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APERTURA DE LA SESIÓN

Se abre la sesión a las 11:05 a.m., ocupando el estrado el Presidente, Hon. Eulogio Rodriguez, Sr.

EL PRESIDENTE. Se declara abierta la sesión.

DISPENSACIÓN DE LA LECTURA DE LA LISTA Y DEL ACTA NO. 26

Senator PRIMICIAS. Mr. President, I move that the calling of the roll and the reading of the minutes be dispensed with.

The PRESIDENT. Is there any objection? (Silence.) The Chair hears none. The motion is approved.

DESPACHO DE LOS ASUNTOS QUE ESTÁN SOBRE LA MESA DEL PRESIDENTE

Léase el orden de asuntos.

EL SECRETARIO:

RESOLUCIONES

Resolución Número 87, serie corriente, del Concejo Municipal de Malita, Davao, en la que se pide al Congreso que apruebe un proyecto de ley que conceda completa autonomía a los gobiernos municipales.

EL PRESIDENTE. Al Comité de Gobernación y de Ciudades.

EL SECRETARIO:

Resolución Número 93, serie de 1956, en la que el Concejo Municipal de Atimonan, Quezon, pide al Congreso que

enmiende el Código Penal Revisado, de tal modo que se imponga una pena más rígida al delito de rebelión.

EL PRESIDENTE. Al Comité de Codigos y Enmiendas a la Constitución.

EL SECRETARIO:

Resolución Número 96, serie de 1956, en la que el Concejo Municipal de Naujan, Mindoro, hace constar su adhesión a la ley que dispone la lectura obligatoria del *Noli Me Tangere* y *El Filibusterismo* del Dr. Rizal, en los colegios públicos y privados.

EL PRESIDENTE. Al Comité de Educación.

SEGUNDA LECTURA Y CONSIDERACIÓN DEL S. NO. 582

Senator PRIMICIAS. Mr. President, I ask that we now consider Senate Bill No. 582.

The PRESIDENT. Consideration of Senate Bill No. 582 is now in order. The Secretary will please read the bill.

The SECRETARY:

AN ACT TO AMEND PARAGRAPH ONE OF ARTICLE THREE HUNDRED AND SIXTY FIVE OF THE REVISED PENAL CODE.

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

SECTION 1. Paragraph one of 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 *prisión correccional* in its minimum 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".

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

Senator PRIMICIAS. Mr. President, the distinguished Chairman of the Committee on Codes and Constitutional amendments, the gentleman from Rizal, is the sponsor.

The PRESIDENT. The gentleman from Rizal has the floor.

PONENCIA DEL SEN. SUMÚLONG

Senator SUMÚLONG. Mr. President, lady and gentlemen of the Senate: The purpose of this bill is to supply an omission in the provisions of our Penal Code regarding offenses committed through reckless imprudence. At present, under the Revised Penal Code, when reckless imprudence results in a serious felony, there is a penalty. When reckless imprudence results in less grave felony, there is also a penalty. But when reckless imprudence results in a light felony, there is no penalty, so much so that when an actual case reached the Court of Appeals in the case of *People vs. Macario Ande y Mariño*, decided by the Court of Appeals on April 19, 1955 where an accident happened and reckless imprudence resulted in slight physical injuries, after studying the case, the Court of Appeals could not impose any penalty because as the law now stands there is no penalty for light felony.

Senator LIM. Mr. President, will the gentleman yield to a few questions?

The PRESIDENT. The gentleman may yield, if he wishes.

Senator SUMÚLONG. With pleasure.

Senator LIM. I agree fully with the amendment of the gentleman from Rizal, but I would like of course to propose that the penalty for reckless imprudence given in the first sentence of Article 365 be increased. I believe that we should not only accept this amendment but we should also increase the penalty. Article 365 provides that any person who by reckless imprudence shall commit any act constituting a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prisión correccional* in its minimum period. I think we should increase that penalty,

because even though one can say that it occurs only because of reckless imprudence, still at the rate that accidents on the road occur in this country where every day we see pictures in the papers of victims of reckless imprudence on the part of drivers, I think we should increase this penalty also and instead of making it *arresto mayor* in its maximum period we should increase this by one grade at least because when a man commits reckless imprudence there is just hardly very little difference between this commission of his causing death and that of a man who commits homicide.

