



Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS

Second Regular Session

House Bill No. 10845



Introduced by Representative Jernie Jett V. Nisay

EXPLANATORY NOTE

Initiatives to address the worsening transport crisis tend to dominate the public discourse and remedial measures proposed are primarily centered on alleviating the plight of motorists and commuters. Conveniently sidelined in the race to identify and propose solutions to the traffic problem are the pedestrians whose protection appear to be neglected and whose safety, when compromised on any road, are merely relegated as ordinary traffic incidents.

The root causes of road traffic deaths and injuries are often overshadowed by the growing conundrum of vehicular traffic. Measures to effectively address road traffic deaths and injuries have not been seriously considered and pushed with steadfastness. As a result, deaths and injuries associated with road traffic continue to rise and have reached alarming levels in recent years.

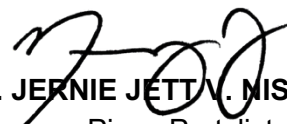
In its Global Status Report on Road Safety released in 2018. The World Health Organization (WHO) reported that road traffic deaths continue to rise in the Philippines, with an estimated 12,690 deaths in 2016. About half of the number of road traffic deaths involved vulnerable road users such as motorcyclists, cyclists and pedestrians.

The WHO considers road traffic injuries as a major but neglected public health challenge. It underscores that unsafe road traffic systems are seriously harming global public health and development. It contends that the level of road traffic injury is unacceptable but it is largely avoidable.

Indeed, a serious effort to put in place an effective and sustainable prevention measure is now imperative. This effort can commence by enhancing our archaic traffic laws, according to paramount consideration to the protection and safety of pedestrians, penalizing any person who violates the traffic laws, and mandating the training of violators.

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

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REP. JERNIE JETT V. NISAY
Pusong Pinoy Partylist



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AN ACT

**STRENGTHENING THE PROTECTION AND SAFETY OF PEDESTRIANS,
FURTHER AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4136, AS
AMENDED, OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND
TRAFFIC CODE, AND FOR OTHER PURPOSES**

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

SECTION 1. 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 and ensure safe and convenient pedestrian travel and access, whether by foot, wheelchair, walker, stroller, or any other similar means. To this end, the 14 State shall provide convenient and safe passage for pedestrians on and across all streets and highways and reduce pedestrian fatalities and injuries.

SEC. 3. Definition of Terms. — For purposes of this Act, the following terms shall be understood as follows:

(a) Crosswalk is that part of the roadway set aside for pedestrian traffic;

(b) Intersection is any place where one line of roadway meets another roadway. Intersections include cross streets, side streets, alleys, freeway entrances, and any other location where vehicles traveling on different highways or roads join each other:

(c) Pedestrian is a person on foot or who uses a conveyance such as roller skates, skateboard, wheelchair, etc., other than a bicycle.

SEC 4. Right-of-Way of Pedestrians. — A new Article of the Land Transportation and Traffic Code, as amended, is hereby added after Article III to read as follows:

ARTICLE III-A

RIGHTS-OF-WAY OF PEDESTRIANS

"SEC. 44-A. RIGHT-OF-WAY OF PEDESTRIANS. - (A) 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 SECTION.

"(B) 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 ENSURE THE SAFETY OF THE PEDESTRIAN.

"(C) NOTWITHSTANDING THE PROVISION OF ANY LAW TO THE CONTRARY, THIS SECTION SHALL NOT RELIEVE:

***1. A PEDESTRIAN FROM 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

"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. 44-B. REMOVAL OF CROSSWALKS. - (A) AN EXISTING MARKED CROSSWALK MAY NOT BE REMOVED UNLESS NOTICE AND OPPORTUNITY TO BE HEARD IS PROVIDED TO THE PUBLIC NOT LESS THAN THIRTY (30) DAYS PRIOR TO THE SCHEDULED DATE OF REMOVAL. IN ADDITION TO ANY OTHER PUBLIC NOTICE REQUIREMENTS, THE NOTICE OF PROPOSED REMOVAL SHALL BE POSTED AT THE CROSSWALK IDENTIFIED FOR REMOVAL.

