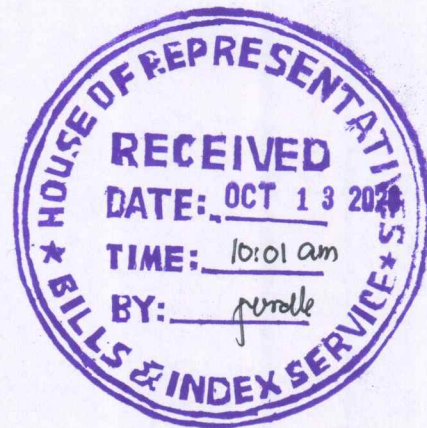




Republic of the Philippines
House of Representatives

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7865

INTRODUCED BY HON. LUISA LLOREN CUARESMA
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

1
2
3 Enshrined in Section 13, Article II of our 1987 Constitution is the
4 declared policy of the State that "The State recognizes the vital role of the
5 youth in nation-building and shall promote and protect their physical, moral,
6 spiritual, intellectual, and social well-being. It shall inculcate in the youth
7 patriotism and nationalism and encourage their involvement in public and civic
8 affairs."

9 The same spirit is inculcated in Section 19 (1), Article XIV of our 1987
10 Constitution which provides, "The State shall promote physical education and
11 encourage sports programs, league competitions, and amateur sports, including
12 training for international competitions, to foster self-discipline, teamwork, and
13 excellence for the development of a healthy and alert citizenry."

14 The sporting world is not an easy one—triumphs require nothing less
15 than their blood, sweat, and tears. Yet, young Filipino athletes have persevered
16 and proven their mettle against the best of the best.

17
18 Our Filipino athletes go through extensive and costly training to
19 compete and represent our flag in both local and international competitions.

20 Some of our notable athletes in the field of motorcycle sports are Troy Alberto,
21 TJ Alberto, Dashi Watanabe, Masato Fernando, BJ Ang, McKinley Kyle Paz,
22 Eane Jay Sobretudo, Janelle Saulog, Pia Gabriel, Maico Buncio, Jacq Buncion
23 Des Buncio, Bornok Mangosong and Kenneth San Andres. These athletes
24 fearlessly and proudly represent our country in the international arena.

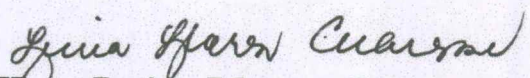
25
26 Unfortunately, there are still many challenges they face such as lack of
27 training facilities and very expensive cost of training. In the recent years,
28 accidents occurred during motorcycle sport competitions due to negligence and
29 worse, non-compliance of safety standards. These are just a few of the major
30 concerns that this bill seeks to address. The State should improve safety for the
31 protection of the local racing circuits and motorcycle sport athletes.

32
33 In a globally competitive sports that test reflexes, endurance, spatial
34 awareness, amongst others, Filipinos are not been far behind. Philippine teams
35 show potential to go up the rankings in more prestigious international
36 competitions.

37
38 Moreover, it is also imperative for the State with the help of the private
39 sector, to ensure that all motorcycle sport training facilities comply with safety
40 standards by providing incentives to needed investments. This shall give
41 opportunity for our country to host international motorcycle sport competitions
42 and events. This shall incidentally result to economic growth through the
43 influx of tourism, creation of employments, business opportunities and
44 investments in our country.

45
46 It is for this reason that the State should offer its support towards our
47 motorcycle sport athletes and to sporting events to allow greater access to the
48 untapped pool of gifted individuals and to showcase to the world what Filipino
49 athletes are capable of.

50
51 In view of the foregoing, the passage of this bill is earnestly sought.


Hon. Luisa Lloren Cuaresma



Republic of the Philippines
House of Representatives

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7865

INTRODUCED BY HON. LUISA LLOREN CUARESMA
Lone District of Nueva Vizcaya

**AN ACT MANDATING THE PHILIPPINE SPORTS
COMMISSION TO RECOGNIZE MOTORCYCLE SPORTS
AND FOR OTHER PURPOSES**

*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 “*Motorcycle Sports Act*”

SECTION 2. *General Mandate* – Section 13, Article II of our 1987 Constitution provides that the “The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs.”

Section 19 (1), Article XIV of our 1987 Constitution further provides, “The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international

competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.”

