



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

Sixteenth Congress

First Regular Session

House Bill No. 2024



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

EXPLANATORY NOTE

The facts are startling and ominous.

Globally, an average of 200,000 children die every year from road traffic accidents and another 10 million have been seriously injured, making road traffic accidents as the leading cause of deaths and injuries among children 10-19 years old. Most of these accidents involve two-wheelers such as motorcycles.¹

Among motor vehicles, motorcycles are the most vulnerable to road accidents. Driving an automobile requires around 4/10ths of a driver's concentration, while driving a motorcycle demands the operator's full and complete attention. Moreover, riding a motorcycle, whether as a driver or back rider, requires a balance of body weight and the weight of the bike especially in high-speed driving or in weaving in and out of traffic. Children's physical frailty and their lack of the agility of an adult while co-riding in a motorcycle place them at great risk. For these reasons, children, unless necessary, must not be permitted to take to the roads on motorcycles as co-riders as they are exposed to a higher risk of getting involved in road mishaps. Children of tender age must have a good basic foundation and understanding of what road safety is.

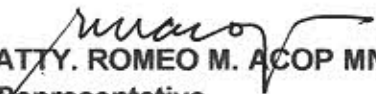
¹ WHO-UNICEF Report on Children Injury Prevention 2008

It is in the same breadth that a limitation on the number of allowable riders in a motorcycle must be observed. It has been noted that overloading is among the leading causes of motorcycle accidents. These accidents can be minimized by a proactive and preventive approach in the shaping and implementation of traffic regulations.

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 to protect the children from the hazards of the road.

This bill has filed by this representation in the 15th Congress and was passed by the House of Representatives on Third Reading. However, due to lack of material time, the Senate failed to concur on the same.

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


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2nd District, Antipolo City



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

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

SECTION 1. *Short Title* - This Act shall be known as the 'Motorcycle Safety for Children Act of 2013.

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

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

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

- a) The child is wearing a standard protective helmet referred under Republic Act No. 10054, otherwise known as the 'Motorcycle Helmet Act of 2009';
- b) The feet of the child can comfortably reach the footrest of the motorcycle; and,
- c) The arms of the child can reach around and grasp the waist of the motorcycle driver.

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

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

SECTION 5. *Penalties* - Any person who operates a motorcycle in violation of Section 3 of this Act shall be fined with an amount not exceeding Three thousand pesos (P 3,000.00) for the first offense; Five thousand pesos (P 5,000.00) for the second offense; and Ten thousand pesos (P 10,000.00) for the third and succeeding offenses.

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

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

SECTION 6. *Qualifying Circumstances* - If, in violation of the provisions of this Act, death shall have resulted or serious or less serious injuries shall have been inflicted upon the child or any other person, a penalty of one (1) year imprisonment shall be imposed upon the driver or operator of the motorcycle involved in addition to the penalties provided under Act no. 3815, otherwise known as 'The Revised Penal Code of the Philippines', as amended, for the crime of reckless imprudence or negligence resulting to homicide or physical injuries of whatsoever nature.

SECTION 7. *Deputation of Traffic Enforcers and Local Government Units (LGUs)* - To effectively implement the provisions of this Act, the Land Transportation

Office (LTO) is hereby given the authority to deputize members of the Philippine National Police (PNP), the Metropolitan Manila Development Authority (MMDA) and the local government units to carry out enforcement functions and duties.

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

SECTION 9. *Public Information Campaign* - Not later than thirty (30) days following the promulgation of the IRR of this Act, the LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd) and concerned private organizations and agencies, shall undertake a nationwide information and education campaign for a period of three (3) months for the attainment of the objectives of this Act.

SECTION 10. *Separability Clause* - If, for any reason, any part of the provisions of this Act shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 11. *Repealing Clause* - All laws, presidential decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 12. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved.