

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4873



Introduced by **HON. GUS S. TAMBUNTING**

AN ACT
PROVIDING MEASURES TO ENSURE PEDESTRIAN SAFETY AND CONVENIENCE AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

Road traffic injuries kill an estimated 1.35 million people each year. In the Philippines, around 35 road crash fatalities are happening per day or an estimated 12,690 fatalities in a year. Lately, there has been an increasing incidence of road traffic injuries involving children, with more than 600 deaths from road crashes annually.

Considering this, the government must adopt measures to ensure the safety of the public on roads. The State has already made progress in this arena with laws such as Republic Act No. 4136 or "Land Transportation and Traffic Code"; Republic Act No. 8750, or the "Seat Belts Use Act of 1999"; Republic Act No. 10054, or the "Motorcycle Helmet Act of 2009"; Republic Act No. 10586, or the "Anti-Drunk and Drugged Driving Act of 2013"; Republic Act No. 10666, or the "Children's Safety on Motorcycles Act of 2015"; Republic Act No. 10913, or the "Anti-Distracted Driving Act of 2016" and the recently passed Republic Act No. 11229, or the "Child Safety in Motor Vehicles Act of 2018". While these are all laudable, there has yet to be a law directly protecting pedestrians or ordinary citizens who traverse public spaces, roads, and streets and declaring the duties of both pedestrians and motorists.

In this light, this proposed measure enumerates the rights and duties of every pedestrian and provides for the penalties for its violation, both on the part of pedestrians and motorists. This measure likewise ensures that public roads and sidewalks are always free of obstructions and promote adherence to who has the right of way by established traffic rules and regulations.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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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 "Pedestrian Safety Act."

Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to provide safe travel for both pedestrians and motorists. To this end, the State shall ensure that public roads and sidewalks are free of obstructions at all times and promote adherence to who has the right of way by established traffic rules and regulations.

Sec. 3. *Definition of Terms.* – For this Act, the following terms are defined:

- a) Pedestrian lane or Crosswalk. – refers to (2,) That part of a public road at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable public road; or (b) Any portion of a public road at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- b) Pedestrian. – refers to a person on foot or light personal conveyance devices such as roller skates, skateboards, and other similar means, other than bicycles and scooters and the like. A pedestrian can also be a person with a disability using a tricycle, quadricycle, or wheelchair for transportation;
- c) Public Roads. – refers to all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any local government unit; Provided, That any road or sidewalk does not fall under this definition but which, upon a determination by the appropriate local government unit, is deemed vital to pedestrian access or safety, shall be deemed a public road or sidewalk for this Act;

- d) Sidewalks. – refers to all specific areas running parallel to both sides of a public road, with a width and elevation as may be deemed appropriate for safe and convenient pedestrian passage by the appropriate local government unit in consultation with the Department of Public Works and Highways (DPWH); Provided, That for public roads which, for reasons of lack of land area, easement or legal right protected by law, may not be provided with sidewalks, the appropriate local government unit shall designate passing lanes which may be lesser in dimension than regular sidewalks but which shall, in every case, be adequate for safe and convenient pedestrian passage;
- e) Obstruction. – refers to any structure, permanent or otherwise, movable or immovable, erected along, standing on, abutting, or in any manner impeding safe and convenient passage through any public road or sidewalk shall be deemed an obstruction subject to summary abatement under this Act; Provided, That property of the government including structures erected or installed to regulate the flow of traffic shall not be deemed obstructions;
- f) Informal Settler Families -collectively referred to as "ISFs", refers to homeless families living in informal settlements, dangerous areas, and public spaces such as roads and sidewalks.

Sec. 4. *Rights and Duties of Pedestrians.* – Pedestrians have the following rights and duties:

- a) Pedestrian crossing in general.
 - 1) Where sidewalks are provided, pedestrians shall unless required by other circumstances, walk along sidewalks. No pedestrian shall walk along and upon the portion of a public road paved for vehicular traffic;
 - 2) Where sidewalks are not provided, a pedestrian walking along and upon a public road shall when practicable, walk only on the shoulder on the left side of the roadway about the pedestrian's direction of travel, facing traffic that may approach from the opposite direction;
 - 3) No person upon roller skates, or riding in or using any coaster, toy, vehicle, or similar device, may go upon any public road except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians;
 - 4) The driver of a vehicle at any crosswalk where a: sign so indicates shall stop and remain stopped to allow a pedestrian to cross a public road when the pedestrian is in a crosswalk or pedestrian lane or steps into the lane and is upon the half of the public road upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger;

- 5) When traffic control signals are not in place or operation and no sign indicates otherwise, the driver of the vehicle shall yield, slowing down or stopping if need be to so yielding, to a pedestrian crossing the road within a marked crosswalk or when the pedestrian is upon the half of the public road upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the public road as to be in danger;
- 6) 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 that the driver can't yield;
- 7) When a vehicle is stopped at a crosswalk to permit a pedestrian to cross the public road, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle;
- 8) A pedestrian may not cross an intersection diagonally except where and when the crossing is authorized by official traffic control devices;
- 9) Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway;
- 10) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the public road and, if on a two;-way public road, shall walk only on the left side of the road;
- 11) Where an overhead pedestrian crossing or pedestrian tunnel is provided, pedestrians, other than PWDs and the elderly, shall make use of the overhead pedestrian crossing or the pedestrian tunnel;
- 12) The driver of a public utility vehicle (PUV) must, at all times, load and unload passengers along the sidewalk in marked loading and unloading stops; and
- 13) Notwithstanding other provisions of this section or local ordinances, a driver of a vehicle shall exercise due care to avoid colliding with a pedestrian, give warning by sounding the horn when necessary, and exercise proper caution on observing a child or any confused, incapacitated or intoxicated person.

b) Pedestrian crossing by visually or mobility impaired pedestrians.

- 1) When a pedestrian is trying to cross a public road or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick, an approaching driver is obliged to bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such a pedestrian; and

- 2) If a mobility impaired person, as when he/ she uses a guide dog or service animal, a walker, a crutch, an orthopedic cane, or a wheelchair, is in the process of crossing a roadway at an intersection, a driver approaching the intersection must stop before arriving at the intersection and take reasonable precautions to avoid injuring such a pedestrian.

Sec. 5. *Obstructions as nuisance per se.* – All obstructions along public roads and sidewalks are hereby presumed or declared nuisances per se and, as such, are subject to summary abatement without the need for judicial proceedings; Provided, That temporary housing structures built along public roads and sidewalks during natural calamities shall not be declared nuisances per se until the lifting of the declaration of a state of calamity by the local government unit concerned; Provided, further, that the said temporary housing structures will not hamper or otherwise delay any government services during such calamities.

Sec. 6. *Summary Abatement.* – All local government units other than barangays, are hereby authorized to summarily abate any obstruction found within their respective territorial jurisdictions: Provided, That where the obstruction is an ISF housing structure, its abatement shall be done in accordance with Section 28 and other relevant provisions of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act"; Provided, further, That where the obstruction is immovable, permanent and claimed by any person to be his private property, its abatement shall be done only after a non-extendible five-day period from notice to such person of the intended abatement within which such person may show cause why the abatement should not ensue: Provided, finally, That where such a person files an action in any court against the intended abatement, he shall furnish a bond to the local government unit concerned, in an amount thrice the estimated value, if any, of the structure but in no case not less than Five Thousand Pesos (P5,000.00), which bond shall be forfeited in the event the suit is found groundless.

Sec. 7. *Remedies to Compel Compliance.* – Any person may file, without need to pay any bond or filing fee, a petition for mandamus directed against the appropriate local government units to compel such unit to summarily abate any specified obstruction within its territorial jurisdiction: *Provided*, That such person has previously asked, in writing, the chief executive of the local government unit concerned, for such summary abatement and that said chief executive has not acted on the matter within fifteen (15) days from receipt thereof or has determined that summary abatement is not proper.