SECTION 3. Objectives – The following are the objectives of this Act:

- 1) Recognize the vital role of the youth in nation-building by encouraging them to actively join and participate in sporting events;
- 2) Recognize and promote different motorcycle sport disciplines in the country;
- 3) Acknowledge the motorcycle sport athletes representing our country in local and international competitions;
- 4) Holistically support the development of motorcycle sport athletes in the country to be globally competitive;
- 5) Establish the rights and responsibilities of motorcycle sport athletes, instructors, coaches, motorcycle sport organizations, and organizers
- 6) Promote motorcycle road safety, courtesy and etiquette through sports;
- 7) Establish motorcycle sport discipline standards;
- 8) Create job opportunities and employments;
- 9) Attract investments for different motorcycle sports training facilities race bikes
- 10) Attract tourism through motorcycle sports competitions and events;
- 11) Incentivize investments supporting motorcycle sport industry; and
- 12) Instill the spirit of camaraderie, self-discipline, sense of patriotism and nationalism to all citizenry.

SECTION 4. Definition of Terms – For the purpose of this Act, the following terms shall be defined as follows:

- a) **Certified Motorcycle Sport Instructor or Coach** refers to an individual who has been certified by the Motorcycle Sports Authority qualified to engage in an undertaking to conduct motorcycle safety education and facilitate training in different motorcycle sport disciplines.
- b) **Motorcycle Sport Athlete** refers to any person who is engaged or training to be engaged in any motorcycle sport discipline for the purpose of leisure and competition.
- c) **Motorcycle Sport Disciplines** refers to a field that encompasses all sporting aspects of motorcycling.
- d) **Motorcycle Sport Industry** refers to different stakeholders engaged or has an interest in different motorcycle sport

disciplines. The term includes but is not limited to the Certified Motorcycle Sport Instructors or Coaches, Motorcycle Sport Athlete, Motorcycle Sport Organization, Motorcycle Sport Organizer, Motorcycle sport training institutions and facilities and an all other persons who are engaged with or who contributes to the different motorcycle sport disciplines.

- e) **Motorcycle Sport Organization** refers to an organization duly registered in accordance with the Philippine laws established for the purpose of promoting motorcycle sports, road safety, sportsmanship and camaraderie among the members of the motorcycle industry in the country.
- f) **Motorcycle Sport Organizer** refers to any person, organization or entity that hosts or facilitates motorcycle sport competitions and events.
- g) **Motorcycle Sport Training Facility** refers to an institution, facility or racetrack built for the purpose of conducting motorcycle sport training, competition and events.

SECTION 5. Motorcycle Sport Disciplines - The State shall recognize the following motorcycle sports:

- 1) Road racing;
- 2) Motocross;
- 3) Enduro;
- 4) Track racing; and
- 5) Other motorcycle sports that the Philippines may adopt provided it is recognized as an international motorcycle sporting event, sanctioned by the Motorcycle Sports Authority and it adheres to international safety standards.

SECTION 6. Creation of Motorcycle Sports Authority – There shall be a Motorcycle Sports Authority under the Philippine Sports Commission (PSC) to be the leading body in overseeing, regulating, supervising, supporting and promoting the motorcycle sport industry.

SECTION 7. Composition of the Motorcycle Sports Authority (MSA)
– Motorcycle Sports Authority shall be a collegial body to be headed by the chairperson of the PSC, one representative each from the Department of Transportation (DOTr), Department of Tourism (DOT), Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), Department of Health (DOH), the Chief Local Executive of the Local Government Unit (LGU) where the official motorcycle sport training facility or racetrack shall be located and one representative from each duly registered motorcycle sport organizations.

163 **SECTION 8. *Duties and Functions of the Motorcycle Sports***
164 ***Authority***– The Motorcycle Sports Authority shall have the following duties
165 and responsibilities:

