

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEETH CONGRESS
Third Regular Session

House Bill No. 8797



Introduced by **Representative "KUYA" JOSE ANTONIO R. SY-ALVARADO**

EXPLANATORY NOTE

The Civil Code provides that common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all circumstances of each case.

The most common predicament of the riding public is the overloading of passengers in public thoroughfare. Passengers experience stress in finding an available slot in public transportation and when they do, they experience extreme discomfort due to the overloading of passengers. This overloading problem is dangerous since it threatens road safety and contributes to fatal accidents not only to the public vehicle but also to the safety of passengers.

The State, through its police power, shall protect the interest of the riding public. Hence, the purpose of this bill is to provide safety measure by prohibiting overloading practice among public transportation in order to prevent loss of life, injury or damage to property.

In view of the foregoing, immediate passage of this bill is earnestly sought.

"KUYA" JOSE ANTONIO R. SY-ALVARADO
Representative
First District of Bulacan

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

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

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 1753 of the Civil Code of the Philippines, 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 passenger 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 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 Twenty Thousand Pesos (PhP 20,000.000), including the suspension of the franchise of the PUV and the driver’s license;
- b) For the second offense, a fine of Fourty Thousand Pesos (PhP 40,000.00), including the suspension of the franchise of the PUV and the driver’s license;
- c) For the third offense, a fine of One Hundred Thousand Pesos (PhP 100,000.00), 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 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 (2) months after the Implementing Rules and Regulations under Section 4 thereof 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 9. Effectivity. This Act shall take effect fifteen (15) after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,

