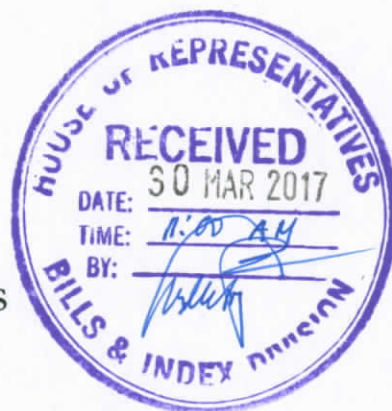


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 5381



Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

The drive of the government to battle criminality has only intensified as the Duterte administration settles in. The positive results in the battle against illegal drugs has given our lawmakers the impetus to boost our efforts to once and for all rid the evils that infest our society.

According to a data released by the Philippine National Police in 2013, there were more than 3,000 crimes committed by motorcycle riders in Metro Manila alone. The United Nations Office on Drugs and Crime estimated the Philippine national homicide rate at between 5.4 and 7.5 percent per 100,000 in the last five years of the previous decade, based on sources from the criminal justice system. A rate of 5.4 per 100,000 persons for Metro Manila, population of 12 million, suggests an overall homicide total of 648. Not all of those were committed by motorcycle gunmen, of course, but the numbers suggest that we are looking at deaths caused by motorcycle gunmen of a few dozen to a few hundred a year.

This bill seeks to stifle criminal activities perpetrated by motorcycle riders and motorcycle riding in tandems. By mandating regulations that would make it difficult for criminals to hide their identities when riding a motorcycle, we hope that this will not only help the police identify criminals, but more importantly, deter possible perpetrators from committing a crime. Further, this bill shall aggravate any crime if committed by a person riding a motorcycle. With the enactment of this bill into law, we show the criminals that we are serious in weeding out the vile creatures that destroy our society.

In the interest of justice and public order, the passage of this legislation is earnestly sought.



VICTOR A. YAP

Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 5381

Introduced by Representative Victor A. Yap

AN ACT
PENALIZING AND PREVENTING THE USE OF MOTORCYCLES OR SCOOTERS IN
THE COMMISSION OF CRIMES THROUGH THE USE OF BIGGER PLATE NUMBERS
AND IDENTIFICATION MARKS, REGULATION OF BACKRIDERS AND FOR OTHER
PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "*Motorcycle Crime Prevention Act of 2017*".

Sec. 2. State Policy. - Article II, Section 5 of the 1987 Philippine Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. It is hereby declared the policy of the State to secure and safeguard its citizenry from the ruinous and extremely injurious effects of crimes and fatal accidents, particularly those caused by motorcycles and scooters.

Sec. 3. Definition. - As used in this Act, the following terms are defined:

(a) "Plate number" refers to the regular motor vehicle license plate issued by the Land Transportation Office (LTO) bearing the standard alphanumeric characters in accordance, with Batas Pambansa Blg. 43 and 74.

(b) "Backrider" refers to any person seated at the back of the motorcycle or scooter driver, or a passenger of his driver.

(c) "Riding-in-tandem "refers to the combination of a driver and his backrider/s or passenger/s riding a motorcycle or scooter.

Sec. 4. Bigger Plate Number. - The Land Transportation Office (LTO) shall issue bigger plate number sizes for every motorcycle and scooter which must be placed both in the front and rear

part of the motorcycle. It shall be made of aluminum plate applied with reflectorized paint, and with alphanumeric characters in large and readable font. There must be a plate number both at the front and back parts of the motorcycle or scooter, the dimensions of which should be big enough for the plate numbers to be readable from a distance of between twelve (12) to fifteen (15) meters.

The LTO shall devise a color scheme of the plate numbers for every region in the country to easily identify where such motorcycle was registered. It shall also devise an alphanumeric system, with as few characters as possible, for easier identification and recollection by the general public, whether day or night. In the foregoing, the LTO shall provide every region and all its local government units a list of all the newly purchased and previously purchased registered motorcycles or scooters in its jurisdiction which includes, but are not limited to the following information: name of registered owner, his driver's license number, his address and contact details, vehicle identification number, plate number, body color, brand/maker. For these purposes, the LTO shall maintain a computerized database of all the information collected to facilitate information retrieval, as the case may arise.

Furthermore, the LTO in every region shall require the registration of every motorcycle or scooter which shall undergo transfer of ownership within two (2) days after such transfer, whether the motorcycle or scooter is newly assembled, rebuilt, or acquired from a registered owner.

Sec. 5. Driving Without a Plate Number or a Bigger Plate Number. - Driving without a plate number or a bigger plate number, as provided in Sec. 4, is prohibited. The motorcycle or scooter used without bigger plate numbers shall be confiscated by the LTO until a bigger plate is issued.