- 166 1) To enforce the provisions of this Act;
- 167 2) Be the leading body in coordination with the Department of
168 Science and Technology (DOST) and State Universities for
169 the conduct of research and development initiatives on
170 different motorcycle sport disciplines in the country;
- 171 3) To coordinate and cooperate with different public and private
172 institutions, organizations and individuals involved in
173 supporting the motorcycle sport industry;
- 174 4) Conduct motorcycle sports training and seminars in
175 coordination with DOTr, TESDA and other government
176 agencies;
- 177 5) Conduct motorcycle safety training and seminars in
178 coordination with DOTr, TESDA and other government
179 agencies;
- 180 6) Conduct motorcycle repair and maintenance training and
181 seminars in coordination with Department of Labor and
182 Employment (DOLE), DOTr, TESDA and other government
183 agencies;
- 184 7) Certify motorcycle sport instructors and coaches to ensure
185 eligibility and compliance with safety standards;
- 186 8) Accredite and certify motorcycle sport training institutions,
187 facilities or racetracks to guarantee compliance with the
188 motorcycle sports standards, current safety standards and
189 existing local and international laws;
- 190 9) To conduct yearly inspection, examination and evaluation of
191 all motorcycle sport training facilities;
- 192 10) To inspect and evaluate motorcycle sport training facilities
193 before the conduct of any motorcycle sport competitions or
194 events and certify that the facility is safe to use;
- 195 11) Issue racing permits to motorcycle sport organizations or
196 organizers;
- 197 12) To suspend, revoke or cancel permits in case of non-
198 compliance with terms and conditions of the permits or any
199 violation of existing laws upon observance of due process;
- 200 13) Issue racing license to motorcycle sport athletes competing in
201 both local and international competitions;
- 202 14) Accredite foreign motorcycle sport athletes and foreign
203 motorcycle sport instructors and coaches participating in any

- motorcycle sport competitions and events or providing
motorcycle sport education and training;
- 15) Prepare and submit annual performance and financial reports
on the expenditures, activities, events and competitions
accomplished to the Office of the President and Congressional
Oversight of the Committee on Youth and Sports
Development;
- 16) Coordinate with the DOTr for the determination and
establishment of reasonable fees for certifications, racing
licenses and permits;
- 17) Identify problem areas concerning motorcycle sport athletes
and the industry.
- 18) Propose, conceptualize or initiate projects that may be
conducted in the future to realize the objectives of this Act;
- 19) Foster the holistic development of motorcycle sport athletes;
- 20) Support, organize and sanction local and international
motorcycle sports events and competitions;
- 21) Create a quasi-judicial board with the following functions:
- a. To mediate and adjudicate dispute between and
amongst the different stakeholders of the motorcycle
sport industry;
 - b. Upon prior notice to all parties, to hear and decide
complaints and investigations for any violation of this
Act;
 - c. Conduct and issue different modes of discovery;
 - d. Issue orders and resolutions;
 - e. Award damages;
 - f. Impose fines and penalties for any violation of this Act;
 - g. To cite a person in contempt for disobedience of lawful
orders;
 - h. When necessary, refer to courts or other government
agencies having proper jurisdiction;
- 22) To promote motorcycle road safety, courtesy and etiquette;
- 23) Ensure faithful compliance with the different motorcycle sport
discipline rules and regulations;
- 24) To ensure that all motorcycle athletes is fit and capable to join
and participate any motorcycle sport competition and that they
are not under the influence of any dangerous drug,
intoxicating substance or alcohol;
- 25) Accredited qualified, skilled and experienced medical and
emergency responders from different agencies, organizations
and institutions;

- 246 26) Ensure the presence of accredited medical and emergency
247 response team at all times, in all motorcycle sport
248 competitions and events;
249 27) To streamline the processes of importation and exportation of
250 sporting gears, equipment and motorcycles to be used directly
251 and exclusively for motorcycle sport training, competitions
252 and events;
253 28) Establish standards on types of sporting gears and equipment
254 that shall be used in different motorcycle sport disciplines to
255 be used by motorcycle athletes;
256 29) Establish standards on the different motorcycle to be used by
257 motorcycle athletes in different motorcycle sport discipline;
258 30) To advocate respect and awareness amongst different
259 motorcycle organizations and motorcycle sport athletes;
260 31) To advocate responsible and safe use of motorcycle amongst
261 the populace;
262 32) Create policies, guidelines, circulars, orders, resolutions and
263 other issuances necessary to ensure strict implementation and
264 compliance with this Act; and
265 33) All other implied powers necessary to accomplish the purpose
266 of this Act for the general welfare of the motorcycle sport
267 industry, riding community and the public.

