

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8517



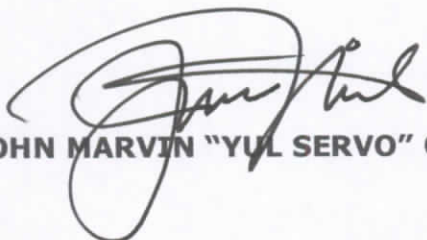
Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

EXPLANATORY NOTE

This bill aims to deal with overloading of passengers in public utility vehicles in the course of daily commuting.

Practically on a daily basis, overloading of passengers is more than a prevalent occurrence on the road. Two basic consequences are noted. Firstly, passengers experience extreme discomfort besides being more prone to theft and hold-up robbery and other petty crimes. Moreover, in case of stressful driving conditions, such passengers are likely to suffer injuries and even death. Secondly, excess passengers compromise the roadworthiness of any given PUV. The excess load tends to impact the vehicle's mechanical integrity, thus potentially exposing everyone to danger. This holds true in documented accidents with the inclusion of fatalities. Stated differently, overloading is one social ailment leading to another that requires remedy.

In view of the foregoing, this humble representation submits that, in line with the implementation of programs intended for substantial improvements in the public transport system, the issue of overloading has to be resolved decisively, thus the proposed measure.


JOHN MARVIN "YUL SERVO" C. NIETO

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AN ACT
PROHIBITING OVERLOADING OF PASSENGERS IN PUBLIC UTILITY VEHICLES
(PUVs), IMPOSING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER
PURPOSES

SECTION 1. Declaration of Policy. - It is hereby declared the policy of the State to resolve the matter of overloading, which is deemed a potentially perilous circumstance in daily commuting.

SECTION 2. Definition of Terms. - Following terms shall be used in this Act:

- a) **"Public Utility Vehicle (PUV)"** shall mean any land-based motor vehicle, whether utilizing tires or rail-mounted, which is operated within the purview of a common carrier as defined under Article 1732 of the Civil Code of the Philippines, and shall include, but not limited to, *passenger jeepneys, buses, taxicabs, all-utility vehicles (AUVs) and sport-utility vehicles (SUVs)* utilized as passenger vehicles with specific routes, and tricycles covered by government franchise, and regardless of size and passenger capacity.
- b) **"Overloading"** shall mean the act of loading of passengers in excess of the maximum capacity of any public utility vehicle regardless of the actual seats or seating spaces provided therefor.
- c) **"Passenger"** shall mean any individual who engages the service of a public utility vehicle in order to commute from one place to another regardless of age or physical build.

SECTION 3. Prohibition against Overloading. - It shall be unlawful for any driver, conductor, operator, owner, association, company or similar entity responsible for the operation of a PUV to load passengers beyond the vehicle's carrying capacity. In ascertaining the act of overloading, the following factors shall be taken into consideration:

- a) The comparison of the actual passenger count with the actual number of seats or intended seating spaces provided in the PUV; *provided*, that any seat occupied by a child or an undersized individual, or any seating space occupied by an oversized individual, and any remaining space that exclude further seating, if another individual will not be fully and comfortably seated, shall be included in the evaluation process.
- b) The act of passengers standing, crouching or otherwise inappropriately positioned at the entry and exit points of any PUV, including the act of occupying any part of the PUV not intended for passenger accommodation; and
- c) The actual number of passengers in a PUV in the event of a mishap resulting to the death or bodily injuries of any of the passengers.

SECTION 4. Penalties. - Any person who violates the provisions of this Act shall be penalized, as follows:

- a) For the first offense, a fine of Ten Thousand Pesos (PhP 10,000.00), including the suspension of the franchise of the PUV and the driver's license;
- b) For the second offense, a fine of Thirty Thousand Pesos (PhP 30,000.00), including the suspension of the franchise of the PUV and the driver's license;
- c) For the third offense, a fine of Fifty Thousand Pesos (PhP 50,000.00), including the revocation of the franchise and the driver's license

SECTION 5. Implementing Rules and Guidelines. - Within the period of ninety (90) days after the effectivity of this Act, the Department of Transportation (DOTr), through Land Transportation Franchising and Regulatory Board (LTFRB) and Land Transportation Office (LTO), and Metro Manila Development Authority (MMDA), after consultation with different public transport companies and the associations of operators and drivers of PUVs, shall formulate rules and guidelines implementing the provisions of this Act, which shall include the maximum passenger capacity posted prominently in each PUV including the notice of a specific passenger limit.

SECTION 6. Nationwide Information Campaign by Government Agencies and Public Transportation Associations. - The Department of Transportation (DOTr) through the Land Transportation Franchising and Regulatory Board (LTFRB) and Land Transportation Office (LTO), Metro Manila Development Authority (MMDA), and the different public transport companies and the associations of public passenger jeepney, taxicab and tricycle operators and drivers shall conduct a nationwide information and communication campaign for a period of two (3) months after the Implementing Rules and Regulations under Section 4 hereof have been issued.

SECTION 7. Liability Under Other Laws. - The foregoing penalties under this Act shall be without prejudice to criminal or civil liabilities under existing laws arising from or on the occasion of the prohibited acts herein prescribed.

SECTION 8. Repealing Clause. - Any law, presidential decree, executive order, administrative order or rule contrary to or inconsistent with this Act is hereby repealed, amended or modified accordingly.

SECTION 9. Effectivity. - This Act shall take effect fifteen (15) after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,