

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

Nineteenth Congress  
First Regular Session



House Bill No. **3423**

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Introduced by **Representative JOEY SARTE SALCEDA**

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**AN ACT**  
**PROTECTING THE RIGHTS OF MOTORISTS, AMENDING FOR THE PURPOSE**  
**REPUBLIC ACT NO. 4136, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Concerns about the fairness of implementation of the no-contact apprehension policy of local government units, as well as the fines and penalties set for violations recorded under such policy, have brought to the fore problems about the fairness of implementing traffic rules in the country, in general.

Once caught, motorists will be fined P2,000 (first offense), P3,000 (second offense) and P4,000 (third offense) for the following violations: disobedience to traffic control signals and signs obstruction of pedestrian lanes, driving on yellow box, over speeding, non-wearing of helmet for motorcycle riders, and disregard to lane markings. Meanwhile, a much heavier fine of P3,000 (first offense), P4,000 (second offense), and P5,000 (third offense) await violators who committed: counter-flowing reckless driving, and non-wearing of seatbelts.

While penalties related to the safety of others are reasonably punitive, the frequent complaint of drivers is that the violations are sometimes so vague that any number of violations can be applied arbitrarily. While there is the MMDA-Traffic Adjudication Division or TAD for appealing charges with the MMDA, local government units who enforce local traffic laws often do not have such systems of appeal and adjudication.

For drivers of small vehicles who ply routes for a living, as is the case of food delivery riders, a P2,000 first offense penalty could also be confiscatory, comprising as much as a week's worth of income.

Finally, our main traffic law, as embodied in Republic Act No. 4136, was designed in 1964, 58 years ago. As new modalities of transportation have emerged, and more private vehicles are now being used as a means of livelihood, fairness in traffic enforcement is now more strongly tied with economic rights and the dignity of labor.

In view of these, this proposal aims to establish the following:

1. The motorists' bill of rights, which would outline the limits and parameters of traffic enforcement and protect the welfare of motorists, including the right to clear definitions of traffic violations, given the usual complaint that definitions are so arbitrary as to allow any road movement to be counted as some form of violation;
2. A list of duties of motorists to pedestrians, to ensure the safety of non-motorist users of roads;
3. A cap on minor local traffic violations, which shall not exceed the minimum wage for the first count, and twice the minimum wage for every succeeding count;
4. A requirement that all local government units designate an office for traffic adjudication;
5. Motorists who drive vehicles for hire or used for a living, such as food delivery riders, may appeal for a reduction of penalties based on mitigating circumstances and capacity to pay; or may ask for an alternative form of payment, such as community service;
6. Requirement that the setting of penalties for traffic offenses should be consulted with stakeholders;
7. Review by the Secretary of Transportation of local traffic penalty schedules; and
8. Annual report by the Secretary of Transportation to Congress on the status of appeals mechanisms established under this proposal.

In view of the foregoing, the approval of this bill is urgently sought.



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

SECTION 1. A new Article III-A of Republic Act No. 4136, is hereby provided and shall read as follows:

**ARTICLE III-A**  
**MOTORIST RIGHTS AND DUTIES TO PEDESTRIANS**

**SECTION 4-A. MOTORIST BILL OF RIGHTS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DRIVER OF A MOTOR VEHICLE SHALL HAVE THE FOLLOWING RIGHTS:**

- 1. THE RIGHT TO TRAFFIC REGULATION BASED ON SOUND ENGINEERING PRINCIPLES AND PUBLIC CONSENSUS;**
- 2. THE FREEDOM FROM UNREASONABLE SEARCH AND SEIZURE AND THE GUARANTEE THAT ALL TRAFFIC STOPS WILL BE BASED ON PROBABLE CAUSE;**
- 3. THE RIGHT TO COMPLETE, CLEAR, AND REASONABLE DEFINITIONS OF TRAFFIC VIOLATIONS;**
- 4. PROTECTION FROM DISCOURTEOUS AND RECKLESS DRIVERS INCLUDING THOSE WHO DELIBERATELY IMPEDE TRAFFIC, WHO THREATEN OTHER MOTORISTS WITH THEIR ACTIONS, OR WHO ARE IMPAIRED OR INCOMPETENT;**
- 5. FREEDOM FROM UNREASONABLE SURCHARGES, FEES, TAXES, AND FINES;**

