

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 1597

Submitted by the Committee on Transportation on 13 DEC 2011
Re : House Bill No. 5626

Recommending its approval in substitution of HB No. 2185, HB No. 2445, HB No. 3360, HB No. 3554 and HB No. 5345

Sponsors: Representatives Roger G. Mercado, Mary Mitzi L. Cajayon, Lani Mercado-Christopher S. Co, Romeo M. Acop and Ma. Theresa B. Bonoan-David

Mr. Speaker:

The Committee on Transportation to which were referred House Bill No. 2185 introduced by Representative Mary Mitzi L. Cajayon, entitled:

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

House Bill No. 2445 introduced by Representative Lani Mercado-Revilla, entitled:

“AN ACT PROHIBITING THE RIDING OR TRANSPORTING OF CHILDREN SEVEN YEARS OLD AND BELOW ON MOTORCYCLES ALONG HIGHWAYS”

House Bill No. 3360 introduced by Representatives Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, entitled:

“AN ACT PROHIBITING OVERLOADING AND THE RIDING OR TRANSPORTING OF CHILDREN TWELVE YEARS OLD AND BELOW ON MOTORCYCLES ALONG PUBLIC ROADS AND HIGHWAYS”

House Bill No. 3554 introduced by Representative Romeo M. Acop, entitled:

“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”

and House Bill No. 5345 introduced by Representative Ma. Theresa B. Bonoan-David, entitled:

“AN ACT PROHIBITING THE RIDING OR TRANSPORTING OF CHILDREN TEN (10) YEARS AND BELOW ON MOTORCYCLES ALONG HIGHWAYS”

has considered the same and recommends that the attached House Bill No. 5626 entitled:

“AN ACT PROVIDING MEASURES TO ENSURE THE SAFETY OF CHILDREN ABOARD MOTORCYCLES AND FOR OTHER PURPOSES”

be approved in substitution of HB No. 2185, HB No. 2445, HB No. 3360, HB No. 3554 and HB No. 5345 with Representatives Mary Mitzi L. Cajayon, Lani Mercado-Revilla, Christopher S. Co, Rodel M. Batocabe, Alfredo A. Garbin, Jr., Romeo M. Acop, Ma. Theresa B. Bonoan-David, Roger G. Mercado, Eleandro Jesus Madrona, Al Francis DC Bichara, Philip A. Pichay, Eduardo R. Gullas and Randolph S. Ting as authors thereof.

Respectfully submitted,



HON. ROGER G. MERCADO

Chairman

Committee on Transportation

THE HONORABLE

The Speaker

House of Representatives

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
2nd Regular Session

MINUTES OF THE MEETING OF THE COMMITTEE ON TRANSPORTATION HELD ON NOVEMBER 29, 2011, 9:30AM AT CONFERENCE ROOMS 7&8, RVM BLDG, HOUSE OF REPRESENTATIVES, QUEZON CITY

RESOURCE PERSONS :

Mr. Avelino Zapanta – President and CEO, SeaAir
Mr. Virgilio Padua – PPA
Atty. Carmenez Cruz – PPA
Ms. Maria Hazel Acantilado – OSG
Ms. Ma. Cristina Navarro – OSG
Mr. Jose Claro Tesoro – CIAC
Atty. Marlon Melodias – DOF
Mr. Virgilio Calag – MARINA
Mr. Vic suazo Jr – MARINA
Atty. Lope Feble - OROPHIL
Mr. Augusto Zamora – 7107 Island Cruise
Ms. Cherrylou Rodolfo, NCC-EDC
Mr. Esteban Tajanlangit III – Chairman, 7107 Island Cruise
Mr. Nelson Ramirez – United Filipino Seafarers
Atty. Karen Malabanan – OSG
Atty. Mary Hazel Mapaog – MNHPI

I. CALL TO ORDER

The meeting was called to order at around 9:30 in the morning with Rep. Eleandro Jesus Mardona, Senior Vice Chairman of the Committee, as presiding Chair.

II. ROLL CALL AND APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

The calling of the roll was dispensed with on the motion of Rep. Acop. He subsequently moved for the approval of the minutes of the previous meeting which the Committee likewise approved.

III. ACKNOWLEDGMENT OF GUESTS

The presiding Chair proceeded by acknowledging the presence of the resource persons who honored the invitation of the Committee.