Sec. 6. Penalty for Use of the Motorcycle or Scooter in the Commission of a Crime. - If the motorcycle or scooter is used in the commission of a crime or to ensure a quick escape from the scene of the crime, as witnessed by another person, and a victim dies as a result of this illegal use of a motorcycle or scooter, the motorcycle driver, his backrider/s, if any, and conspirators, shall be punished by reclusion perpetua. If the victim suffers serious physical injury, or there was shooting or stabbing of the victim committed by the driver or backrider/s of the motorcycle or scooter which did not result in death, the penalty shall be reclusion temporal unless a higher penalty is imposed due to the commission of some other crime, in which case, the higher penalty shall be applied. In all other cases, the use of the motorcycle or scooter in the commission of a crime shall increase the penalty for the crime by one degree.

If the motorcycle or scooter used in the commission of a crime was stolen or the licensed plate used is mismatched from the vehicle registration of the motorcycle or scooter, and the crime results in the death of the victim, the penalty is life imprisonment.

1 The motorcycle or scooter used in the commission of a crime shall be confiscated and
2 forfeited in favor of the Government, unless it is the property of a third person not liable for the
3 offense.

4 The vehicle shall be impounded pending investigation and shall be in custodia legis, and no
5 bond shall be admitted for the release of the same until the final decision of acquittal is promulgated
6 by the trial court which hears the criminal case involving the use of the impounded motorcycle or
7 scooter. The motorcycle or scooter shall be confiscated and forfeited after conviction in the trial
8 court where the appropriate criminal case was filed. If there is an acquittal, the vehicle shall be
9 returned to its registered owner.

10
11 **Sec. 7. Penalizing Commission of a Crime Through or With a Backrider/s on**
12 **Motorcycles or Scooters.** - Persons committing a crime through or with a backrider/s shall be
13 punished with the penalty of life imprisonment. City or municipal ordinances prohibiting or
14 regulating backriders in motorcycles or scooters shall apply in the city or municipality or local
15 government unit where the same is prohibited or regulated, provided these are not inconsistent with
16 this law.

17
18 **Sec. 8. Loss of Bigger Plate Number.** - If for some reason, the bigger plate (number of a
19 motorcycle or scooter is lost or stolen, the registered owner of such motorcycle, or his authorized
20 representative, must immediately report to the LTO the incident within three (3) calendar days from
21 the date of loss, and shall apply for a new license plate. The motorcycle with a lost or stolen plate
22 whose owner has not formally reported the loss thereof to the LTO within the time provided in the
23 previous paragraph shall be impounded inside the designated impounding areas of the LTO until a
24 new plate is issued. The LTO may charge a reasonable daily fee against the registered owner of the
25 motorcycle or scooter which has been impounded under this section.

26
27 **Sec. 9. Implementation.** - The Department of Transportation (DOTr) and LTO are mandated
28 to issue pertinent guidelines to implement the provisions of this Act.

29
30 **Sec. 10. Other Penalties.**

31 (a) Non-compliance with the use of the bigger plate numbers shall result to the revocation of
32 the registration of the motorcycle or scooter for a period of at least one (1) year, and
33 confiscation of the driver's license of the driver thereof, or in the absence of the driver,
34 the registered owner thereof for a period of at least one (1) year, and a fine of not less
35 than Ten Thousand Pesos (P10,000.00) but not more than Twenty Thousand Pesos
36 (P20,000.00).

1 (b) Tampering, alteration, forgery or imitation of the bigger plate number shall be punished
2 with a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Fifty
3 Thousand Pesos (P50,000.00).

4 (c) If the registered owner of the motorcycle or scooter fails to timely report to the LTO the
5 loss of his bigger license plate, he or she shall be punished with a fine of not less than
6 Ten Thousand Pesos (P10,000.00) but not more than Twenty Thousand Pesos
7 (P20,000.00).
8

9 **Sec. 11. LTO Operations Center.** - Within six (6) months from the implementation of this
10 Act, the LTO shall create and establish an Operations Center (Center) which shall be operational
11 twenty-four (24) hours and seven (7) days a week for a faster and focused process in reporting
12 vehicle-related accidents and any other incidents.
13

14 **Sec. 12. Appropriation.** - The amount needed for the initial implementation of this Act shall
15 be taken from the current fiscal year's appropriation of the Department of Transportation. Thereafter,
16 the amount needed for the operation and maintenance shall be included in the General
17 Appropriations Act.
18

19 **Sec. 13. Repealing Clause.** - All laws, decrees, orders, rules and regulations or other
20 issuances or parts there of inconsistent with the provisions of this Act are hereby repealed or
21 modified accordingly.
22

23 **Sec. 14. Separability Clause.** - If any portion or provision of this Act is declared
24 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force
25 and effect.
26

27 **Sec. 15. Effectivity.** - This Act shall take effect after fifteen (15) days following the
28 completion of its publication either in the Official Gazette or in a newspaper of general circulation in
29 the Philippines.
30

31 Adopted.