6. THE RIGHT TO ACCESS TO ALL PUBLIC STREETS, ROADS, AND HIGHWAYS, FREE OF ARBITRARY RESTRICTIONS, EXORBITANT FEES, OR UNREASONABLE GOVERNMENTAL ATTEMPTS TO DICTATE PERSONAL MOBILITY CHOICES;
7. FREEDOM FROM DRIVER LICENSE SUSPENSIONS OR REVOCATIONS FOR NON-DRIVING VIOLATIONS OR MATTERS OF PERSONAL CONDUCT UNRELATED TO DRIVING;
8. PROTECTION FROM ARBITRARY AND EXPLOITATIVE INSURANCE INDUSTRY PRACTICES;
9. THE RIGHT TO A FAIR AND IMPARTIAL TRIAL FOR TRAFFIC OFFENSES, INCLUDING A TRIAL BY JURY IF REQUESTED BY THE DEFENDANT; AND
10. THE FREEDOM FROM ARBITRARILY DETERMINED AND CONFISCATORY FEES, CHARGES, AND PENALTIES FOR TRAFFIC VIOLATIONS.

**SECTION 4-B. DRIVER'S DUTIES TO PEDESTRIANS. – THE DRIVER OF THE MOTOR VEHICLE SHALL RESPECT THE RIGHTS OF COMMUTERS AND PEDESTRIANS AND SHALL ABIDE BY THE FOLLOWING:**

1. THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT;
2. THE DRIVER OF A VEHICLE APPROACHING A PEDESTRIAN WITHIN ANY MARKED OR UNMARKED CROSSWALK SHALL EXERCISE ALL DUE CARE AND SHALL REDUCE THE SPEED OF THE VEHICLE OR TAKE ANY OTHER ACTION RELATING TO THE OPERATION OF THE VEHICLE AS NECESSARY TO SAFEGUARD THE SAFETY OF THE PEDESTRIAN;
3. NOTWITHSTANDING ANYTHING TO THE CONTRARY. THIS SECTION SHALL NOT RELIEVE:
  1. A PEDESTRIAN FROM THE DUTY OF USING DUE CARE FOR HIS OR HER SAFETY. NO PEDESTRIAN SHALL SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND WALK OR RUN INTO THE PATH OF A VEHICLE THAT IS SO CLOSE AS TO CONSTITUTE AN IMMEDIATE HAZARD. NO PEDESTRIAN SHALL ALSO UNNECESSARILY STOP OR DELAY TRAFFIC WHILE IN A MARKED OR UNMARKED CROSSWALK; AND A DRIVER OF A VEHICLE FROM THE DUTY OF EXERCISING DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION; OR

**2. A DRIVER OF A VEHICLE FROM THE DUTY OF EXERCISING DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION.**

SEC. 2. Section 59 of Republic Act No. 4136 is hereby amended to read as follows:

**SECTION 59. (a) Collection of Fees; National and Local Taxes; Toll Fees; CAP ON PENALTIES.** – The collection of all fees, taxes, and fines, under the provisions of this Act shall be made in accordance with regulations to be prescribed by the **LAND TRANSPORTATION OFFICE** [Commissioner and approved jointly by the Auditor General.]

(b) No taxes or fees other than those prescribed in this Act shall be imposed for the registration or operation or on the ownership of any motor vehicle, or for the exercise of the profession of chauffeur, by any municipal corporation, the provisions of any city charter to the contrary notwithstanding: Provided, however, That any provincial board, city or municipal council or board or other competent authority may enact and collect such reasonable and equitable toll fees for the use of such bridges and ferries, within their respective jurisdiction, as may be authorized and approved by the **APPROPRIATE REGULATORY BODY** [Secretary of Public Works and Communications], and also for the use of such public roads, as may be authorized by the President of the Philippines upon recommendation of the Secretary of Public Works **AND HIGHWAYS** [and Communications], but in none of these cases shall any toll fees be charged or collected until and unless the approved schedule of tolls has been posted legibly in a conspicuous place at such toll station.