IV. PRELIMINARY REMARKS BY THE CHAIRMAN

Rep. Madrona gave the group an overview of what was in the agenda for the day's meeting. He said that before the Committee were two (2) proposed substitute bills which were submitted by the technical working groups (TWG) for consideration and approval of the Mother Committee.

A Motu Proprio inquiry was also set to determine the issues surrounding the seizure and detention of the M/V 7107 Islands Cruise Ship. The investigation will aid the Committee in determining the adequacy of policies and laws on marine vessel importation, registration and taxation.

V. MEETING PROPER

SUBSTITUTE HOUSE BILL, ENTITLED: "AN ACT PROVIDING MEASURES TO ENSURE THE SAFETY OF CHILDREN ABOARD MOTORCYCLES, AND FOR OTHER PURPOSES"

Presiding Chair Madrona presented the draft substitute bill for House Bill Nos. 2185, 2445, 3360 and 5345 authored by authored by Reps. Cajayon, Mercado-Revilla, Co, Batocabe, Garbin, Acop, Bonoan-David, Roger Mercado, Madrona, Bichara and Pichay, respectively. After careful consideration of the proposed substitute bill, upon motion of Rep. Tieng, duly seconded by Rep. Gullas, the draft bill in substitution of the above mentioned measures was approved.

Reps. Gullas and Ting signified their intention to be co-authors of said measure.

SUBSTITUTE HOUSE BILL, ENTITLED: "AN ACT PROVIDING FOR THE FURTHER LIBERALIZATION OF THE COMMERCIAL AVIATION INDUSTRY OF THE PHILIPPINES BY ALIGNING EXISTING POLICIES, RULES AND REGULATIONS"

Before acting on the motion of Rep. Gullas to approve the proposed substitute bill for House Bill Nos. 1352, 1601 and HR No. 1143, 1143 authored by Reps. Enerio-Cerilles, Gatchalian, Castelo, Olivarez, Calixto-Rubiano, Cerafica, Zamora Apsay, Hataman-Salliman, Unabia, Garcia-Albano, Herrera-Dy and Asilo, respectively, certain amendments were agreed upon.

Under the first paragraph of Section 4, the word "secondary" be deleted in the same manner as the second sentence of subparagraph (f) of the substitute bill.

Thereafter, subject to the additional comments submitted by the office of Congresswoman Lani Mercado on both measures and agreed upon by the members, the proposed substitute bills were unanimously approved by the Body.

MOTU PROPRIO INQUIRY INTO THE PRESENT STATE OF M/V 7107 ISLANDS CRUISE AND THE ISSUES SURROUNDING ITS SEIZURE AND DETENTION

The inquiry was centered on the status of the M/V 7101 Islands Cruise, formerly known as M/V Coco Explorer 2, which was seized and detained on March 4, 2008 by the Run Against The Smugglers (RATS) Group on the alleged non-payment of import duties and taxes, and illegal entry.

As alleged by the parties, the vessel of Panamanian flag was brought to the Philippines to be sold after its repair and conversion to Philippine registry.

The documents submitted would reveal that before the case was elevated to the Court of Tax Appeals (CTA), the seizure and detention of the vessel had been questioned in several instances. On May 23, 2008, Horacio Suansing, Customs Collector of the Port of Manila, lifted the Seizure and Detention Order of RATS and ordered the release of the vessel. The decision was affirmed by Bureau of Customs (BOC) Commissioner Napoleon Morales on August 21, 2008. Undersecretary Estela V. Sales of the Department of Finance (DOF), in her decision dated September 17, 2008, reversed the decisions of the Customs Collector and the BOC Commissioner.

The parties involved, including the government agencies concerned, stood firm with their respective positions. Mr. Augusto Zamora, citing the decision of the Customs Collector, maintained that the seizure of the vessel had no basis and argued that taxes and duties could only be collected upon its registration with Maritime Industry Authority (MARINA).

Citing as basis the decision of Undersecretary Sales, the DOF maintained that there was already a perfected sale by virtue of the Memorandum of Agreement dated September 4, 2007 between CC Marine A/S, the owner of the ship, and the buyer, Mr. Esteban Tajanlangit. According to the DOF, the vessel was the article itself and its entry in the Philippine territory gave rise to an obligation to pay duties and taxes. Mr. Tajanlangit argued that what happened in Thailand was a mere inspection and no agreement was made in terms of the price of the vessel. The DOF assailed that when the vessel entered the Philippines, some documentary requirements are lacking aside from the belated filing of entry.

