WHEREAS, in 2014, the Philippines saw the unprecedented increase in motor vehicle sales—growing way above the ASEAN average, at 29 percent 234,747 units last year from 181,738 in 2013; which makes it the region’s third-best performer next to Vietnam and Singapore

WHEREAS, considering this growth on vehicle sales, the Government, especially the Department of Trade and Industry, should have been prompted to craft regulatory and rationalizing measures for private transportation that takes public safety at foremost consideration;

WHEREAS, we take as emphasis the recurring and persisting incidents of unintended sudden acceleration suspiciously involving only certain brands of vehicles, specifically Mitsubishi Montero SUVs. This issue has caused alarm mostly because lives have been taken and put into risk and moreover, because despite these bludgeoning irregularities, DTI did not initiate any investigation or measures to address the same;

WHEREAS, last May 12, 2015, in a hearing conducted by the House Committee on Trade and Industry regarding the herein raised issue, it was verified and admitted by the Mitsubishi Motors Philippines Corporation (MMPC), that there were ninety seven (97) reported cases of unintended

sudden acceleration. Moreover, amongst all the cases documented, six lives have been taken including three from Malolos, Bulacan and a certain garbage collector;

WHEREAS, the 97 reported cases have in fact increased as incidents of unintended sudden acceleration continued to persist, as exemplified by the following cases:

- Recently, Mr. Bernardo and Mrs. Avenida Bernardo's case whereby their Montero Sport flipped over. Mr. Bernardo reported the incident to DTI to no avail, as the latter did not entertain the complaint mainly because the warranty of Bernardino's Montero Sport had expired;
- Former Srta. Maria Mayor Jesus Mateo, who owned two Montero Sport, stated that their SUV accidentally smashed through a wall due to SUA;
- Three documented cases were blotted at Malolos Bulacan, one of which reported to have accidentally killed three individuals;
- Experiences by Atty. Charlie Tumani and Jenny Pantoja;

WHEREAS, considering these cases, the House Committee on Trade and Industry adopted the motion to recommend the stop in the purchase of Mitsubishi MOntero Sport and urge the DTI to order and pull out the vehicle model in the market until the SUA issue have been resolved. Nothing was heard from DTI since that hearing;

WHEREAS, MMPC, through an official statement, said that the Sudden Unintended Acceleration (SUA) claims insinuating that the Montero Sport is defective are without any basis and that the Ontero Sport is neither defective nor unsafe to use. That, upon receipt of unintended sudden acceleration complaints, Mitsubishi Motors Japan sent in 2011 engineers to self-investigate. The results showed that all the Mitsubishi Montero components—the fuel injection system, pedal, Engine Control Unit, wiring harness, engine throttle system and software—are operating normally within their specifications and have undergone extensive testing before mass production. Instead, MMPC encouraged drivers and owners to read the owner’s manual for proper driving procedures, subtly blaming drivers and owners;

WHEREAS, the continuous neglect of DTI to investigate and inspect the safety aspects of commercial vehicles, made it all the more easier for car producers such as Mitsubishi Motor Philippines Corporation (MMPC) to dismiss, deny and vehemently blame these incidents as mainly due to victims' errors;

WHEREAS, in a study conducted by National Academy of Sciences, regulators from the United States themselves are ill-equipped to detect problems arising from the complex computer systems of modern cars. This is shared by Dr. Antony Anderson, a fellow of the Institution of Engineering and Technology and of the Institution of Diagnostic Engineer, who said that there are only two possible ways to which the throttle could open and cause sudden acceleration from near standstill: driver pedal error or electronic system malfunction. These two possibilities, according to Anderson are mutually exclusive. This means that where no traces of physical evidence related to electronic malfunction is found; this is not conclusive at all to deduce the blame to driver malfunction. In fact, Anderson pointed that given the complexities of the electronic system of modern cars, “absence of proof is not proof of absence...as intermittent electronic malfunctions do not necessarily leave permanent traces behind them after the event and may not be reproducible on demand.”

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2 http://business.inquirer.net/42375/unintended-sudden-acceleration-theories
3 Ibid.
WHEREAS, self-investigation and self-inspection by MMPC as well as other concerned car producers ultimately imputes injustice to victims of unintended sudden acceleration. These are all due to DTI’s vehement neglect to properly conduct and institute safety inspection practices for vehicle products, which, in the first place, is mandated upon them by the 1992 Consumer Act.

WHEREAS, moreover, the unregulated and uninspected motor vehicle production and trade in the country illustrates the need to review the 1992 Consumer Act; to not only make it more comprehensibly akin to the prevailing industry practices, but as well comprehensibly institute more stringent measures that protect our consumers and promote public safety;

WHEREAS, instead of the Government merely focusing on regulating and rationalizing public transport, it is all the more heeded that they likewise ensure that private transport are as regulated to guarantee public safety. With this, it is hereby moved that the Department of Trade and Industry exercise Article 10 of the 1992 Consumer Act and recall if deemed injurious and dangerous to public safety, to wit:

"Article 10. Injurious, Dangerous and Unsafe Products. — Whenever the departments find, by their own initiative or by petition of a consumer, that a consumer product is found to be injurious, unsafe or dangerous, it shall, after due notice and hearing, make the appropriate order for its recall, prohibition or seizure from public sale or distribution: Provided, That, in the sound discretion of the department it may declare a consumer product to be imminently injurious, unsafe or dangerous, and order an immediate recall, ban or seizure from public sale or distribution, in which case, the seller, distributor, manufacturer or producer thereof shall be afforded a hearing within forty-eight (48) hours from such order. The ban on the sale and distribution of a consumer product adjudged injurious, unsafe or dangerous, or imminently injurious, unsafe or dangerous under the preceding paragraph shall stay in force until such time that its safety can be assured or measures to ensure its safety have been established."

WHEREAS, it is highly urged that the Government, particularly the current administration, to start regulating and having mandatory safety inspections of motor vehicles before being sold in the market. Provide adequate measures to prevent introduction of dangerous products into the market and provide adequate relief to victims of vehicular accidents from manufacturers and dealers;

NOW THEREFORE, BE IT RESOLVED, directing the House Committee on Trade and Industry to conduct an investigation, in aid of legislation, on the frequent Unintended Sudden Acceleration (USA) incidents involving Mitsubishi Montero Sport utility vehicles, largely due to the negligence in part of DTI to conduct safety inspections, with the end in view of not only urging DTI to exercise its authority to investigate and pull out the herein mentioned vehicle model if proven to be injurious, dangerous and unsafe, in accordance to the 1992 Consumer Act, but urging the Government to regulate, inspect and investigate motor vehicle producers in accordance to public safety.

Adopted,

Rep. NERI J. COLMENARES
Bayan Mano Party-list

Rep. CARLOS ISAGAMI T. ZARATE
Bayan Mano Party-list