Senator SUMÚLONG. What is the suggestion of Your Honor regarding the increased penalty?

Senator LIM. That *arresto mayor* in its maximum period be increased by one more degree.

Senator SUMÚLONG. *Prisión correccional* in its minimum and medium degree, will that be Your Honor's amendment?

Senator LIM. *Prisión correccional* in its minimum and medium period but also increased by one degree.

Senator SUMÚLONG. So there must be a corresponding increase for the less grave felony through reckless imprudence. But may I just call Your Honor's attention that *arresto mayor* in its maximum period and in its minimum period would be 4 months and 1 day to 2 years and 4 months, and that already gives the Judge the leeway if the offense is of such a nature that a stiff penalty should be imposed.

Senator LIM. But the maximum penalty to be imposed is 2 years and 4 months.

Senator SUMÚLONG. That will depend upon the Judge, Your Honor, and even if we follow Your Honor's suggestion we should still have to give that latitude of discretionary power on the Judge in imposing the penalty according to the circumstances of the case.

Senator LIM. But the Judge may impose only, say, six months, but if the law-making body of this Government increases the penalty, at least the courts may be guided accordingly, that it is the considered opinion of the representatives of the people to increase this penalty for the purpose of preventing the violation of the law. At least the Judges will be morally compelled to impose higher penalty if they use their discretion.

Senator SUMÚLONG. If we increase the penalty by one grade, Your Honor, that will affect not only this provision but also all the rest referring to reckless negligence.

Senator LIM. Yes, I think so. It is very alarming how many people are killed through the reckless imprudence of drivers.

Senator SUMÚLONG. I think we can consider that.

Senator LIM. In the period of amendments, I will propose that amendment.

Senator DELGADO. Mr. President, will the gentleman yield for one or two questions?

The PRESIDENT. The gentleman may yield, if he wishes.

Senator SUMÚLONG. Gladly.

Senator DELGADO. I understand now that the owner of a car will not be affected if the driver commits an offense which can be considered as a minor felony. I am referring to the civil responsibility of the owners of cars driving their own automobiles who, with this amendment, would have no civil liability, and the chauffeur who commits a light offense considered as a minor felony not punishable under the present provisions of the Revised Penal Code.

Senator SUMÚLONG. That is very true, Your Honor.

Senator DELGADO. What is the effect of this amendment to the civil responsibility of car owners who are not driving their cars?

Senator SUMÚLONG. I suppose that will depend upon the circumstances.

Senator DELGADO. Let us suppose that Your Honor's car, driven by Your Honor's chauffeur, while traveling on Bonifacio Drive runs over a person whereat your driver commits a minor felony. As far as I understand from Your Honor's bill, he would be liable for any minor felony, but under the law at least he is not liable to imprisonment for light felonies committed through reckless imprudence.

Senator SUMÚLONG. Yes, Your Honor. And consequently there is no imprisonment while the driver and the owner might be liable.

Senator SUMÚLONG. Naturally the liability of the owner is subsidiary to that of the chauffeur.

Senator DELGADO. But will Your Honor assure me that with this amendment the responsibility of the owner of the car will increase or decrease . . .

Senator SUMÚLONG. Would decrease. Now, I think it is fair and just that if the owner of the car is found guilty, his license be withdrawn.

Senator SUMÚLONG. But no, there will be subsidiary penalty.

Senator DELGADO. I am just asking the question so as to be sure that in increasing the penalty, the chauffeur who is duly licensed, as well as the car owner, will be liable. Like in the case I have mentioned where the owner has the misfortune of having a reckless chauffeur.

Senator SUMÚLONG. I think Your Honor is simply discussing the civil liability.

Senator DELGADO. Exactly. I am not opposing the amendment that Your Honor is proposing, but I am bringing to Your Honor's attention the possible hardship that the amendment might cause to the owner of the car.

Senator SUMÚLONG. But does not Your Honor consider it just that if the driver of a car turns out to be insolvent, the owner of the car should also be liable subsidiarily?

