

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3624**



Introduced by Hon. Jerry P. Treñas

EXPLANATORY NOTE

It is well settled that public utility vehicles engaged in the transportation of persons are common carriers which must exercise extraordinary diligence.¹ Under the Civil Code, common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence for the safety of the passengers transported by them. Unfortunately, our common carriers, especially the drivers and operators of bus companies, have failed to exercise the extraordinary diligence required of them.

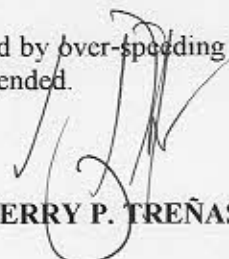
The news of the fatal crash of a bus traveling along the South Luzon Expressway (SLEX) skyway which killed more than 20 people in Parañaque City is shocking and appalling. Logic would dictate that the bus drivers and operators should have learned their lesson after a similar incident occurred on the skyway in 2011. Moreover, the countless of cases of buses being involved in high speed vehicular accidents in Commonwealth Avenue and EDSA, as well as in provincial roads all over the archipelago, should have deterred the public utility bus drivers from running their vehicles beyond the speed limits.

If we leave it to the discretion of our public utility bus drivers, they would most certainly continue to drive their vehicles with reckless abandon. There have been too many victims, too many innocent lives lost because of the undisciplined driving of the public utility drivers and the inability, or rather, unwillingness of bus companies to police their ranks and to discipline their own drivers.

This proposed legislative measure takes the discretion to over-speed away from the drivers by mandating the installation of speed limiters in all of the public utility buses in the country, which would limit the maximum speed of buses to 60 KPH.

The legislated installation of speed limiters was already proven to be effective in the United Kingdom. In addition, the European Union is already mulling the installation of speed limiters in all automobiles to lessen deaths and injuries caused by high speed vehicular accidents. It must be also noted that the Department of Transportation and Communications (DOTC) already tried to initiate a mandatory 40 KPH limit for buses in the previous year, and that Representatives Rufus B. Rodriguez, Michael M. Velarde and William Irwin Tieng have proposed similar legislative measures in the 15th Congress.

It is necessary to take drastic steps to prevent road mishaps caused by over-speeding buses. In view of the foregoing, the approval of this legislative measure is highly recommended.


JERRY P. TREÑAS

¹ Article 1755, Civil Code of the Philippines; Batangas Transportation Company vs Caguimbal et al., G.R. No. L-22985 (1968); Brito Sy vs Malate Taxi, G.R. No. L-8937 (1957); R Transport Corporation vs Pante, G.R. No. 162104 (2009)

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AN ACT REQUIRING THE INSTALLATION OF SPEED LIMITERS ON ALL PUBLIC UTILITY BUSES, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

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

Section 1. Declaration of Policy. – It is the policy of the State to protect its citizens from vehicular accidents and to strictly enforce the requirement for all public utility vehicles to exercise extraordinary diligence in the transportation of persons.

Section 2. Mandatory Installation of Speed Limiters. – All bus companies with franchises to operate public utility buses in the Philippines, plying city and provincial routes, are mandated to install speed limiters on all public utility buses, limiting the maximum speed to 60 kilometers per hour. The cost of the speed limiters and of the installation of the devices shall be borne exclusively by the bus companies.

Section 3. Accreditation of Speed Limiters. - The Department of Transportation and Communications (DOTC), through the Land Transportation and Franchising Regulatory Board (LTFRB) and the Land Transportation Office (LTO), shall identify accredited producers, suppliers and sellers of speed limiters, and only accredited speed limiters shall be installed in public utility buses. The DOTC and the LTFRB shall regularly inspect the speed limiters produced and sold by accredited sources in order to ensure its quality and reliability.

Section 4. Requirement for Franchise Approval and Registration. - The installation of speed limiters in all of the vehicles of a bus company is a mandatory requirement for the issuance of a new franchise or for a renewal of franchise to operate public utility buses in the Philippines. The LTFRB shall inspect the speed limiters of all of the vehicles of a bus company and ensure that these devices are properly functioning before allowing a bus company to operate. The LTO shall inspect the speed limiters before granting a new registration or renewing a registration of a public utility bus.

Section 5. Exemption from Minimum Speed. - National highways and expressways with minimum speed limits of 60 kilometers per hour or above shall exempt public utility buses from the requirement to maintain a minimum speed.

32 **Section 6. Penal Provision.** – A penalty of six (6) months imprisonment and a fine of
33 One Hundred Thousand Pesos (P100,000.00) shall be imposed on any person who tampers with
34 an installed speed limiter on a public utility bus. The driver and operator of a public utility bus
35 caught travelling without a speed limiter, regardless of the speed the bus is driven, shall incur the
36 penalty of one (1) year imprisonment and a fine of Three Hundred Thousand Pesos
37 (P300,000.00). If the operator is a corporation, the penalty shall be imposed on the president of
38 the corporation.

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40 **Section 7. Implementing Rules and Regulations.** – The DOTC, LTFRB and the LTO shall
41 promulgate the rules and regulations to properly implement this Act.

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43 **Section 8. Repealing Clause.** – All provisions of laws, orders, decrees, including rules
44 and regulations inconsistent herewith are hereby repealed and/or modified accordingly.

45
46 **Section 9. Separability Clause.** – If any part or provision of this Act shall be held
47 unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue
48 to be in full force and effect.

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50 **Section 10. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
51 the *Official Gazette* or in a national newspaper of general circulation.

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53 *Approved,*
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