Before importation and registration could take place, according to MARINA, the ship should first comply with seaworthiness requirement upon inspection by the agency.

In the course of the inquiry, it was revealed that the claimant's motion for the release of the vessel on bond was denied by the Court of Tax Appeals.

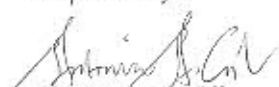
Before the Chair terminated the inquiry, the Chair deemed it appropriate that pending the decision to be issued by the Court of Tax Appeals on the case, the inquiry on the matter would be held in abeyance by the Committee. He directed the DOF to submit to the Committee a copy of the MOA for the guidance of the members.

VI. ADJOURNMENT

There being no other item to be discussed, the meeting was adjourned at around 12:15 PM.

I hereby certify to the correctness of the foregoing.

Prepared by :


ANTONIA A. GIL
Committee Secretary

Approved by :


ROGER G. MERCADO
Committee Chairman

FACT SHEET

In substitution of House Bill Nos. 2185, 2445, 3360, 3554 and 5345
(As approved on 29 November 2011)

**AN ACT PROVIDING MEASURES TO ENSURE THE SAFETY OF
CHILDREN ABOARD MOTORCYCLES AND FOR OTHER PURPOSES**

*Introduced by: REPS. MITCH L. CAJAYON, LANI MERCADO-REVILLA,
CHRISTOPHER S. CO, RODEL M. BATOCABE, ALFREDO A. GARBIN, JR., ROMEO
M. ACOP, MA. THERESA B. BONOAN-DAVID, ROGER G. MERCADO, ELEANDRO
JESUS MADRONA, AL FRANCIS DC BICHARA AND PHILIP A. PICHAY*

*Committee Referral: TRANSPORTATION
Committee Chairperson: Hon. Roger G. Mercado*

OBJECTIVES:

- To ensure road safety, especially for children, by regulating the operation of motorcycles along highways and roads.

KEY PROVISIONS:

- Proposes to prohibit any person from transporting children below the age of ten (10) on a motorcycle along highways unless: (a) The child is wearing a standard protective helmet referred under R. A. No. 10054, otherwise known as "The Motorcycle Helmet Act of 2009"; (b) the feet of the child can comfortably reach the footrests of the motorcycle; (c) the arms of the child can reach around and grasp the waist of the motorcycle driver.
- Seeks to limit the number of motorcycle passengers to two (2), including the driver, except in remote areas wherein the child to be transported is requiring immediate medical treatment.
- Proposes to penalize violators the amount an amount not exceeding Three Thousand Pesos (P3,000.00) for the first offense, Five Thousand Pesos (P5,000.00) for the second offense and Ten Thousand Pesos (P10,000.00) for the third and succeeding offenses. For the second and third offense, the driver's license of the offender shall be suspended for a period of one (1) month. Violation beyond the third time shall result to automatic revocation of offender's driver's license.
- Provides for qualifying circumstances wherein if in violation of the provisions of this proposed measure, death have resulted or serious or less serious injuries have been inflicted upon the child or any other person, a penalty of one (1) year imprisonment will be imposed on the driver or operator of the motorcycle involved in addition to the penalties provided under RA 3815 or the Revised Penal Code, as amended, for the crime of reckless imprudence or negligence resulting to homicide or physical injuries of whatever nature.

- Deputizes members of the Philippine National Police (PNP), the Metro Manila Development Authority (MMDA) and the local government units (LGUs) to carry out the enforcement functions and duties of the Land Transportation Office (LTO).
- Provides for a public information campaign to be conducted by the LTO in coordination with PIA, DepEd and other concerned organizations and agencies not more than thirty (30) days following the promulgation of the IRR of this proposed measure.

RELATED LAWS:

- RA 3815 - Revised Penal Code
- RA 10054 - The Philippine Helmet Act

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. 5526

(In substitution of HB Nos. 2185, 2445, 3360, 3554 and 5345)

Introduced by Representatives Mary Mitzi L. Cajayon, Lani Mercado-Revilla, Christopher S. Co, Rodel M. Batocabe, Alfredo A. Garbin, Jr., Romeo M. Acop, Ma. Theresa B. Bonoan-David, Roger G. Mercado, Eleandro Jesus Madrona, Al Francis DC Bichara, Philip A. Pichay, Eduardo R. Gullas and Randolph S. Ting

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

AN ACT
PROVIDING MEASURES TO ENSURE THE SAFETY OF CHILDREN
ABOARD MOTORCYCLES, AND FOR OTHER PURPOSES

1 **SECTION 1. Short Title.** - This Act shall be known as the "*Motorcycle Safety*
2 *for Children Act of 2011.*"

3 **Sec. 2. Declaration of Policy.** - It is hereby declared the policy of the State to
4 maintain at all times the safety and protection of the commuting public, especially
5 children.

6 Towards this end, it shall pursue a more proactive and preventive approach to
7 secure the safety of passengers, especially children, at all times by regulating the
8 operation of motorcycles along highways and roads.

9 **Sec. 3. Prohibition.** - It shall be unlawful for any person to transport a child
10 below ten (10) years old on a motorcycle along roads and highways. *Provided:* That, a
11 child ten (10) years of age and above may only be transported aboard a motorcycle if:

12 (a) he or she is wearing a standard protective helmet referred under Republic
13 Act No. 10054, otherwise known as "The Motorcycle Helmet Act of 2009";

14 (b) the feet of the child can comfortably reach the footrest of the motorcycle;
15 and

16 (c) the arms of the child can reach around and grasp the waist of the
17 motorcycle driver.

1 A motorcycle shall mean any two-wheeled motor vehicle having one or two
2 riding saddles.

3 *Sec. 4. Limitation on the Number of Passengers.* – No motorcycle shall carry
4 more than two (2) passengers, including the driver, while operating on a road or
5 highway except in remote areas where a child to be transported requires immediate
6 medical treatment and in an emergency situation.

7 *Sec. 5. Penalties.* – Any person who operates a motorcycle in violation of
8 Section 3 of this Act shall be fined with an amount not exceeding Three Thousand
9 Pesos (P3,000.00) for the first offense; Five Thousand Pesos (P5,000.00) for the
10 second offense and Ten Thousand Pesos (P10,000.00) for the third and succeeding
11 offenses.

12 The same penalty shall be imposed upon the driver who operates a motorcycle
13 in violation of Section 4 hereof: *Provided,* That for the second and third offense, the
14 driver's license of the offender shall be suspended for a period of one (1) month.

15 Violation of these provisions beyond the third time shall result to automatic
16 revocation of offender's driver's license.

17 *Sec. 6. Qualifying Circumstances.* If, in violation of the provisions of this
18 Act, death shall have resulted or serious or less serious injuries shall have been
19 inflicted upon the child or any other person, a penalty of one (1) year imprisonment
20 shall be imposed upon the driver or operator of the motorcycle involved in addition to
21 the penalties provided under Republic Act No. 3815, otherwise known as "The
22 Revised Penal Code", as amended, for the crime of reckless imprudence or negligence
23 resulting to homicide or physical injuries of whatever nature.

24 *Sec. 7. Deputation of Traffic Enforcers and Local Government Units (LGUs).*
25 – To effectively implement the provisions of this Act, the Land Transportation Office
26 (LTO) is hereby given the authority to deputize members of the Philippine National
27 Police (PNP), the Metropolitan Manila Development Authority (MMDA) and the
28 local government units (LGUs) to carry out enforcement functions and duties.

29 *Sec. 8. Implementing Rules and Regulations (IRR).* – As the lead implementor
30 of this Act, the LTO shall formulate the implementing rules and regulations of this Act
31 within ninety (90) days after its effectivity.

32 *Sec. 9. Public Information Campaign.* – Not later than thirty (30) days
33 following the promulgation of the IRR of this Act, the LTO, in coordination with the
34 Philippine Information Agency (PIA), the Department of Education (DepEd) and

1 concerned private organizations and agencies, shall undertake a nationwide
2 information and education campaign for a period of three (3) months for the
3 attainment of the objectives of this Act.

4 **Sec. 10. *Separability Clause.*** – If for any reason any section or provision of
5 this Act is declared unconstitutional, other provisions hereof which are not affected
6 thereby shall remain in full force and effect.

7 **Sec. 11. *Repealing Clause.*** – All laws, decrees, or rules and regulations, or any
8 provision thereof, which are inconsistent with or contrary to the provisions of this Act
9 are hereby amended or repealed accordingly.

10 **Sec. 12. *Effectivity Clause.*** - This Act shall take effect upon its publication in
11 at least two (2) national newspapers of general circulation.