Senator DELGADO. There is a co-liability of the owner for damages, and in connection with that I don't believe we should impose the burden on the owner of the car. After all, the driver should use the discretion of a good father of a family. The chauffeur is duly hired and duly licensed and has experience. I don't think that the car owner has any fault. The owner may say: "I was not in the car and I have had no participation whatever in the act." Why should he be co-responsible and also co-liable with the driver for the act?

Senator SUMÚLONG. That will be, if we increase the penalty now provided for in the existing law.

Senator DELGADO. There will be an increase in liability on the part of the car owner. That is my query.

Senator SUMÚLONG. I have no objection of going into that, but I think as to that point, we should follow the suggestion of the gentleman from Zamboanga.

Senator DELGADO. If the gentleman will impose the higher penalty, well, I would object to the amendment of the gentleman from Zamboanga. In that case we might raise the maximum to one grade to increase the penalty; but we should not change to one or two grades the minimum that will be imposed on a case similar to that, because the determination of the penalty will be in accordance with the particular circumstance in each case. The case may be really one where the chauffeur has been reckless. And there are three degrees of recklessness, and if we increase the maximum, the liability will be great. As I have said, in case the circumstance would show disregard on the part of the chauffeur for da-

maging life and property; but in the other case the court might consider that the minimum should not be one month or four months. We should increase the minimum.

Senator SUMÚLONG. I am very glad that Your Honor has brought out the possibility of increasing the penalty to car owners who may not actually cause the accident, and I will gladly entertain amendments to the bill when the period of amendments comes, but as the bill now stands, there is no increase in penalty. We are discussing here the need of supplying the omission in the present law of penalty for reckless imprudence resulting in light felony.

Senator DELGADO. But as the law stands now, what would Your Honor recommend for a case where the chauffeur commits recklessness resulting in a minor felony? Will he be fine.

Senator SUMÚLONG. It is for the Court to take cognizance of the case.

Senator DELGADO. That is the question at present. It is the chauffeur and the car owner who would be held liable for damages. They are both penalized. But my question is, Your Honor would be holding the car owner driving at the time the accident occurred liable to the additional liability which includes the damages of the party injured.

Senator SUMÚLONG. I would be glad to inquire further on the points Your Honor has brought up here, and consider whatever concrete suggestions Your Honor may present.

Senator DELGADO. Thank you.

Senator PRIMICIAS. Mr. President, will the gentleman yield to a few questions?

The PRESIDENT. The gentleman may yield, if he so desires.

Senator SUMÚLONG. With pleasure.

Senator PRIMICIAS. I wish to invite Your Honor's attention to that case of the Court of Appeals cited by Your Honor in the explanatory note. May this decision be considered as binding for the inferior courts?

Senator SUMÚLONG. On April 19, 1955, this decision of the Court of Appeals was promulgated. My attention was called to it last year by former Fiscal, Eugenio Angeles, now an Associate Justice of the Court of Appeals about this decision.

Senator PRIMICIAS. But according to Your Honor's information until now the Supreme Court has not made a ruling on this decision of the Court of Appeals.

Senator SUMÚLONG. That decision of the Court of Appeals became final without any appeal taken to the Supreme Court.

Senator PRIMICIAS. I am asking this question, Your Honor, because I know of a case which started in one court in Manila. The municipal judge found a degree of reckless negligence, and the municipal court penalized the driver. The driver appealed the case to the Court of First Instance, and the question was raised there that under the law as it is at present, there is no penalty for such crime, and in this case he was fined. The Court of First Instance of Manila ruled that the decision of the Court of Appeals is not binding and denied the motion for appeal. The case then went to the Court of Appeals asking for a writ of prohibition to prohibit the court from taking cognizance of the case because, according to its own ruling or decision, there is no crime. But the Court of Appeals turned around and said that its own decision is of persuasive effect, it is not binding on the lower court, and therefore the lower court may proceed on its own. So, as the jurisprudence stands, Your Honor, I am thinking aloud, there is no basis for the amendment.

