

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress

First Regular Session

HOUSE BILL NO. 2185

Introduced by: Hon. MARY MITZI "MITCH" L. CAJAYON

EXPLANATORY NOTE

According to 'A Study on Development Local Public Transport Policy: The Case of Tricycles and "Habal-habal" in Davao City Philippines' by Marie Danielle Guillen (University of Tsukuba), motorcycle-propelled vehicles in the form of tricycles has gained popular acceptance as a legitimate form of public transport.

It has been proffered that while it is "a valid mode for transportation and accessibility it is not, however, technically designed for public transportation." Hence, the use of motorcycle-based public transport has raised concerns related to public safety. Easily, the issue is that motorcycles, tricycles and other similar modes of transportation are considered dangerous to the general riding public, especially children.

The same study, as well as common experience, indicates that "due to design and speed limitations compared with other motorized vehicles, there are contentions that tricycles are susceptible to accident."

It has been found that in 2002, motorcycle and tricycle related accidents comprised 12% of the total vehicular accidents. The study notes that, "the seriousness of accident involving tricycles plying on provincial roads cannot be taken for granted as highlighted in news reports. Such as, in Laguna, southern part of Metro Manila, one died and four others were seriously wounded in a road mishap involving tricycles. In the Ilocos, Luzon's northern part, road accidents killed five and injured two more, one involving a tricycle that was sideswiped by a bus on national highway and the other involved a motorcycle bumped by a southward car."

This bill proposes to preclude the transporting of children on motorcycles and tricycles along highways consistent with the doctrine of *parens patriae* which is "a concept of standing utilized to protect quasi-sovereign interests, such as 'health, comfort, and welfare' of the people," when such interests are threatened and state government intervention may be needed [Gibbs v. Titelman, 369 F. Supp. 38, 54 (E.D. Pa. 1973)]. It has also been legally acknowledged that one of the more common situations where there may be threatened interests requiring state intervention involves the interests of minors and others of legal incapacity.

In view of the foregoing, early passage of this bill is earnestly sought.



MARY MITZI "Mitch" L. CAJAYON

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

AN ACT

PROHIBITING THE RIDING OR TRANSPORTING OF CHILDREN NINE (9) YEARS OLD AND BELOW ON MOTORCYCLES AND TRICYCLES ALONG HIGHWAYS

SECTION 1. *Short Title.* - This Act shall be known as the "*Motorcycle Safety Act for Children.*"

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to maintain at all times the safety and protection of children from the ruinous and extremely injurious effects of fatal or life threatening accidents and crashes. Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of child passengers at all times through the mandatory enforcement of the restriction on the riding or transporting of children on motorcycles and tricycles along highways.

SECTION 3. *Definitions.* - For purposes of this Act, the following terms shall mean:

(A) Motorcycle - any two-wheeled vehicle such as motorcycles, scooters, motorcycles for hire or "habal-habal" and "skylab" and the like;

(B) Highways and National Highways - roads designated by the government or local government units as highways or national highways;

(C) Tricycle - a motor vehicle composed of motorcycle fitted with a single wheel sidecar or with a two-wheelcab operated as a public transport for a fee.

SECTION 4. *Prohibition* - It shall be unlawful for any person to transport a child nine (9) years old and below on a motorcycle or tricycle along the national highway or highway. Provided, however, that a child may be allowed to be transported on a tricycle only if he/she is safely seated in the side car.

SECTION 5. *Exception* - Provinces, cities and municipalities wherein there is no considerable vehicular traffic and where motorcycles are the only means of transportation are hereby exempted from the provisions of this Act.

SECTION 6. *Penalties.* - Any violation of this Act shall be punished as follows: The first time offender shall be fined with an amount not exceeding P3,000.00; P5,000.00 for the second offense and P10,000.00 for the third and succeeding offenses.

SECTION 7. *Implementing Rules and Regulations* - As the lead agency, the Land Transportation Office (LTO) shall formulate the Implementing Rules and Regulations (IRR) of this Act within ninety (90) days after its effectivity.

SECTION 8. *Separability Clause* - If for any reason any section or provision of this Act is declared unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9. *Repealing Clause*. - Any laws, decrees, or rules and regulations which are inconsistent with or contray to the provisions of this Act are hereby amended or repealed.

SECTION 10. *Effectivity Clause*. - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Approved,