

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }

'04 JUN 30 10:44

RECEIVED BY:

SENATE

S.B. NO. 779

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Apart from serving as an alternative and faster means of transporting commuters and goods to their destination, efficient railway systems contribute directly to national development by facilitating trade and commerce.

National development however, also entails construction of roads. It is inevitable that in building roads, some of it would have to cross railroad tracks. The Engineering Department of the Philippine National Railways accounts more than 400 existing roads crossing the 474-kilometer railroad tracks headed south. With the growing number of railroad crossings, the Philippine National Railways is not able to absolutely prevent railroad accidents. The absence of watch keepers and safety railroad bars in most railroad crossing has resulted to 758 accidents recorded from 1985 to July 2002.


The charter of the PNR does not expressly provide for an authority to restrain or prohibit construction of railroad crossings. It is therefore, the sentiment of the PNR that since they are without authority to prohibit or restrain construction of railroad crossings, it is but proper that entities which build them should be responsible for installing safety bars and for deploying watch keepers.

It would be interesting to recall that on the first part of the century, the prestigious Manila Railroad enjoyed full and free control of their tracks without man-made interference or obstruction. By the second half, cities, municipalities, barangays, and even private corporations have built roads crossing railroad tracks. Thus, the trains in Metro Manila today run at turtle's pace compared to the LRT or the MRT which run unimpeded and without delay. In the near future, provincial areas will experience a similar plight.

This bill therefore, seeks to ensure the unobstructed and free passageway of trains to ensure the safety of both the riding public and the people passing the roads crossing railroad tracks. It also seeks to address the predicament of those exposed to risks and hazards of railroad mishaps. With the passage of this measure, victims of railroad accidents may seek recovery for damages they may sustain. It mandates local government units, instrumentalities, agencies and persons that build or have built road passages on railroad crossings to exercise due diligence in ensuring that railroad accidents are prevented and make them liable in case of their negligence.

The vital role of the railways system in national development compels to enact a law to protect commuters and promote their convenience.

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

A handwritten signature in black ink, appearing to be 'M. B. Villar, Jr.', written in a cursive style.

MANUEL B. VILLAR, JR.
Senator

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
1st Regular Session)

04 JUN 30 10:45

RECEIVED BY:

SENATE

S.B. No. 779

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

AN ACT
ENSURING SAFETY OF PERSONS AND PROPERTY ALONG ROAD
PASSAGES CROSSING RAILROAD TRACKS, PROVIDING LIABILITIES FOR
DAMAGES THEREON, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. - It is hereby declared the policy of the State to provide for a safe and convenient railways system to facilitate trade and commerce. Toward this end, the concerned local government unit, agencies, or persons, whether natural or juridical, shall ensure the safety of the people and property along road passages crossing the railroad tracks of the Philippine National Railways (PNR).

SEC. 2. Control or Supervision. - Provinces, cities, municipalities, barangays, agencies, or persons, natural or juridical, that construct or build or have built road passages crossing railroad tracks shall exercise control or supervision over said road passages within their territorial jurisdiction by ensuring the free and safe passage of trains and unimpeded train operations.

SEC. 3. Liability for damages. - Provinces, cities, municipalities, barangays, agencies or persons, natural or juridical who shall construct or have constructed road passages crossing railroad tracks shall be liable for any death or injury to persons or damage to property arising from train operations occurring at their controlled or supervised road passages.

SEC. 4. *Installation of crossing bars* - In coordination with the Philippine National Railways, provinces, cities, municipalities, barangays, agencies or persons concerned shall deploy crossing keepers and install crossing bars for effective implementation of this Act.

SEC. 5. *Non-exemption from liability*. - Nothing in this Act shall exempt locomotive drivers from liability, civil or criminal, who by reason of their negligence, resulted to the damage, injury or death.

SEC. 6. *Separability Clause*. - If any provision or part of this Act is declared unconstitutional, such declaration of unconstitutionality will not affect the other provisions of this Act.

SEC. 7. *Repealing Clause*. - All laws, decrees, executive orders, rules and regulations and other issuances inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity*. - This Act shall take effect fifteen (15) days following its publication either in the official gazette or in a newspaper of general circulation in the Philippines.

Adopted,