Senator SUMÚLONG. Well, Your Honor, I think that there is a necessity for the amendment, with all due respect to Your Honor's opinion, because in cases where the courts have meted out a penalty for reckless imprudence resulting in light felony, they applied the penalty corresponding to light felony committed through simple negligence. According to Article 365 of the Revised Penal Code, light felony when committed through simple negligence is punishable by a fine not exceeding ₱200 and censure. And because there is no penalty for light felony when committed through reckless imprudence, in a case where that kind of offense is committed, light felony through reckless imprudence, some courts, for lack of a penalty for such an offense, apply the penalty corresponding to light felony committed through simple negligence, which is a fine not exceeding ₱200 and censure. But when this particular case was taken to the Court of Appeals, that question came up. This was a case where slight physical injuries were inflicted through reckless imprudence, and what the trial court did was to apply the penalty corresponding to light felony committed through simple negligence. When this case came up to the Court of Appeals, there was that dilemma or question presented whether or not in a case like this, it is within the jurisdiction of a court to apply to light felonies committed through reckless imprudence the penalty corresponding to light felonies committed through simple negligence. And the Court of Appeals, in

this particular decision, held that that cannot be done because that would be an *ex post facto* law, because at the time the light felony through reckless imprudence was committed, there was no law penalizing it. Even if it is correct to apply to light felonies committed through reckless imprudence the penalty for light felonies committed through simple imprudence, still we should amend Article 365 because it will be very absurd that when somebody commits slight physical injuries through reckless imprudence, he is either acquitted for lack of a penalty or the courts apply to him only the penalty for light felony committed through simple imprudence. I think that nobody can dispute that light felony committed through reckless imprudence is a more serious offense than light felony committed through simple negligence. That is why I believe, Your Honor, we have to amend Article 365 to fill that void in that provision of our Penal Code.

Senator PRIMICIAS. That is it. My doubt is on the point whether there is a void or not, because the decision of the Court of Appeals has not yet been confirmed by the Supreme Court. And in that case I have just cited to Your Honor, the Court of Appeals refused to enforce its own decision on the Court of First Instance of Manila on the ground that its own decision is not of binding effect on inferior courts.

Senator SUMÚLONG. Personally, I think Your Honor is perfectly correct, because it is only when a decision is rendered by the Supreme Court that we can say that the decision is of binding effect, and a decision of the Court of Appeals is simply of persuasive effect which may be modified or reversed by the Supreme Court. But it seems to me, Your Honor, that when we have a decision of the Court of Appeals, that decision should be followed until and unless it has been reversed or modified by the highest court of the land, the Supreme Court.

Senator PRIMICIAS. That is Your Honor's opinion and I agree with Your Honor there. But we are now faced with an actual case, and this amendment is based on a void which Your Honor has mentioned here. And under the decision of the Court of Appeals, there is really a void, but I am beginning to wonder whether this decision really creates a void so long as it is not confirmed by the Supreme Court, because it might happen that in the future, the Supreme Court might reverse the decision of the Court of Appeals and say that

the crime of slight physical injuries committed through reckless imprudence might be punishable by the punishment set for slight physical injuries committed through simple imprudence as some courts are now applying.

Senator SUMÚLONG. But does not Your Honor think that even in the remote event that the Supreme Court would hold to that effect, and I doubt whether it would, I feel certain, Your Honor, that if some courts had done that, it is simply because they had no other recourse. In order to mete out some punishment for light felonies committed through reckless imprudence, they were simply forced even against their will to apply to it the penalty corresponding to light felony committed through simple negligence. Suppose an accident should happen resulting in slight physical injuries committed through reckless imprudence, how would the court act? They cannot act with certainty as Your Honor has very well said. Judges do not know what to do, fiscals do not know what to do for lack of an explicit provision in our Penal Code. Sometimes, the judges, just to punish the offender, resort to the penalty for light felonies committed through simple negligence.

Senator PRIMICIAS. Your Honor's intention is to clarify this seeming confusion.

Senator SUMÚLONG. Assuming, Your Honor, that there is no void, I think we should clarify for the guidance of our prosecuting attorneys and of our courts.

Senator PRIMICIAS. I agree with Your Honor there. Thank you very much.

Senator PAREDES. Mr. President, will the gentleman yield?

The PRESIDENT. The gentleman may yield, if he so desires.

Senator SUMÚLONG. Very gladly.

Senator PAREDES. I would like to inquire from the gentleman from Rizal if he would consider the proposition to insert an amendment to the effect that the penalty next higher in degree to that provided in this section shall be imposed upon the offender who does not lend to the injured parties on the spot such help as may be in his hands to give.