12 *Approved.*

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

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

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,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2445

Introduced by **HONORABLE LANI MERCADO-REVILLA**

EXPLANATORY NOTE

The State, exercising its power of *parens patriae*, may step into the shoes of natural parents to safeguard any child or incapacitated and dependent person or a physically challenged individual in need of protection against danger, risk of their lives and limbs.

Taking a child for a motorcycle ride can be a scary proposition. Recent incidents have occurred where children were severely injured while riding on a motorcycle. This is because, unlike adults, children lack the development skills to pay attention and properly secure themselves while riding a motorcycle.

It's a known fact that kids are more excitable and have the tendency to move more than an adult passenger. They may even play games by sticking their hands out in the wind while riding a motorcycle. Moreover, they generally want to talk and move more than an adult passenger.

Likewise, the steady rumble of the motor can have a tendency to lull passengers to sleep. With adults, this usually does not present much of a problem since it would be harder for them to fall off. But with children, it is a completely different situation. Because of their size, there is generally more room for them between the rider and the sissy bar and if they fall asleep, there is a greater chance for them to flop over to one side or another. When this happens, there is an increased chance for children to fall off the motorcycle.

This bill seeks to supplement Republic Act 10054, which was enacted last March 23, 2010, which mandates all motorcycles riders to wear standard quality helmet while driving. This bill is consistent with the policy to provide safety measures to all riders and passengers, particularly the children passengers aboard motorcycles.

Hence, passage of this bill is earnestly sought.


REP. LANI MERCADO-REVILLA
2nd District, Cavite

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2445

Introduced by HONORABLE LANI MERCADO-REVILLA

AN ACT
PROHIBITING THE RIDING OR TRANSPORTING OF CHILDREN SEVEN YEARS
OLD AND BELOW ON MOTORCYCLES ALONG HIGHWAYS

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

SECTION 1. *Short Title.* - This Act shall be known as "*Motorcycle Safety Act for Children of 2010*".

SECTION 2. *Declaration of Policy.* - The State recognizes its role to maintain at all times the safety and protection of children.

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

- (A) **Motorcycle** – any two-wheeled vehicle such as motorcycles, scooters and the like
- (B) **Highways and National Highways** – roads designated by the government or local government units as highways or national highways

SECTION 4. *Prohibition* – Any person is prohibited to transport a child seven (7) years old and below on a motorcycle along the national highway or highway.

SECTION 5. *Exception* – However, exceptions may be made in provinces wherein there is no considerable vehicular traffic and where motorcycles are the only means of transportation.

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; for second time offenders the fine shall be P5,000.00 and for the third and succeeding offenses, the fine shall be P10,000.00.

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 effected 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 contrary 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.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
FIFTEENTH CONGRESS

House Bill No. **3360**

Introduced by Hon. Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr.

EXPLANATORY NOTE

This bill seeks to prohibit overloading in motorcycles and limiting allowed motorcycle passengers to those who are not minors aged 12 and below.

With the rising prices of petroleum and traffic congestion comes the increase in the purchase of motorcycles, a convenient, efficient vehicle designed to evade traffic and save fuel. The Congress has responded timely to this demand by enacting Republic Act no. 10054, entitled the "Motorcycle Helmet Act of 2009," which mandated the use of quality helmets for both drivers and passengers.

However, the Metropolitan Manila Development Authority (MMDA) reported last June 2010 that there was a substantial increase of motorcycle accidents in 2009. One reason for this is the uncontrolled overloading of motorcycles, and the more dangerous habit of the riding of infants and toddlers with their parents. The Bureau of Product Standards (BPS) at this time does not prescribe motorcycle helmets for toddlers and infants. They ride motorcycles unprotected, usually snuggled in between their parents, or with the mother passenger tucking her baby in the arm. This habit of motorcycle riding presents a very dangerous situation that endangers the lives of the children and other passengers.

Moreover, motorcycles are made to accommodate only two persons, the driver and one passenger. However, it has become a custom, albeit a dangerous one, for drivers to accommodate their whole families, or even utilize their motorcycles for public transportation, such as in the case of the *habal-habal*, which accommodates around six (6) passengers.

The passage of this bill will significantly lessen the dangers imposed by motorcycle overloading, and protect the interests of children through the proper state intervention. Passage of this bill is immediately sought.



Hon. RODEL M. BATOCABE

Hon. CHRISTOPHER S. CO



Hon. ALFREDO A. GARBIN, Jr.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Second Regular Session
FIFTEENTH CONGRESS

House Bill No. 3360

Introduced by Hon. Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin,
Jr.

