



Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila

**Fifteenth Congress**

**First Regular Session**

**House Bill No. 3554**



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Introduced by **HON. ROMEO M. ACOP**

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### **EXPLANATORY NOTE**

The facts are startling and ominous.

Globally, an average of 200,000 children die from road traffic accidents a year and another 10 million are seriously injured, making road traffic accidents as the leading cause of deaths and injuries among 10-19 years old, mostly in two-wheelers, particularly on motorcycles.<sup>1</sup> In the Philippines, there were 209 cases of accidents involving motorcycles only in January of 2010.<sup>2</sup> While in 2009, 4,302 incidents of motorcycle crashes were monitored to have occurred.<sup>3</sup>

Among motor vehicles, motorcycles are the most vulnerable to ride. Average driving of an automobile requires around 4/10ths of a driver's concentration while riding a motorcycle requires 10/10ths of complete attention. Hence, motorcycle riders should concentrate more on their riding than drivers of four-wheeled vehicles. Moreover, riding a motorcycle, whether as a driver or co-rider, requires a balance of body weight and the weight of the bike especially in high-speed driving or weaving in and out of traffic. Children's physical frailty and their lack of agility of an adult while co-riding in a motorcycle place them at great risk. For these reasons, parents and adults must be compelled against permitting children from taking to the roads on motorcycles as co-riders as they are exposed to a higher risk of being involved in an accident.

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1. WHO-UNICEF Report on Children Injury Prevention, 2008
  2. Highway Patrol Group, Philippine National Police
  3. Philippines Global Road Safety Partnership

It is in the same breadth and for similar reasons that a limitation on the number of allowable riders in a motorcycle must be observed. Records show that on the average, motorcycles have the highest fatality accident rate among motor vehicles.<sup>4</sup> Among the leading causes of motorcycle accidents is overloading. Motorcycle accidents can be minimized by a proactive, preventive approach in the shaping and implementation of traffic regulations.

Parents and adults need to play a more active role in inculcating basic and good road safety values in children and must lead by example in displaying the correct attitude on the road and in abiding by the traffic regulations. On the other hand, children of tender age must have a good basic foundation and understanding of what is road safety.

While Article III, Section 6 of the 1987 Constitution provides in part that, 'neither shall the right to travel be impaired except in the interest of national security, *public safety*, or public health, as may be provided by law', the intent of the proposed measure is undoubtedly to promote public safety and for the protection of children from the hazards of the road.

For the above reasons, the immediate passage of this bill is earnestly sought.



HON. ROMEO M. ACOP  
Representative  
2<sup>nd</sup> District, Antipolo City

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4. MMDA Traffic Operations Center



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**AN ACT**  
**PROHIBITING THE TAKING OF CHILDREN BELOW NINE (9) YEARS OF AGE AS**  
**CO-RIDERS IN A MOTORCYCLE, LIMITING THE NUMBER OF ALLOWABLE**  
**RIDERS THEREOF, AND PROVIDING PENALTIES THEREFOR**

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

**SECTION 1. - Declaration of Policy** - It is hereby declared the policy of the State to protect the children from becoming victims of fatal or injurious accidents and crashes as a consequence of riding in a motorcycle considering their physical frailty and ability to secure themselves along the ride and to impress upon motorcycling parents, guardians and adults in general the responsibility of determining the prudence and safety of having children to ride with them. Furthermore, the State shall ensure the safety of motorists through the imposition of allowable number of riders in a motorcycle with respect to the nature of the motorcycle as a vehicle, its operation and the circumstances of riding peculiar to it correlative to the risk of accidents and crashes occurring involving it.

**SECTION 2. - *Prohibited Act*** - No person while in operation of a motorcycle shall take a child below nine (9) years of age as a co-rider with him in the same motor vehicle; *Provided that*, if a child co-riding in the motorcycle is nine (9) years old or above, the person in operation of the motorcycle must carry with him a copy of the child's duly issued Birth Certificate clearly indicating the child's date of birth; *Provided further*, that the prohibition shall not apply in the case of tricycle drivers.

**SECTION 3. - *Limitation on the Number of Allowable Riders*** - No person in operation of a motorcycle shall take with him more than one (1) co-rider; *Provided that*, that the limitation shall not apply in the case of tricycle drivers.

**SECTION 4. - *Penalties*** - For purposes of this Act, the following penalties shall be imposed :

- a) For violation of Section 2 of this Act, a fine of Ten Thousand Pesos ( P 10,000.00 ) on the driver or operator of the motorcycle and the impounding of the motorcycle unit involved.
- b) For violation of Section 3 of this Act, a fine of Five Thousand Pesos ( P 5,000.00 ) on the driver or operator of the motorcycle, and Three Thousand Pesos ( P 3,000.00 ) on each of his co-rider or passenger.

**SECTION 5. - *Qualifying Circumstance*** - If in the commission of the violation of this Act the motorcycle used is involved in an accident or crash resulting to serious or less serious injuries or death to the child or any other co-passenger or rider, the penalty of imprisonment of one (1) year shall also be imposed on the driver or operator of the motorcycle involved.

**SECTION 6. - *Implementing Rules and Regulations*** - Within thirty (30) days from the effectivity of this Act, the Department of Transportation and Communication (DOTC), with the Land Transportation Office (LTO), shall promulgate the pertinent rules and regulations for the effective implementation of this Act.

**SECTION 7. - *Public Information Campaign*** - Within thirty (30) days from the promulgation of the Implementing Rules and Regulations of this Act, and for a period of six (6) months therefrom, the LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd) and private organizations and agencies, shall undertake a nationwide information and education campaign for the attainment of the objectives of this Act.

**SECTION 8. - *Separability Clause*** - If any provision or part of this Act is held invalid or unconstitutional, the remainder of this Act or the provisions not otherwise affected shall remain valid and subsisting.

**SECTION 9. - *Repealing Clause*** - All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

**SECTION 10. - *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

**Approved.**