If the local government unit has determined that summary abatement is not proper, any person may file the proper action in court respecting abatement of nuisance unless the petition for mandamus in the preceding paragraph has been filed, in which case, said petition shall proceed as an ordinary action for abatement of the nuisance. Said petition shall be without prejudice to and shall not affect any claim for damages as provided in Section 10 hereof.

Sec.8. *Penalties.* –

- a) Persons found guilty of a violation of the rights and duties of pedestrians as enumerated in Section 4 hereof shall be penalized with a fine of not less than Three Thousand Pesos (P 3,000.00) but not more than Twenty Thousand Pesos (P 20,000.00) or imprisonment

of not less than one (1) month but not more than six (6) months, or both at the discretion of the court; and

- b) The penalty contained herein is without prejudice to the award of damages to the aggrieved party, as may be proven during trial. The institution of a criminal action shall impliedly include the civil action: unless a separate civil action has been filed or a reservation for the filing of such action is made by the Rules of Court.

Sec. 9. *Duty of LGU and DPWH.* – It shall be the duty of the LGU concerned and the DPWH to:

- a) Provide sidewalks on public roads within their jurisdiction for the use of pedestrians; Provided, That for public roads which, for reasons of lack of land area, easement, or legal right protected by law, sidewalks may not be provided, the appropriate LGU shall designate passing lanes which may be lesser in dimension than regular sidewalks but which shall, in every case, be adequate for safe and convenient pedestrian passage. The LGU and the DPWH shall ensure that such sidewalk is free of any obstruction which may endanger the safety of pedestrians or hamper free passage on the sidewalk;
- b) Ensure that marked and visible signage is posted and conspicuously placed to indicate ongoing construction activities or repair work along public roads or sidewalks.

Sec. 10. *Damages for Acts or Omissions Endangering Pedestrian Safety.* – Any person who suffers damage to his person or property as a result of an act or omission by another which endangers pedestrian safety may file an action for damages against any juridical or natural person or local government unit responsible for such act or omission, including but not limited to the following acts or omissions resulting in damage:

- a) Failure to post a marked and visible sign indicating ongoing construction or repair work along a public road or sidewalk;
- b) Failure to obtain the permits from the appropriate local government agencies required in undertaking repair or construction work or in conducting any other activity requiring the use of a public road or sidewalk;
- c) Failure to cover or provide adequate coverage of any hole, ditch, or digging along a public road or sidewalk;
- d) Failure to put up or use adequate protective roofing above sidewalks or public roads adjacent to any construction repair site;
- e) Illegal parking of any vehicle along a public road or parking on a sidewalk;
- f) Destroying, removing, or in any manner tampering with any sign or notice indicating an existing hazard to pedestrian safety or any lamp or lamppost illuminating a public road or sidewalk;

- g) Building or in any manner placing a connecting pipe or portion thereof on an elevated concrete or other connecting material across or along a sidewalk; and
- h) Failure to act or perform adequate action by the local government unit concerned respecting the abatement of any obstruction within its territorial jurisdiction; Provided, That any person responsible for the construction or presence of any obstruction as defined in this Act shall, in addition to having such obstruction abated summarily, be liable for damages as provided in this Section; Provided, further, That where the person suffering damages is a disabled person, the award of exemplary or moral damages combined shall not be lower than Two Hundred Thousand Pesos (P 200,000.00): Provided, finally, That should death result from such act or omission, the liability shall not be lower than Three Hundred Thousand Pesos (P 300,000.00).

Sec. 11. Dissemination of Information to the Public. – The provisions of this Act shall be disseminated widely to the public by the Department of Transportation (DOTr), DPWH, the Department of Interior and Local Government, and all local government units.

Sec. 12. Implementing Rules and Regulations. – Within sixty (60) days from the approval of this Act, the DOTr and the DPWH, in consultation with the appropriate stakeholders and in coordination with different government agencies that regulate traffic shall promulgate the necessary rules and regulations to implement the provisions of this Act.

Sec. 13. Repealing Clause. – All laws, executive orders, presidential decrees, presidential proclamations, letters of instruction, rules, and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 14. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected shall continue to be in full force and effect.

Sec. 15. Effectivity. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or two (2) newspapers of general circulation in the Philippines.

Approved,