268 **SECTION 9. *Construction of the Philippine Motorcycle Sport Facility***

269 – The Motorcycle Sports Authority under the PSC is hereby mandated to
270 facilitate the creation and construction of the official motorcycle sport training
271 facility in compliance with existing laws and international safety standards.
272

273 In accomplishing this provision, the State shall prioritize the promotion
274 of the preferential use of Filipino labor, domestic materials and adopt measures
275 that help make them competitive.
276

277 Further, the State shall also recognize the indispensable role of the
278 private sector, encourages private enterprise, and provides incentives to needed
279 investments to accomplish the provision of this Act.
280

281 **SECTION 10. *Motorcycle Sport Athlete*** – All motorcycle sport athletes
282 shall comply with the following requirements:

- 283 1) Acquire racing license;
284 2) Maintain good moral character;
285 3) Comply with motorcycle sport safety standards;
286 4) Comply with the terms and conditions of the racing license;

- 287 5) Must wear proper motorcycle sport gears and equipment as
288 prescribed by the MSA and international safety standards at all
289 times when trying out, joining or participating in any
290 motorcycle sport competition and event;
291 6) Comply with the different motorcycle sport discipline rules
292 and regulations; and
293 7) Must be fit and free of any dangerous drug, intoxicating
294 substance or influence of alcohol during any motorcycle sport
295 training, competition or event.
296

297 All motorcycle sport athletes shall ensure that the motorcycles they use
298 in motorcycle sport training, competition and events comply with the safety
299 standards. The motorcycle tires used in motorcycle sport must be marked,
300 "NOT FOR HIGHWAY USE". Further, the motorcycle shall not be allowed in
301 public thoroughfares and must be hauled properly during its transport to and
302 from the motorcycle sport training facility, racetrack or other location where
303 motorcycle sport competition or event is held.

304 **SECTION 11. Minor Athletes—** A motorcycle sport athlete with the age
305 of eighteen (18) years and below may participate in local and international
306 motorcycle sport competitions and events using a motorcycle owned and
307 registered under their parents or legal guardians or sponsored by any natural or
308 juridical person authorized by the MSA. Provided, they are accompanied by
309 their parents or legal guardian or by a certified motorcycle sport instructor or
310 coach at all times during any motorcycle sport training, competition or event.

311 **SECTION 12. Certified Motorcycle Sport Instructors and Coaches –**
312 The MSA is hereby mandated to certify that all motorcycle sport instructors
313 and coaches have undergone necessary motorcycle safety and motorcycle sport
314 trainings and seminars, maintains good moral character, adheres to different
315 motorcycle sport discipline rules and regulations, complies with motorcycle
316 road safety standards and promote the spirit of sportsmanship among
317 motorcycle athletes.
318

319 The Implementing Rules and Regulations of this Act shall provide a
320 transitory period of six (6) months from the effectivity of this Act to give
321 reasonable time for the instructors and coaches to comply with the provisions
322 of this Act.

323 **SECTION 13. Motorcycle Sport Organizer –** Any person, organization
324 or entity that will host, sanction or facilitate any motorcycle sport competition
325 or event must comply with the following requirements:

- a) Secure a racing permit to hold, sanction or facilitate motorcycle sport competition from MSA;
- b) Secure accredited medical and emergency responders as provided under Section 13 of this Act;
- c) Secure permit from the owner of motorcycle sport training facility, racetrack or other place where the competition or event shall be held;
- d) Secure certification from the MSA that the motorcycle sport training facility or other location of motorcycle sport competition or event is in compliance with existing laws and international safety standards.
- e) Ensure presence of adequate race marshals and other motorcycle sport officials necessary in different motorcycle sport discipline in all motorcycle sport competition or event.
- f) Comply with the rules and regulations of different motorcycle sport discipline.

SECTION 14. *Accredited Medical and Emergency Responders* – In order to maintain the safety and security of the motorcycle sport athletes and the public, the MSA is mandated to ensure that there shall be an accredited medical and emergency response team with at least 2 ambulance and licensed trauma physicians present at all times during motorcycle sport competitions and events.

The MSA shall be in coordination with the DOH, the LGU and other government agencies to implement the foregoing provision.

SECTION 15. *Right to Train and Participate in local and International Competitions* – It is the right of an eligible motorcycle sport athlete to train, try out, train and participate in local and international sports competition and represent the country as part of the national team.

For minor athletes, consent of their parents or legal guardian must be taken before joining and participating in any motorcycle sport competition or event.

Any form of disability shall not be a ground for the denial of an athlete to train, join and participate in any motorcycle sport competition or event provided that they are fit and capable to join and participate as certified by a public health physician.

SECTION 16. *Tax Exemption for the Importation and Exportation of Motorcycles, Sporting Gears and Equipment* – The importation and

exportation of motorcycles, sporting gears and equipment that shall be directly and exclusively used by a motorcycle sport athlete for local and international motorcycle sport competition shall be free of tax.