"(B) THE NOTICE REQUIRED BY SUBSECTION (A) ABOVE SHALL INCLUDE, BUT NOT BE LIMITED TO, NOTIFICATION TO THE PUBLIC OF THE FOLLOWING:

"1. THAT THE PUBLIC MAY PROVIDE COMMENTS OR INPUTS RELATING TO THE SCHEDULED REMOVAL; AND

1 **"2. THE FORM AND MANNER OF PROVIDING THE COMMENTS OR**
2 **INPUTS AUTHORIZED UNDER PARAGRAPH (1) ABOVE.**

3 **"SEC. 44-C. PROHIBITED OVERTAKING AT INTERSECTIONS. -**
4 **WHENEVER ANY VEHICLE HAS STOPPED AT MARKED CROSSWALK**
5 **OR AT ANY UNMARKED CROSSWALK AT AN INTERSECTION TO**
6 **PERMIT A PEDESTRIAN TO CROSS THE ROADWAY, THE DRIVER OF**
7 **ANY OTHER VEHICLE APPROACHING FROM THE REAR SHALL NOT**
8 **OVERTAKE AND PASS THE STOPPED VEHICLE.**

9 **"SEC. 44-D. DRIVING OVER SIDEWALKS. - THE DRIVER OF ANY**
10 **MOTOR VEHICLE, PRIOR TO DRIVING OVER OR UPON ANY**
11 **SIDEWALK, SHALL YIELD THE RIGHT-OF-WAY TO ANY PEDESTRIAN**
12 **APPROACHING THEREON.**

13 **"SEC. 44-E. UNDERPASS AND OVERPASS. - WHENEVER ANY**
14 **PEDESTRIAN CROSSES A ROADWAY OTHER THAN BY MEANS OF A**
15 **PEDESTRIAN TUNNEL OR OVERHEAD PEDESTRIAN CROSSING, IF A**
16 **PEDESTRIAN TUNNEL OR OVERHEAD CROSSING SERVES THE**
17 **PLACE WHERE THE PEDESTRIAN IS CROSSING THE ROADWAY,**
18 **SUCH PEDESTRIAN SHALL YIELD THE RIGHT-OF-WAY TO ALL**
19 **VEHICLES ON THE ROADWAY SO NEAR AS TO CONSTITUTE AN**
20 **IMMEDIATE HAZARD.**

21 **"THE PROVISION OF ANY LAW TO THE CONTRARY**
22 **NOTWITHSTANDING, THIS SECTION SHALL NOT BE TAKEN AS A**
23 **PROHIBITION AGAINST THE PROVISION OF CROSSWALKS WHERE A**
24 **PEDESTRIAN TUNNEL OR OVERHEAD CROSSING EXISTS, SHOULD**
25 **PUBLIC NECESSITY AND SAFETY DICTATE.**

26 **"SEC. 44-F. INSTANCES WHERE PEDESTRIANS SHALL YIELD TO**
27 **VEHICLES. - EVERY PEDESTRIAN UPON A ROADWAY AT ANY POINT**
28 **OTHER THAN WITHIN A MARKED CROSSWALK OR WITHIN AN**
29 **UNMARKED CROSSWALK AT AN INTERSECTION SHALL YIELD THE**
30 **RIGHT-OF-WAY TO ALL VEHICLES UPON THE ROADWAY SO NEAR**
31 **AS TO CONSTITUTE AN IMMEDIATE HAZARD: PROVIDED, THAT, THE**
32 **DRIVER OF A VEHICLE SHALL CONTINUE TO EXERCISE DUE CARE**
33 **FOR THE SAFETY OF ANY PEDESTRIAN UPON A ROADWAY.**

34 **"SEC. 44-G. CROSSING ON CROSSWALKS. - BETWEEN ADJACENT**
35 **INTERSECTIONS CONTROLLED BY TRAFFICCONTROL SIGNAL**
36 **DEVICES OR BY POLICE OFFICERS OR TRAFFIC ENFORCERS,**
37 **PEDESTRIANS SHALL NOT CROSS THE ROADWAY AT ANY PLACE**
38 **EXCEPT IN A CROSSWALK.**

39 **"SEC. 44-H. ROADWAYS. - (A) NO PEDESTRIAN MAY WALK UPON**
40 **ANY ROADWAY OUTSIDE OF A BUSINESS OR RESIDENTIAL**
41 **DISTRICT OTHER THAN CLOSE TO HIS OR HER LEFT-HAND EDGE OF**
42 **THE ROADWAY.**

43 **"(B) A PEDESTRIAN MAY WALK CLOSE TO HIS OR HER RIGHT-HAND**
44 **EDGE OF THE ROADWAY IF A CROSSWALK OR OTHER MEANS OF**
45 **SAFETY CROSSING THE ROADWAY IS NOT AVAILABLE OR IF**

1 EXISTING TRAFFIC OR OTHER CONDITIONS WOULD COMPROMISE
2 THE SAFETY OF A PEDESTRIAN ATTEMPTING TO CROSS THE ROAD.

3 "SEC. 44-1. SOLICITATION OF RIDES. - NO PERSON SHALL STAND IN
4 A ROADWAY WHICH IS NOT AN AUTHORIZED LOADING AND
5 UNLOADING ZONE FOR THE PURPOSE OF SOLICITING A RIDE FROM
6 THE DRIVER OF ANY VEHICLE.