AN ACT
PROHIBITING OVERLOADING AND THE RIDING OR TRANSPORTING OF
CHILDREN TWELVE YEARS OLD AND BELOW ON MOTORCYCLES
ALONG PUBLIC ROADS AND HIGHWAYS

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

SECTION 1. Title. This Act shall be known as the "Motorcycle Anti-Overloading Act of 2010."

SEC. 2. Overloading. It shall be unlawful for any person to ride or drive an overloaded motorcycle, whether long or short drives, in any type of road or highway. Overloading shall be defined as the act of having three (3) or more riders riding any motorcycle along public roads or highways. Riders shall include the driver and his/her passengers.

SEC. 3. Minors. It shall be unlawful for any person to transport a child twelve (12) years old and below on a motorcycle along all public roads and highways.

SEC. 4. Penalties.

- (a) Any person caught riding or driving an overloaded motorcycle, whether long or short drives, in any type of road or highway shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) for the first offense, Ten Thousand Pesos (Php 10,000.00) for the second offense and Fifteen Thousand Pesos (Php 15,000.00) plus confiscation of the driver's license for the third and succeeding offenses;
- (b) Any person caught transporting a minor twelve (12) years old and below on a motorcycle, whether long or short drives, in any type of road or highway shall be punished with a fine of Five Thousand Pesos (Php 5,000.00) for the first offense, Ten Thousand Pesos (Php 10,000.00) for the second offense and Fifteen Thousand Pesos (Php 15,000.00) plus confiscation of the driver's license for the third and succeeding offenses;

SEC. 5. *Nationwide Public Information Campaign.* The LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd) and private agencies and organizations, shall undertake a nationwide information, education and communication (IEC) campaign for a period of six (6) months for the attainment of the objectives of this Act.

SEC. 6. *Separability Clause.* If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 7. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in two newspapers of general circulation. Penalties stated in Section 4 of this Act shall take effect one (1) day after the deadline of the first period of registration and renewal of registration after the effectivity of this Act.

Approved,



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

Fifteenth Congress

First Regular Session

House Bill No. 3554

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

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.

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE of REPRESENTATIVES
House Bill No. 5345



Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

EXPLANATORY NOTE

During these times of rising oil prices and worsening traffic problems, many of our countrymen and women are now using motorcycles as their primary means of transport. These vehicles are easier to maneuver during heavy traffic and are more fuel-efficient than cars. However, motorcycles are considered high-risk vehicles, both with respect to drivers thereof and other motorists.

In invoking its power of *parens patriae*, the State may exercise its authority to usurp the rights of the natural parent or guardian and to act as parent of any child or individual, or an incapacitated and dependent person who is in need of protection against danger, risk of their lives and limbs.

Recent incidents have occurred where children were severely injured while riding on a motorcycle. These children lack the development skills to pay attention and properly secure themselves while riding.

This bill seeks to prohibit any person to transport a child three (3) years old and below on motorcycle along the national highway or highway. This is consistent with our advocacy to provide safety measures to all riders and passengers and avoid injury or fatality especially for children on motorcycles.

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

A handwritten signature in dark ink, appearing to be "T. Bonoan-David".

MA. THERESA BONOAN-DAVID
4th District, City of Manila

HOUSE of REPRESENTATIVES
House Bill No. 5345

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

**AN ACT PROHIBITING THE RIDING OR TRANSPORTING
OF CHILDREN TEN (10) YEARS OLD AND BELOW
ON MOTORCYCLES ALONG HIGHWAYS**

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

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

SECTION 2. *Declaration of Policy.* - The State recognizes its role to maintain at all
times the safety and protection of children.

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

- (A) Motorcycle. - any two-wheeled vehicle such as motorcycles, scooters and
the like;
- (B) Highways and National Highways - roads designated by the government
or local government units as highways or national highways;

SECTION 4. *Prohibition* -For any person to transport a child three (3) years old and
below on motorcycle along the national highway or highway.

SECTION 5. *Exception* - Exceptions may be made in provinces wherein there is no
considerable vehicular traffic and where motorcycles are the only means of
transportation.

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 P5,000.00; P8,000.00 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. *Repealing Clause.* - All laws, presidential decrees, executive orders, proclamations, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the other provisions not affected thereby shall remain valid.

SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general.

Approved.