

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

NINETEENTH CONGRESS
_____ Regular Session



Begun and held in Metro Manila on _____, the _____ day of _____, two
thousand and twenty

HOUSE BILL NO. 2949

Introduced by Representative Ambrosio “Boy” C. Cruz, Jr.

EXPLANATORY NOTE

As early as 2013, the Department of Public Works and Highways (DPWH) undertook a site observation of the 2.4-kilometer access road to the main Plaridel Bypass Road, which is the main trucking route for overloaded vehicles. The DPWH found that “severe damage to the road is attributed to the overloading of trucks and trailers coming from eastern parts of Bulacan, Nueva Ecija, and Cagayan Valley Region utilizing the highway specially during night time.”¹

The Province of Bulacan is known for a lot of things, and among them is for having roads straddled by potholes, with the municipalities of Guiguinto, Balagtas, and Bocaue, being among the more severely desecrated areas, thus the coined term “Lubakan”. Bulacan is one of the provinces heavily affected by deteriorated roads caused mainly by the passage and transport of heavily loaded, and often overloaded trucks and trailers.

The amendment of Republic Act No. 8794, which Act is aimed at ensuring the adequate maintenance of national and provincial roads, is hereby pursued to provide for stringent regulation of motor vehicles, particularly overloading trucks and trailers. To this end, the imposition of higher penalties and the punishment of modus operandi designed to abuse and circumvent the law are the countermeasures formulated to ensure the effective implementation of the Act. Furthermore, the participation of local government units (LGUs) is indispensable to the rigid enforcement of this measure, for which reason, incentives are sought to be granted to LGUs.

It is only through an effective and strengthened partnership among invested stakeholders, that the problem of deteriorating roads caused by non-observance of load regulation can be addressed. A national road network that meets international standards

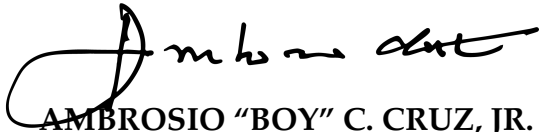
¹ Official Gazette, “Truck overloading creates serious damage to access road in Bulacan”, October 9, 2013, <https://www.officialgazette.gov.ph/2013/10/09/truck-overloading-creates-serious-damage-to-access-road-in-bulacan/>

not only gives the appearance of economic development, but is in itself an actual requisite of industrial progress.

Former DPWH Secretary Rogelio L. Singson pointed out that “This (national road network) is part of our national asset and no amount of concrete pavement thickness will withstand the kind of load carried by the vehicles that do not conform to our regulations as they keep on running with the axle spacing too narrow, causing point loading on the road which, in turn, does severe damage to the pavement.”²

This bill seeks to increase the penalties for overloading trucks and trailers traversing national, provincial, and municipal roads, and to urge LGUs towards effective implementation of the measures against such violations.

Considering the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Ambrosio Cruz Jr.', written in a cursive style.

AMBROSIO “BOY” C. CRUZ, JR.
Representative, Fifth District of
Bulacan

² *Id.*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2949

Introduced by Representative Ambrosio “Boy” C. Cruz, Jr.

AN ACT INCREASING THE PENALTY FOR OVERLOADING TRUCKS AND TRAILERS, AMENDING FOR THE PURPOSE SECTIONS 6 AND 7 OF REPUBLIC ACT NO. 8794, ENTITLED “AN ACT IMPOSING A MOTOR VEHICLE USER’S CHARGE ON OWNERS OF ALL TYPES OF MOTOR VEHICLES AND FOR OTHER PURPOSES”, AS AMENDED BY REPUBLIC ACT No. 11239

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

Section 1. Section 6 of Republic Act No. 8794 is hereby amended to read as follows:

“Section 6. *Penalty for Overloading* – Trucks and trailers found to be loading beyond their prescribed gross vehicle weight as indicated in the DPWH Matrix shall be subjected to the following penalties:

For the first offense – A fine of Fifty Thousand Pesos (Php 50,000.00)

For the second offense – A fine of One Hundred Thousand Pesos (Php 100,000.00)

For the third offense – A fine of One Hundred Fifty Thousand Pesos (Php 150,000.00)

For the fourth and subsequent offenses – An incremental fine of one hundred thousand pesos (Php 100,000.00) on the base amount of the penalty for the third count for every violation committed thereafter and a temporary ban on the use of National Highways for a period of one (1) year shall be imposed upon the offending trucking and/or hauling proprietor.

In addition, the violating truck or trailer shall be impounded by the Department of Transportation (DOTr) until the penalty for the corresponding offense count has been fully satisfied, *Provided*, that non-payment of the full amount of the penalty within a period of one (1) month, shall subject the impounded vehicle to forfeiture in favor of the national government, unless it is satisfactorily proven that the vehicle is the property of a third person not liable for the violation, *Provided further*, that any person found to be in connivance with the violator, or anyone who actively induces another to overload his vehicle, or any natural or juridical person or government official or employee, who directly or indirectly benefits from the circumvention of this Section shall be liable to pay an amount equivalent to three-fourths of that due from the principal violator, *Provided finally*, that if the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, who participated in, or by their gross negligence, allowed the violation of this Section.

The DPWH Matrix shall prescribe the maximum vehicle weight permitted to traverse national roads and highways, *Provided*, that the total gross weight of trucks and trailers including its load and content shall not exceed 30,000 kilograms."

Section 2. Section 7 of Republic Act No. 8794, as amended by Republic Act No. 11239 is hereby amended to read as follows:

"Section 7. *Disposition of Monies Collected* – All monies collected under Section 3 of this Act shall be remitted to the National Treasury under a special account in the General Fund to be earmarked solely for the construction, upgrading, repair, and rehabilitation of a mass transportation system.

Fifty percent (50%) of the fines collected for violations of Section 6 of this Act shall be remitted to the National Treasury in accordance with the preceding paragraph. The remaining fifty percent (50%) shall be allocated to the Local Government Unit where the offending vehicle was apprehended to be earmarked solely for the construction, upgrading, repair, and rehabilitation of municipal and city roads, bridges, and road drainage."

Section 3. *Repealing Clause* – All laws, decrees, orders, resolutions, instructions and rules and regulations or parts thereof which are inconsistent with this Act are hereby deemed repealed or modified accordingly.

Section 4. *Separability Clause* – If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Section 5. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,