

AN ACT TO AMEND ARTICLE THREE HUNDRED AND SIXTY-FIVE OF THE REVISED PENAL CODE. (RE PENALTY FOR RECKLESS IMPRUDENCE.)

REPUBLIC ACT NO. 1790, June 21, 1957

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

SECTION 1. Article three hundred and sixty-five of the Revised Penal Code is hereby amended, to read as follows:

"ART. 365. Imprudence and negligence.—Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of arresto mayor in its maximum period to prision correccional in its medium period; if it would have constituted a less grave felony, the penalty of arresto mayor in its minimum and medium periods shall be imposed; if it would have constituted a light felony, the penalty of arresto menor in its maximum period shall be imposed.

"Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of arresto mayor in its medium and maximum periods; if it would have constituted a less serious felony, the penalty of arresto mayor in its minimum period shall be imposed. When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than twenty-five pesos.

"A fine not exceeding two-hundred pesos and censure shall be imposed, upon any person who, by simple imprudence or negligence, shall cause some wrong which, if maliciously, would have constituted a light felony.

"In the imposition of these penalties, the courts shall exercise their sound discretion, without regard to the rules prescribed in Article sixty-four.

"The provisions contained in this article shall not be applicable:

"1. When the penalty provided for the offense is equal to or lower than those provided in the first two paragraphs of this article, in which case the courts shall impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.

"2. When, by imprudence or negligence and with violation of the Automobile Law, the death of a person shall be caused, in which case the defendant shall be punished by prision correccional in its medium and maximum periods.

"Reckless imprudence consists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or 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.

"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 danger clearly manifest.

"The penalty next higher in degree to those provided for in this article shall be imposed upon the offender who fails to lend on the spot to the injured parties such help as may be in his hands to give."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 21, 1957.

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