

HOUSE OF REPRESENTATIVES

House Bill No. 319

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

According to the United States Centers for Disease Control and Prevention, an agency under the Department of Health and Human Services, the leading cause of death among children is motor vehicle injury. In 2005, it was reported that around four American children die each day because of motor vehicle crashes. These children should have been saved had they been on their proper seats and restraints or the driver had been more conscientious of his passenger. On a brighter side of the story, an estimated 425 children were saved by proper child seat and restraints use every year.

Closer to home, the DOH released a study in 2004 that among school age children, age 5-14 years old, the leading cause of accidental death is motor vehicle accident. This prompted the department to include the stricter implementation of the seat belt law as one of their 2004 National Objectives for Health key action plan. However, it missed the important inclusion of the use of child restraints as one of their recommendations.

Apparently, there is lack legislation on the use of child restraints worldwide. The World Health Organization Western Pacific listed that out of 26 countries in the region, 15 does not have child restraint law, including the Philippines. As to the effectiveness of the enforcement of the policy, only New Zealand and Singapore passed the respondents' tests (WHO 2009). As such, an enactment of a law regarding safety standards of children in motor vehicles will be a great leap in the safeguarding of our children.

This bill not only defines the use of seat belts and child restraint systems in motor vehicles, but also describes practices that must be conformed by responsible drivers and vehicle owners for the safety of children. For example, it will be disallowed to leave children alone in stationary vehicles while the engine is running, the keys are within the vehicle and reach of the child, or any other circumstance that pose risk and danger to the child passenger. Another provision is the outright prohibition of letting a child age 12 and below to seat in the front passenger seat of any running motor vehicle.

This bill is envisioned to save hundreds, if not thousands, of Filipino children's lives if sincerely enforced. It is but a reminder that for every child we may save, we are doing our future a big favor.


SUSAN A. YAP

Representative, 2nd District of Tarlac

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AN ACT

ENSURING SAFETY MEASURES FOR CHILDREN RIDING IN MOTOR VEHICLES

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

SECTION 1. *Short Title.* - This Act shall be known as the "Children in Motor Vehicle Safety Act of 2010".

SEC. 2. *Declaration of Policy.* - The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. Towards this end, the State shall pursue a proactive and preventive approach in order to secure the safety of children riding in motor vehicles at all times with the enforcement of safety measures.

SEC. 3. *Definition of Terms.* - As used in this Act, the term:

- (a) *Children* refer to any person twelve (12) years and below;
- (b) *Motor vehicle* refers to private vehicles and school buses for preschool and primary school operated or driven upon a public highway which are propelled by any power other than muscular power and is being used in any way to carry any person from one place to another. It shall likewise include public motor vehicle as defined in Republic Act No. 4136, otherwise known as the "Land and Transportation and Traffic Code"; Republic Act No. 8750, otherwise known as the "Seat Belts Use Act of 1999"; and Administrative Order No. BGC-AO-99004 (Implementing Rules and Regulations on the Installation and Use of Seat Belt);
- (c) *Seat belt device* refers to any strap, webbing or similar device in the form of pelvic restraint or lap belt, upper torso restraint or shoulder strap or a combination thereof designed to secure a person in a motor vehicle in order to mitigate the results of any accident including all necessary buckles and other fasteners, and all hardware/anchorage designed for installing such seat belt in a motor vehicle; and
- (d) *Child restraint system* refers to beds for babies, seats for infants and seats for school children that are manufactured and crafted in accordance with the internationally accepted standards pending adoption of a national standard by the Bureau of Product Standards (BPS) of the Department of Trade and Industry (DTI).

SEC. 4. *Coverage.* - This Act shall apply to drivers and children passengers of private motor vehicles and school buses for preschool and primary school.

1 SEC. 5. *Prohibited Acts.* - It shall be unlawful for any driver of a motor vehicle to travel with
2 children on board without ensuring or exercising the following safety measures:
3

4 (a) Infants and/or children with ages twelve (12) years old and below shall be prohibited to
5 sit in the front seat of any running motor vehicle;

6 (b) Children shall not be allowed to travel on board any motor vehicle without seat belt
7 devices and/or child restraint system at the back row seats; and

8 (c) Children shall not be left unattended inside the motor vehicle without supervision by a
9 person who is eighteen (18) years of age or older under one or more of the following circumstances:

10 (1) Under conditions presenting a significant risk to the child's health or safety;

11 (2) The engine of the motor vehicle is running; or

12 (3) The keys to the motor vehicle are anywhere in the passenger compartment of the
13 motor vehicle.
14

15 SEC. 6. *Exceptions.* - The provisions of this Act shall not apply to public utility vehicles which
16 are not school buses for preschool and primary school. As such, jeepneys and buses, as well as
17 emergency vehicles, shall be exempt from the provisions of this Act. It shall likewise not apply to
18 medical emergencies or when, because of the circumstances of the situation, riding in a motor
19 vehicle without a safety device removes such child from an even greater or more imminent danger.
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21 SEC. 7. *Penalties and Fines.* - Any person found guilty of violating the provisions of this Act
22 shall be punished with a fine of not more than Two thousand pesos (P2,000.00) or imprisonment of
23 not more than thirty (30) days, or both, at the discretion of the court, taking into consideration all
24 attending circumstances. Subsequent violations shall be punishable by a fine of not less than Five
25 thousand pesos (P5,000.00) or a penalty of imprisonment of *arresto mayor*, or both, at the discretion
26 of the court. The driver's license shall be revoked upon conviction of three (3) violations of this
27 provision. Such revocation shall prohibit the grant of a new driver's license for twelve (12) months
28 from the date of the conviction.
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30 SEC. 8. *Implementing Agency.* - The Land Transportation Office (LTO) and the Philippine
31 National Police (PNP) shall be the primary implementing agencies in enforcing the provisions of
32 this Act. Within sixty (60) days from the effectivity of this Act, the LTO, the PNP and the BPS of
33 the DTI shall formulate and issue the necessary implementing rules, regulations and guidelines and
34 shall mobilize available resources to assure the effective implementation of this Act.
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36 The BPS, in coordination with the LTO, shall likewise formulate the procedure and
37 standards for the approval of safety devices for use by children in motor vehicles and to publish the
38 same with a list of such approved devices not more than ninety (90) days after the approval of this
39 Act.
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41 SEC. 9. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional,
42 the remainder of this Act or the provisions not otherwise affected thereby shall remain valid and
43 subsisting.
44

45 SEC. 10. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of
46 instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of
47 this Act is hereby repealed, modified or amended accordingly.
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49 SEC. 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in
50 at least two (2) newspapers of general circulation.
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52 Approved,
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