7 "SEC. 44-J. PENALTIES. - (A) THE DRIVER OF A VEHICLE THAT
8 VIOLATES THE PROVISIONS OF THIS ACT SHALL BE PUNISHED BY
9 A FINE RANGING FROM PHP2,000.00 TO PHP20,000.00;

10 "(B) A PEDESTRIAN FOUND TO BE VIOLATING THE PROVISIONS OF
11 THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM
12 PHPI,000.00 TO PHP10,000.00.

13 "THE FINES IMPOSED HEREIN SHALL BE WITHOUT PREJUDICE TO
14 ANY OTHER CRIMINAL, CIVIL, OR ADMINISTRATIVE CASE THAT MAY
15 BE FILED AGAINST THE OFFENDER.

16 "SEC. 44-K. TRAINING WITH TESDA. - ANY PERSON WHO HAS
17 VIOLATED THE PROVISIONS OF THIS ACT SHALL, IN ADDITION TO
18 THE PENALTIES PRESCRIBED IN SECTION 44-J, BE REQUIRED TO
19 UNDERGO THE APPROPRIATE TRAINING OR REFRESHER COURSE
20 WITH THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT
21 AUTHORITY (TESDA)."

22 **SEC. 5. No Contact Apprehension.** — To ensure the documentation of violations, the
23 apprehension of offenders, and the imposition of the appropriate penalties provided
24 under this Act even in the absence of traffic enforcers or police officers onsite, closed-
25 circuit television (CCTV) systems shall be installed at crosswalks, intersections, and
26 such portions of roadways as may be deemed necessary for the proper monitoring of
27 motorists and pedestrians. For this purpose, the installation and maintenance of CCTV
28 systems shall be the responsibility of the Department of Public Works and Highways
29 (DPWH), for national roads; and the local government units (LGUs), for provincial,
30 municipal, and barangay roads. Provided, That LGUs may enter into Public-Private
31 Partnership Agreements for the installation and operation CCTV systems in their
32 respective jurisdictions subject to their compliance with the provisions of Republic Act
33 (RA) No. 6957, as amended by RA No. 7718, and its Implementing Rules and 14
34 Regulations.

35 The procedure for issuing citations for violations and enforcement of penalties shall be
36 provided in the rules and regulations implementing the provisions of this Act.

37 **SEC. 6. Information Campaign.** - The Department of Transportation (DOTr) shall
38 conduct sustained information and education drives aimed at enhancing pedestrian and
39 driver education.

40 The DOTr and the Land Transportation Office shall also closely coordinate with the
41 TESDA for the establishment of a training program for drivers and pedestrians consistent
42 with the provisions of this Act.

43 **SEC. 7. Funding.** - The funds necessary for the initial implementation of this Act shall

1 be charged against the current appropriation of the DOTr. Thereafter, such amount as
2 may be necessary for the continued implementation of this Act shall be included in the
3 annual budget of the DOTr under the General Appropriations Act.

4 **SEC. 8. Implementing Rules and Regulations.** - The DOTr, in consultation with the
5 appropriate stakeholders and in coordination with the relevant government agencies that
6 regulate traffic, shall promulgate the implementing rules and regulations within sixty (60)
7 days from the effectivity this Act.

8 **SEC. 9. Separability Clause** - If, for any reason, any part or provision of this Act is
9 declared invalid or unconstitutional, the remaining parts or provisions not affected shall
10 remain in full force and effect.

11 **SEC. 10. Repealing Clause** - Section 42(c) of Republic Act No. 4136, otherwise known
12 as the Land Transportation and Traffic Code, as amended, is hereby repealed. All other
13 laws, presidential decrees, executive orders, rules and regulations contrary to or
14 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

15 **SEC. 11. Effectivity** - This Act shall take effect fifteen (15) days after its publication in
16 the Official Gazette, or in a newspaper of general circulation.

17 *Approved,*