**(C) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE PENALTIES CHARGED BY LOCAL GOVERNMENT UNITS FOR LOCAL TRAFFIC VIOLATIONS SHALL NOT EXCEED THE MINIMUM WAGE APPLICABLE IN THE LOCALITY FOR THE FIRST COUNT, AND TWICE THE APPLICABLE MINIMUM WAGE FOR EVERY SUCCEEDING COUNT, OF TRAFFIC VIOLATIONS CONSIDERED MINOR, WHICH SHALL INCLUDE THOSE NOT COVERED BY SECTION 56 OF THIS ACT, AND SUCH OTHER VIOLATIONS AS MAY BE DETERMINED BY THE LAND TRANSPORTATION OFFICE.**

**THE LAND TRANSPORTATION OFFICE IN THE CASE OF VIOLATIONS OF NATIONAL LAWS, AND LOCAL GOVERNMENT UNITS, IN THE CASE OF VIOLATIONS OF LOCAL TRAFFIC LAWS, SHALL DESIGNATE AN OFFICE AND PROVIDE FOR A MECHANISM FOR THE HEARING AND ADJUDICATION OF CONTEST OF CHARGES BY THE DRIVER.**

THE DRIVER OF A VEHICLE FOR HIRE, OR A VEHICLE OTHERWISE USED, AS AUTHORIZED BY LAW AND APPROPRIATE REGULATIONS, TO CONVEY PASSENGERS AND GOODS FOR A FEE INURING TO THE DRIVER, AS IN THE CASE OF TRANSPORT NETWORK VEHICLE SERVICES, WHO ARE CHARGED WITH MINOR VIOLATIONS, MAY APPEAL FOR A REEVALUATION OR REASSESSMENT OF THE CHARGE, A REDUCTION OF PENALTIES BASED ON MITIGATING CIRCUMSTANCES OR INCAPACITY TO PAY, OR ALTERNATIVE FORMS OF RESTITUTING THE PUBLIC, SUCH AS COMMUNITY SERVICE. THE LAND TRANSPORTATION OFFICE IN THE CASE OF VIOLATIONS OF NATIONAL LAWS, AND LOCAL GOVERNMENT UNITS, IN THE CASE OF VIOLATIONS OF LOCAL TRAFFIC LAWS, SHALL DESIGNATE AN OFFICE AND PROVIDE FOR A MECHANISM FOR THE HEARING AND ADJUDICATION OF SUCH APPEALS.

THE SECRETARY OF TRANSPORTATION SHALL EVALUATE THE OPERATION OF SUCH APPEALS MECHANISMS REGULARLY. A REPORT ON THE PROVISION AND OPERATION OF SUCH APPEALS MECHANISMS SHALL BE SUBMITTED BY THE SECRETARY OF TRANSPORTATION TO THE CONGRESS ON OR BEFORE JUNE 30 OF EVERY YEAR.

(D) THE SETTING OF RATES OF TRAFFIC FINES AND PENALTIES IMPOSED BY BOTH NATIONAL AND LOCAL GOVERNMENT AGENCIES SHALL BE SUBJECT TO A REQUIREMENT OF PUBLIC CONSULTATION WITH DULY ORGANIZED MOTORIST, COMMUTER, OPERATOR, AND OTHER CIVIL SOCIETY AND ACADEMIC GROUPS. THE CONGRESS, THROUGH THE COMMITTEE ON TRANSPORTATION, SHALL BE FURNISHED COPIES OF EACH NEW NATIONAL GOVERNMENT AGENCY ISSUANCE AMENDING THE RATES OF TRAFFIC FINES AND PENALTIES. THE SECRETARY OF TRANSPORTATION SHALL REVIEW THE RATES SET BY LOCAL GOVERNMENT UNITS FOR COMPLIANCE WITH THIS SECTION.

SEC. 3. Effectivity Clause. — This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation whichever comes earlier.

Approved,