SECTION 17. *Travel Tax Exemption for Motorcycle Sport Athletes*—

The motorcycle sport athletes representing the Philippines in international motorcycle sport competition shall be exempted from Travel Tax when they depart the country for an overseas motorcycle sport competition. Provided that the motorcycle sport athlete is certified by the MSA as the Philippine's delegation to an international motorcycle sport competition. Provided further, this provision shall only be effective during the period of the motorcycle sport competition as certified by the MSA.

SECTION 18. *Incentives for Motorcycle Sport Investments* – All

donations or sponsorships made directly and exclusively for our motorcycle sport athletes and to the motorcycle sport training facilities shall be exempted from Donor's tax

SECTION 19. *Congressional Oversight Committee on Youth and Sports Development* – There shall be a Congressional Oversight Committee on Youth and Sports Development that will oversee the conduct and expenditures of the MSA. The committee may conduct legislative inquiry and investigations in aid of legislation on matters pertaining and affecting the motorcycle sport industry.

SECTION 20. *Investigation* – For the purpose of this Act, a complaint shall be filed to the PSC by an athlete, athlete's parents or guardian or any person or entity on behalf on an athlete or any other party who may be affected by any violation of this Act. An investigation shall be conducted by the quasi-judicial board of the MSA after notice to all parties.

SECTION 21. *Waiver of future accident or injury*. – In any motorcycle sport competition or event, any waiver of future accident or injury shall be null and void being contrary to public policy.

SECTION 22. *Prohibited Acts and Penalties* – Any person, natural or juridical, to perform any act that directly or indirectly, induces, threatens, by force or intimidation, denies an athlete from participating in any try outs, training programs, or from representing the country in motorcycle sports competitions or violating Section 15 of this Act shall be punished by a fine of one hundred thousand pesos (Php 100,000.00) to five hundred thousand pesos (Php 500,000.00) without prejudice to payment of damages.

Any motorcycle athlete who shall be found violating Section 10 and 11 of this Act and the implementing rules and regulations of this Act shall be punished by temporary disqualification, suspension of racing license and a fine of fifty thousand pesos (Php 50,000.00) without prejudice to other administrative, civil or criminal liabilities.

Any motorcycle sport instructor or coach who shall be found violating Section 12 of this Act shall be punished by a fine of one hundred thousand pesos (Php 100,000.00) and shall be temporarily disqualified to conduct road safety education and motorcycle sport training without prejudice to other administrative, civil or criminal liabilities.

Any motorcycle sport organizer who shall be found violating Section 13 and 14 and the appropriate international racing safety standards set forth by the provisions of this Act and the implementing rules and regulations of this Act shall be punished by a fine of one million pesos (Php 1,000,000.00), revocation of racing permit and shall be perpetually disqualified to host or organize any motorcycle sport competition or event without prejudice to other administrative, civil or criminal liabilities.

The owner of the motorcycle sport training facility where a motorcycle sport competition or event is held who shall be found not in compliance with the appropriate international racing safety standards and existing laws on the establishment and construction of motorcycle sport training facility shall be punished by a fine of one million pesos (Php 1,000,000.00) and suspension of business permit and permit to operate until it has complied with existing laws and international safety standards.

Any accredited medical and emergency responder who commits gross negligence in the performance of their duties shall be punished by a fine of one million pesos (Php 1,000,000.00), revocation of their accreditation from the MSA without prejudice to other administrative, civil and criminal liabilities.

SECTION 23. *Implementation Rules and Regulations* - The PSC shall be in coordination, consultation and shall seek the participation of the DOTr, DOT, DOST, TESDA, DepEd, and the Chief Local Executive of the LGU where the motorcycle sport training facilities are located in crafting the implementing rules and regulations to attain the objectives of this Act.

SECTION 24. *Appropriations* - The funds necessary for the initial and continuous implementation of this Act shall be included in the annual General Appropriations Act.

452 **SECTION 25. *Separability Clause*** – Should any provision of this Act
453 be subsequently declared unconstitutional, the same shall not affect the validity
454 or the legality of the other provisions.

455
456 **SECTION 26. *Repealing Clause*** – All laws, presidential decrees,
457 executive orders, rules and regulations contrary to or inconsistent with the
458 provisions of this Act are hereby repealed or modified accordingly.

459
460 **SECTION 27. *Effectivity Clause*** - This Act shall take effect sixty (60)
461 days after its publication in the Official Gazette or newspaper of general
462 circulation.

463
464
465 **Approved,**