Senator SUMÚLONG. I think that will be a salutary amendment, considering that the number of hit and run accidents are increasing everyday, and I wish to thank the gentleman from Abra for thinking of such an amendment.

Senator PAREDES. Thank you. I will propose that in due time.

Now, with reference to the questions of the distinguished Floor Leader, I notice that Your Honor said that there is no penalty provided for in the law for reckless imprudence when the injury is slight.

Senator SUMÚLONG. Yes, Your Honor.

Senator PAREDES. Could Your Honor tell us what is the possible reason for the omission in the Penal Code?

Senator SUMÚLONG. I would like to think that it was just an oversight.

Senator PAREDES. May I say that I took part as a humble member in the drafting of this Code. The reason was that there was the idea of eliminating misdemeanor. The law does not provide for misdemeanor, but that was called more or less misdemeanor. So, it was not considered convenient to include it, but I am glad to notice that it is included because of the frequency of accidents. At that time, when there was no Safety Week, there were not as many accidents as there are now, but now that Safety Weeks are frequent, the accidents have increased.

Senator SUMÚLONG. I wish to thank the gentleman from Abra for furnishing the Senate with the background of the provisions of the Revised Penal Code that we are discussing. It will help us make the corresponding amendments to this article of the Revised Penal Code.

The PRESIDENT. If there are no more remarks, we shall proceed to the period of amendments.

Senator SUMÚLONG. Mr. President, the gentleman from Zamboanga has an amendment to propose.

The PRESIDENT. The gentleman from Zamboanga may propose his amendment.

ENMIENDA LIM

Senator LIM. Mr. President, I am interested only in increasing the maximum penalty. I do not know, however, how it would affect the other paragraphs, but I am only concerned with the maximum penalty, so that on line 8, beginning with the word "to", it should read: "to *prisión correccional* in its MEDIUM period". In other words, change only the word "minimum" on line 9 to "medium."

Senator ALONTO. Mr. President, with the permission of the distinguished sponsor, may I be allowed to ask the gentleman from Zamboanga a few questions?

The PRESIDENT. The gentleman from Zamboanga may yield, if he so desires.

Senator SUMÚLONG. I yield to the gentleman from Lanao.

Senator LIM. Willingly, Mr. President.

Senator ALONTO. I understand that the amendment that the gentleman from Zamboanga has submitted is merely to change the maximum period of the penalty provided for in this Code, is that correct?

Senator LIM. Yes, by changing the word "minimum" on line 9, to the word "medium".

Senator ALONTO. In other words, the penalty would be *arresto mayor* in its maximum to *prisión correccional* in its medium period.

Senator LIM. That is right.

Senator ALONTO. In other words, this is the penalty that would be imposed on drivers, for example, who have caused the death of persons through reckless imprudence.

Senator LIM. And other grounds, such as when a man through reckless imprudence points a gun at somebody and kills him.

Senator ALONTO. Does the gentleman believe that this is sufficient enough, considering the recent incidence of several deaths caused by "hit" and "run" drivers in almost all parts of the country?

Senator LIM. Frankly, I don't consider it enough, but a couple of other Senators told me that they would vote for my amendment if I word it in this manner. So, I would rather be sure that this amendment is accepted than run the risk of my amendment not being accepted. If I had my way, I would increase it by one grade higher, maybe from *prisión correccional* in its minimum period to *prisión correccional* in its maximum period.

Senator ALONTO. In other words, the penalty of *prisión correccional* in its entirety?

Senator LIM. Yes.

Senator ALONTO. In other words, the court will have a wider latitude from which to choose, depending upon the type of the case presented before it.

Senator LIM. If Your Honor will propose an amendment to my amendment making it *prisión correccional* minimum to *prisión correccional* maximum, I would vote for that amendment.

Senator ALONTO. As a matter of fact, I was about to present my amendment a while ago after discussing it with the gentleman from Quezon, so that instead of the penalty provided for here of *arresto mayor* in its maximum period to *prisión correccional* in its minimum period, the penalty would be *prisión correccional* in its entirety. Is Your Honor willing to accept that?

Senator LIM. I accept that amendment to my amendment.

