-prevention devices warning the motorists and public to avert or prevent the loss of lives and properties covered under this Act.

The Department of Public Works and Highways (DPWH) shall provide a list of all lawful road and traffic signs and accident reduction/prevention devices and instruments. The list shall be updated as the need arises.

SECTION 5. Punishable actions under this Act – the following actions are punishable under this Act:

1. Mere possession without authority of any device or instrument or piece of equipment listed and duly provided by the DPWH under Section 4 of this Act or accessories thereof;
2. Selling and buying of stolen road and traffic signs and warning devices listed and duly provided by the DPWH under Section 4 of this Act or accessories thereof;
3. Vandalizing or damaging of any road and traffic signs or devices listed and provided by the DPWH under Section 4 of this Act or any accessories thereof.

SECTION 6. Penalties – The following penalties shall apply to all acts and violations committed under this Act:

1. **Stealing of or possessing road signs and warning devices including man-hole covers and their accessories** – The penalty of twelve to fifteen (12 – 15) years imprisonment or a fine ranging from Two Hundred Thousand Pesos (Php 200,000.00) to Three Hundred Thousand Pesos (Php 300,000.00) or both, at the discretion of the court, shall be imposed on any person found guilty of stealing or in unlawful possession of road and traffic signs and warning devices including man-hole covers as defined in Section 4 of this Act;
2. **Damaging/vandalizing or destroying road and traffic signs and warning devices including man-hole covers and their accessories** – The penalty of six to ten (6 – 10) years imprisonment or a fine ranging from One Hundred Thousand Pesos (Php 100,000.00) to One Hundred Fifty Thousand Pesos (Php 150,000.00) or both, at the discretion of the court, shall be imposed on any person found guilty of damaging/vandalizing or

destroying road signs and warning devices and their accessories including man-hole covers as defined in Section 4 of this Act.

3. **Selling or buying of road and traffic signs and warning devices including man-hole covers and their accessories** – The penalty of selling or buying disaster warning and risk reduction instruments and their accessories as defined in Section 4 of this Act shall be similar to those under 1 of Section 6 of this Act.
4. **Government employees found as principal and accomplice in the violation of provisions of this Act** - Government employees found guilty of violation of this Act either as principal or as an accomplice shall be penalized according to penalties prescribed in Section 6 of this Act. In addition, such government employee shall forfeit all his/her retirement benefits and shall be barred from any employment within the government service.

SECTION 7. Incentives. – Incentives shall be provided to a person or persons who will provide information leading to the apprehension of violators of this Act. The nature and amount of incentives shall be provided for in the implementing rules and regulations of this Act.

SECTION 8. Non-applicability of Articles 308, 309, 310 and 311 of the Revised Penal Code. – Articles 308, 309, 310 and 311 of the Revised Penal Code shall not be applicable to cases contemplated or enumerated in this Act. For theft cases the provisions in this Act shall apply.

SECTION 9. Implementing rules and regulations. – The DPWH shall issue within 180 days from the date of approval of this Act, the necessary implementing rules and regulations thereof.

SECTION 10. Separability Clause. – Any portion or provision of this Act which may be declared unconstitutional or contrary to any existing law shall not have the effect of nullifying other portions or provisions hereof.

SECTION 11. Repealing Clause. – All other laws, ordinances, rules, regulations, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 12. Effectivity Clause. – This Act shall take effect immediately after its publication in two (2) newspapers of general circulation.

Approved.