

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6671



Introduced by HONORABLE LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

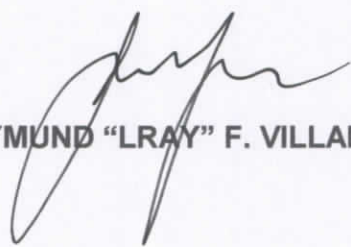
EXPLANATORY NOTE

Road crash statistics have been significantly increasing over the years and has resulted in thousands of deaths¹. Road safety is an issue that continues to elude as we see the numbers spike. In 2015, over ten thousand (10,000) people died² due to road crashes.

This number could be avoided, or lessened at the very least, if motor vehicles keep to the maximum load of their vehicles. Cases of overloading are prevalent in the country so much so that our government has implemented a law penalizing the overloading of trucks and other vehicles as Republic Act 8794³. In recent events, a bus crash⁴ in Nueva Ecija this April 2017 involved a minibus that transported 77 people but only had a seating capacity of 45 persons. 33 people died in the unfortunate accident as a result.

This bill proposes to support the measures that prevent this sort of incidents by increasing the penalty for overloading of passengers among carriers that transport both passengers and goods. The bill also takes wisdom from Republic Act 4136⁵ in determining the registered carrying capacities of the vehicles and setting apt penalties accordingly.

The approval of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

¹ <https://www.rappler.com/move-ph/issues/road-safety/166151-road-crashes-philippines-awareness-safety>

² Ibid.

³ <http://www.gmanetwork.com/news/news/nation/209718/overloaded-vehicles-banned-on-nat-l-roads-starting-feb-1/story/>

⁴ <http://cnnphilippines.com/news/2017/04/19/Nueva-Ecija-bus-crash.html>

⁵ <http://www.officialgazette.gov.ph/1964/06/20/republic-act-no-4136/>

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AN ACT
INCREASING THE PENALTY FOR OVERLOADING OF PASSENGERS AND/OR
FREIGHT OR CARGO IN COMMON CARRIERS BEYOND THE REGISTERED
CARRYING CAPACITY

*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 the "Anti-Overloading Act of 2017".

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure the safety and protection of the riding public as far as human care and foresight can provide.

SECTION 3. *Definition of Terms.* –

- a. Cargo – refers to goods, articles, commodities or merchandise carried;
- b. Common Carrier – as defined in Article 1732 of the Civil Code, it refers to "persons, corporations, firms, or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public";
- c. Overloading – refer to the act of loading people over and above the registered carrying capacity of the covered vehicle;

- d. Passenger – is any fare paying person being transported and conveyed in and by a motor vehicle for transportation of passengers for compensation, including persons expressly authorized by law or by the vehicle's operator or his agents to ride without fare.

SECTION 4. *Prohibited Acts.* – No owner, operator, driver, conductor, and other persons responsible for the transportation shall allow more passenger or more freight or cargo in his vehicle than its registered carrying capacity as determined under Republic Act No. 4136 or the "Land Transportation and Traffic Code".

SECTION 5. *Penalties.* –

- a. Carrying more passengers beyond the registered carrying capacity as determined under Republic Act No. 4136 or the "Land Transportation and Traffic Code"
 - a. First Offense – a fine in the amount of Ten Thousand Pesos (Php 10,000) and suspension of the franchise and driver's license of the driver;
 - b. Second Offense – a fine in the amount of Thirty Thousand Pesos (Php 30,000) and suspension of the franchise and driver's license of the driver;
 - c. Third Offense – a fine of Fifty Thousand Pesos (Php 50,000) and revocation of the franchise and driver's license of the driver.
- b. Operating a passenger bus/truck with cargo exceeding 160 kilograms
 - a. First Offense – a fine in the amount of Ten Thousand Pesos (Php 10,000) and suspension of the franchise and driver's license of the driver;
 - b. Second Offense – a fine in the amount of Thirty Thousand Pesos (Php 30,000) and suspension of the franchise and driver's license of the driver;
 - c. Third Offense – a fine of Fifty Thousand Pesos (Php 50,000) and revocation of the franchise and driver's license of the driver.

If the act of overloading results in the death of any passenger, the penalty of *prision correccional* or an imprisonment of two (2) years and one (1) day to six (6) years shall be imposed.

The imposition of the foregoing fines and penalties shall be without prejudice to any criminal action that may be instituted under existing laws, rules and regulations.

SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

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

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,