Senator ALONTO. Thank you.

ENMIENDA ALONTO A LA ENMIENDA
Mr. President, my amendment then is as follows:
On lines 7 to 9, delete the words "*arresto mayor*"

in its maximum period to *prisión correccional* in its minimum period" and in lieu thereof insert the words "*prisión correccional*".

The PRESIDENT. What does the sponsor say?

Senator SUMÚLONG. Mr. President, I am in favor of increasing the penalty for reckless imprudence, but I think that we should not also lose sight of the fact that we are not punishing here intentional felonies; we are only punishing here felonies committed through reckless imprudence, and that is the reason why the Revised Penal Code, following a pattern, does not apply the penalties corresponding to intentional offenses, and if we inflict "*prisión correccional*" for a grave felony committed through reckless imprudence, that would mean that the penalty would be two years and one day to six years.

Senator ALONTO. No, six months and one day to six years.

Mr. President, with the permission of the distinguished sponsor, may I be allowed to say a few words on this point?

Senator SUMÚLONG. Willingly, Mr. President.

The PRESIDENT. The gentleman from Lanao has the floor.

EL SEN. ALONTO RAZONA SU ENMIENDA

Senator ALONTO. Take for example, Mr. President, the case of homicide through reckless imprudence or reckless driving. If it were intentional, the penalty would be "*prisión mayor*", meaning in its entirety or six years and one day to twelve years. But since it is not intentional, then it is one degree lower, or six months and one day to six years.

Now, the purpose of this bill, is to be a deterrent to reckless driving and other reckless acts which cause unnecessary deaths. We have read in the newspapers recently, and not only recently but even in the past, that in spite of the campaigns both by the Government and civic organizations to stop reckless driving, yet we are well aware that there have been so many incidents of reckless driving, of "hit-and-run" drivers killing people right and left, in many cases the drivers even run away from their victims, and recently there was a case of a foreigner who, after hitting and killing a pedestrian, run away from the scene of the crime. So, in order that this law would really be a deterrent to such situations, I believe that we should increase the penalty a little bit in order that we can stop these unfortunate incidents taking place in our country because of the presence of many motor cars that we have now. After all, the latitude from which the court can choose would be from six months and one day to six years, and in cases where

it has been proved that it was purely by reason of unforeseen and fortuitous events, then the court can choose a very much lower penalty and apply the sentence that would be very much lower than what is provided here.

Senator LIM. Mr. President, I wish to say a few words in favor of this amendment.

The PRESIDENT. The gentleman from Zamboanga has the floor.

DISCURSO DEL SEN. LIM A FAVOR

Senator LIM. Mr. President and gentlemen of the Senate: while it is true that in the case of crimes committed through reckless imprudence there is no willful intention, the result is the same. When a reckless driver kills a man—just last week two girls were killed and other seriously injured—unintentionally through reckless imprudence, the fact remains that lives are being lost. As the gentleman from Lanao has stated in the case of homicide, the penalty is from 6 years to 12 years, thus giving the judges latitude of choosing the proper penalty depending upon the circumstances, and if it is intentional killing, from 6 years to 12 years. But in the case of reckless imprudence, if the amendment of the gentleman from Lanao amending my amendment is approved, the judges can choose within a range from 6 months to 6 years. While it is true that perhaps by comparison intentional homicide is much worse than killing somebody through reckless imprudence, in some respects perhaps a man who kills someone else might have justified motives in aiming at somebody whom he hates. And although perhaps some reasons are valid enough to constitute self-defense, in case of reckless imprudence it might also be worse if we look at it from an angle in the case of some innocent pedestrians walking in the streets being killed just because the drivers are recklessly imprudent, and so, we might even perhaps punish that fellow more heavily than the one who points his gun intentionally at somebody against whom he has a grudge. So, I believe the amendment is well taken.

Senator SUMÚLONG. Mr. President, if the gentleman from Zamboanga has finished his remarks, I think the gentleman from Lanao wants to make a statement, because after he conferred with the gentleman from Abra he was informed about an amendment to be proposed, that in case of an accident, if the negligent party fails to give a helping hand to the injured party, the penalty of the next higher degree will be imposed. I think

that idea also covers the idea of the gentleman from Lanao who is seeking a higher penalty in cases of reckless imprudence which we are now discussing.

