

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

'04 JUN 30 P10:48

SENATE
S. No. 781

RECEIVED BY: 

INTRODUCED BY HON. MANUEL B. VILLAR, JR.


EXPLANATORY NOTE

Overloading of jeeps, buses and ships has become a common occurrence that authorities don't usually see it as a grave concern, until death or tragedy happens.

In the recent years, we have seen how overloading of vehicles can claim innocent lives. Of course, the overloading is often times caused by greed, willful neglect and irresponsibility of those manning the said transportation.

Hence, this bill seeks to address the foregoing considerations by imposing stiffer penalties for overloading of land-based and sea-based passenger carriers.

For the protection of the commuting public, immediate passage of this bill is strongly recommended.


MANUEL B. VILLAR, JR.
Senator

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AN ACT**CRIMINALIZING OVERLOADING OF PASSENGER SHIPS, FERRIES AND LAND
COMMUTER VEHICLES, PROVIDING THE PENALTY OF RECLUSION TEMPORAL
AND RECLUSION PERPETUA TO DEATH, AS THE CASE MAY BE, FOR THOSE
FOUND TO HAVE ACTED IN VIOLATION
THEREOF AND FOR OTHER PURPOSES**

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

SECTION 1. *Declaration of Policy.* It is hereby declared a policy of the State to effectively and adequately ensure the safety and convenience of its riding public given the increasing risk of sea and land travel.

SECTION 2. *Definition of Terms.* For purpose of this Act, the following terms shall be defined as follows:

- a. Owner - the person whose name appears in the registration papers of the vessel or vehicle, as the case may be, duly registered with the government agency concerned;
- b. Operator - the person who may or may not be the owner, as defined in paragraph (a) hereof, whose name appears in the Certificate of Public Convenience and other franchise record duly issued and certified by the government agency concerned;
- c. Ship Captain - the person who is the over-all in charge of the vessel, or one who is designated as such in accordance with naval and maritime rules and regulations;
- d. Crew members - the person who compose the staff of the ship captain and have direct supervision over the technical operation of the seafaring vessel;
- e. Driver - the person who is in command of the vehicle as the actual handler of the steering wheel and its other maneuvering mechanisms, or one who is designated as such and actually performs the same;
- f. Conductor - the person who assists the driver in collecting the transportation fares and calls the attention of the passenger;
- g. Land Commuter Vehicles - vehicles, which travel by land, used in transporting goods and people from one place to another such as, but not limited to, taxicabs, passenger jeepneys, buses, and other Public Utility Vehicles (PUVs)

- h. Seafaring Vehicles or vessels - marine transportation crafts such as, but not limited to ferries, boats, ships, twin-hulled vessels, skippers, barges, car boats, cargo ships, and other water sailing vessels used in transporting goods and people from one place to another.
- i. Overloading - refers to the act of loading goods or people over and above the designated maximum loading capacity of the land commuter vehicle or sea-faring vehicle, as the case may be.

Section 3. *Prohibited Acts.* It shall be unlawful for owners, operators, drivers, conductors, ship captains, and all other persons, private or public officials or employees in charge of the operations of land or marine transportation to load their land commuter vehicles or seafaring vessels as the case may be, over and above their designated maximum loading capacity.

Section 4. *Penalties.* The act of overloading, as defined as this Act, shall be given the penalty of reclusion temporal and a fine of One Hundred Thousand Pesos (P100,000.00) in the case of land commuter vehicles; and the penalty of reclusion temporal and a fine of One Million Pesos (P1,000,000.00) in the case of sea-faring vessels.

In case the act of overloading shall result in the death of any passenger of the above land or sea-faring vehicles, the penalty of reclusion perpetua, and a fine of One Million Pesos (P1,000,000.00) for every death resulting therefrom for land commuter vehicles; and the penalty of reclusion perpetua and a fine of Two Million Pesos (P2,000,000.00) for every death resulting therefrom for sea-faring vessels, shall be imposed.

The driver and conductor of the land vehicle and the captain of the shipping vessel including all its crew members shall be primarily responsible for any violation of the provision of this act, provided that, if the owner or operator of the vehicle or vessel had knowledge of such violation and failed to report the same to proper authorities or undertake actions to prevent it, they shall also be held liable as principals to the said violation.

Section 5. *Liabilities of Government Officials and Employees* - Any official or employee of the Land Transportation Office (LTO), Philippine Coast Guard, Maritime Authority (MARINA), Philippine National Police (PNP), Metro Manila Development Authority (MMDA) found to have tolerated the overloading of the vehicles or vessel shall suffer the same penalties herein mentioned. Said government officials and employees shall also be dismissed from office. In addition, subject officer or employee shall henceforth be disqualified from holding any other public office.

Section 6. *Rules and Regulations.* The Department of Transportation and Communication (DOTC) and the Department of Interior and Local Government (DILG), in coordination with other government agencies concerned, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Section 7. *Effectivity.* This Act shall take effect thirty (30) days following its complete publication in at least five (5) newspapers of general circulation.

Approved,