

FIFTEENTH CONGRESS of the )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



'10 NOV 23 P2:10

SENATE  
S.B. No. 2609

RECEIVED BY: 

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Introduced By SEN. VICENTE C. SOTTO

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**EXPLANATORY NOTE**

Although parents have the primary responsibility to raise their children and to ensure their safety and well-being, the state may invoke its power of *parens patriae*, which is its constitutional mandate to assume and act as natural parent or guardian in order to safeguard the welfare of any child or individual, or an incapacitated and dependent minor who is in need of protection against danger, risk of lives and limbs.

Children riding on the back of motorcycles are considered as reckless endangerment. Reckless endangerment by definition is the act of doing something with the full knowledge that it is potentially endangering the life or safety of someone. Children are extremely vulnerable and at risk when riding at the backseat of a motorcycle. Because of their tender age, their reflexes are different from adults and they may not be able to react rightly to some situations, thus their reactions may result in a situation that could cause them to fall and suffer injury or even death.

It is, therefore, necessary to enact a law that would prohibit any person from allowing children 12 years and below to ride at the backseat of a motorcycle if the motorcycle driver is travelling in public and private roads.

Earnest approval of this bill is hereby requested.

  
VICENTE C. SOTTO III  
Senator



Senate  
Office of the Secretary

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AN ACT  
PROHIBITING ANY PERSON FROM ALLOWING CHILDREN 12 YEARS OLD AND  
BELOW TO RIDE AT THE BACK OF A MOTORCYCLE WHEN TRAVELLING  
ALONG PUBLIC AND PRIVATE ROADS

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 "Prohibition on Children Riding Motorcycles Act of 2010"

SECTION 2. *Declaration of Policy.*- It is the policy of the state to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

SECTION 3. *Definitions.*- For purposes of this Act, the following terms shall mean:

- (A) **Motorcycle**- is any two-wheeled motor vehicle having a seat or saddle for the use of the rider, designed to travel along public and private roads.
- (B) **Public Roads**- roads designated by the national government or local government units as roads for public use such as but not limited to national highways, provincial roads, city, municipal and barangay streets.
- (C) **Private Roads** – roads not considered as public roads but where public transport are allowed and thus having vehicular traffic.
- (D) **Children**- shall refer to any person twelve (12) years old and below

SECTION 4. *Prohibition*- It shall be unlawful for any person to drive or operate a motorcycle on a national highway or provincial, local or barangay road if he has a passenger under the age of Twelve (12) years old thereon.

SECTION 5. *Exception.*- Notwithstanding the prohibition provided in the preceding section, this act shall not apply to the acts committed in remote places or provinces wherein there is no considerable vehicular traffic and where motorcycles are the only means of transportation. It shall likewise not apply to emergency cases or situations wherein riding a motorcycle is the sole means of reaching the hospital.

**SECTION 6. *Penalties.***- Any person found guilty of violating the provisions of this act shall be penalized as follows:

The first time offender shall be fined with an amount not exceeding Five Thousand Pesos (P5,000.00); Ten Thousand Pesos (P10,000.00) for the second offense and Twenty Thousand Pesos (P20,000.00) for the third and succeeding offenses.

**SECTION 7. *Implementing Rules and Regulations.***- As the lead agency, the Land Transportation Office (LTO) shall formulate the Implementing Rules and Regulations (IRR) of this Act within ninety (90) days after its effectivity.

**SECTION 8. *Separability Clause.***- If for any reason any section or provision of this Act is declared unconstitutional, other provisions hereof which are not effected thereby shall continue to be in full force and effect.

**SECTION 9. *Repealing Clause.***- Any laws, decrees, or rules and regulations which are inconsistent with or contrary to the provisions of the Act are hereby amended or repealed.

**SECTION 10. *Effectivity Clause.***- This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

*Approved,*