Senator LIM. I would like to listen to the gentleman from Lanao.

The PRESIDENT. The gentleman from Lanao may proceed.

SUSPENSIÓN DE LA SESIÓN

Senator ALONTO. Mr. President, I understand that the distinguished gentleman from Abra is preparing an amendment that will cover certain sections of this bill. Now, before I ask any decision on my amendment, I request the indulgence of the Senate for one or two minutes suspension so that we can agree on the final draft of the amendment.

Senator SUMÚLONG. I agree with the suggestion of the gentleman from Lanao, Mr. President.

The PRESIDENT. The session is suspended for two minutes, if there is no objection. (*There was none.*)

Eran las 11:50 a.m.

REANUDACIÓN DE LA SESIÓN

Se reanuda la sesión a las 11:55 a.m.

The PRESIDENT. The session is resumed.

RETIRADA DE LA ENMIENDA ALONTO A LA ENMIENDA

Senator ALONTO. Mr. President, after conferring with the other distinguished members of the Senate, I believe it will be more systematic if we accept the amendment to be presented by the gentleman from Abra, for which reason I withdraw my amendment to the amendment presented by the gentleman from Zamboanga.

The PRESIDENT. The amendment of the gentleman from Lanao is withdrawn.

Senator LIM. Mr. President, I have submitted an amendment which the gentleman from Lanao is trying to amend. But since he withdrew his amendment, I ask that it be voted upon. My amendment seeks to change the word "minimum" on line 9 to the word "MEDIUM".

The PRESIDENT. What does the sponsor say?

Senator SUMÚLONG. No objection.

The PRESIDENT. The amendment is approved, if there is no objection. (*There was none.*)

ENMIENDAS PAREDES

Senator PAREDES. Mr. President, for an amendment. I propose that an additional paragraph to Article 365 be inserted as follows: "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 IN-

JURED PARTIES SUCH HELP AS MAY BE IN HIS HANDS TO GIVE."

Senator SUMÚLONG. Accepted, Mr. President.

The PRESIDENT. If there is no objection, the amendment is approved. (*There was none.*)

Senator PAREDES. Mr. President, as a consequence to this amendment just approved, I propose that in line 1, Sec. 1, as well as in the title of the bill, the phrase "Paragraph one of" be deleted.

Senator SUMÚLONG. Accepted, Mr. President.

The PRESIDENT. If there is no objection, the amendment is approved. (*There was none.*)

SENATOR SUMÚLONG. If there are no further amendments, Mr. President, I ask that the bill as amended be approved on second reading.

APROBACIÓN EN SEGUNDA LECTURA DEL

S. NO. 582

The PRESIDENT. We shall now vote on the bill. Those who are in favor of the bill as amended will please say *aye*. (*Several Senators: Aye.*) Those who are against will please say *nay*. (*Silence.*) The bill as amended is approved.

SEGUNDA LECTURA Y CONSIDERACIÓN DEL

S. NO. 417

Senator PRIMICIAS. Mr. President, I ask that we now consider Senate Bill No. 417.

The PRESIDENT. Consideration of Senate Bill No. 417 is now in order. The Secretary will please read the bill.

The SECRETARY:

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED THIRTEEN HUNDRED EIGHTY-THREE, ENTITLED "AN ACT CREATING A PUBLIC CORPORATION TO BE KNOWN AS THE NATIONAL WATERWORKS AND SEWERAGE AUTHORITY."

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

SECTION 1. The first and second paragraphs of Section One of Republic Act Numbered Thirteen hundred eighty-three are amended to read as follows:

"SEC. 1. Creation of the National Waterworks and Sewerage Authority; its general purposes; zone and extent of jurisdiction comprised by it; domicile and place of business of the corporation.—For the purpose of consolidating and centralizing all waterworks, and sewerage [and Drainage] systems in the Philippines under one control, direction and general supervision, there is hereby created a public corporation to be known as the National Waterworks and Sewerage Authority, which shall be organized within one month after the approval of this Act.

"The National Waterworks and Sewerage Authority shall own and/or have jurisdiction, supervision and control over all territory now embraced by the Metropolitan