

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)




Senate
Office of the Secretary

75 JUL 28 P3:32

SENATE

Senate Bill No. 2871

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
REQUIRING THE MANDATORY COMPLIANCE BY MOTORISTS OF PRIVATE
AND PUBLIC VEHICLES TO APPROPRIATELY RESTRAIN ALL CHILD
PASSENGERS OF MOTOR VEHICLES

EXPLANATORY NOTE

The safety of children is a primary consideration during road travel. Regardless of the type of vehicle and the distance of the trip, every child should always be kept and positioned safely inside the vehicles by using safety devices or installations.

This measure mandates drivers of all private and public vehicles to appropriately restrain child passengers inside the vehicle during travel. It was filed by Senator Manny Villar during the Fifteenth Congress but was not passed into law. Along with some other minor revisions, this Representation deemed it proper to include drivers of school services such as, but not limited to tricycles, jeeps, vans and buses transporting child passengers to be included among those mandated to restrain children inside a running vehicle. They may use various child restraint products such as car seats or booster seats and other products with lap and shoulder belt assembly.

For the safety of our children, the immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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

1 **SECTION 1. Declaration of Policy.** – It is hereby declared the policy of the State
2 to secure and safeguard its citizenry, particularly the passengers and drivers of
3 private and public motor vehicles, from the ruinous and extremely injurious
4 effects of vehicular accidents. Towards this end, the State shall pursue a more
5 proactive and preventive approach in order to secure the safety of the
6 passengers and drivers at all times by making mandatory that all child
7 passengers of motor vehicles be appropriately restrained in order to reduce the
8 incidence of injuries and fatalities resulting from motor vehicle crashes on the
9 streets, roads, and highways.

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12 **SEC. 2. Definition of Terms.** – For the purposes of this Act, the term:

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14 (a) “Motorist” shall refer to the driver of a motor vehicle;

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16 (b) “Motor vehicle” shall refer to both private and public motor vehicle;

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18 (c) “Private motor vehicle” shall refer to any of the following:

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20 (1) Any motor vehicle owned by individuals and juridical persons for
21 private use;

22 (2) Any motor vehicle owned by the National Government or any of its
23 agencies, instrumentalities or political subdivisions, including
24 government-owned or controlled corporations or their subsidiaries for
25 official use; and,

26 (3) Any diplomatic use.

27
28 (d) “Public motor vehicle” shall refer to public utility vehicle or vehicle for hire;

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30 (e) “Child restraint” means any product designed to provide restraint to a child
31 (including booster seats and other products used with a lap and shoulder

1 belt assembly) that meets applicable motor vehicle safety standards
2 prescribed by the Land Transportation Office;

3
4 (f) "Child passenger" means infant and/or child ages six (6) years and below.
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7 **SEC. 3. *Mandatory Restraint of Child Passenger.*** – For the safety of the child
8 passengers, the driver of a public or private motor vehicle is required to restrain
9 child passengers while inside a running vehicle on any road or thoroughfare.
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11 For private vehicles, including school services such as, but not limited to
12 tricycles, jeeps, vans and buses, transporting child passengers as defined in this
13 Act, the driver must at all times restrain child passengers while inside a running
14 vehicle.
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16 In the case of public motor vehicles, the driver shall be required to immediately
17 inform and require the adult accompanying the child passengers upon boarding a
18 vehicle to restrain the child passenger. Any passenger who refuses to restrain
19 the child passenger shall not be allowed to continue his/her trip.
20

21 Operational motor vehicles, both public and private, which are not equipped with
22 the required child restraints, are given one (1) year from the issuance of the IRR
23 by the Land Transportation Office (LTO) to retrofit appropriate child restraint in
24 their vehicles.
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27 **SEC. 4. *Coverage.*** – This Act, in the interest of public safety, shall apply to
28 drivers of public and private motor vehicles and other vehicles as may be
29 determined by the IRR thereon.
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32 **SEC. 5. *Period of Implementation.*** – The LTO shall be the agency primarily
33 responsible in the enforcement and implementation of this Act. Within sixty (60)
34 days from the effectivity of this Act, the LTO shall formulate and issue the
35 necessary implementing rules, regulations and guidelines and shall mobilize
36 available resources to assure the effective implementation of this Act.
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39 **SEC. 6. *Penalties and Fines.*** – In the enforcement of this Act, the LTO shall
40 impose fines against drivers for violation of this Act.
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42 The following shall be the basis in defining fine and penalty provisions of the IRR
43 to be promulgated, provided that six (6) months grace period shall be allowed to
44 lapse to conduct a nationwide information campaign.
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46 For failure to restrain a child occupant, a minimum fine of One Hundred Pesos
47 (P100.00) but not to exceed One Thousand Pesos (P1,000.00) for the first
48 violation; a minimum fine of Two Hundred Pesos (P200.00) but not to exceed
49 Two Thousand Pesos (P2,000.00) for the second violation; and a minimum fine
50 of Five Hundred Pesos (P500.00) but not to exceed Five Thousand Pesos
51 (P5,000.00) and suspension of driver's license for a period of one (1) week for
52 the third and succeeding violations.
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55 **SEC. 7. *Nationwide Public Information Campaign.*** – (a) The LTO, in coordination
56 with the Philippine Information Agency (PIA), the Department of Education
57 (DepEd), and private agencies and organizations, shall undertake a regular

1 nationwide Information, Education and Communication (IEC) campaign for the
2 attainment of the objectives of this Act. The campaign shall emphasize the
3 safety and health value of restraining child, using hands-free device while
4 engaging in a phone call while driving, and similar safety measures to support
5 the most effective enforcement of this Act.

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7 (b) The LTO, in coordination with the local government units, shall likewise utilize
8 the services of citizen groups and community organizations for the promotion of
9 public safety awareness on observance of this Act.

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11 (c) The fines that will be collected for the enforcement of this Act shall be used
12 exclusively for the implementation of the provisions of this Act, including the
13 necessary promotion campaigns for the use of hands-free devices.

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16 **SEC. 8. Separability Clause.** – If for any reason, any provision of this Act is
17 declared invalid or unconstitutional, the remaining provisions not affected thereby
18 shall continue to be in full force and effect.

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21 **SEC. 9. Repealing Clause.** – Any law, presidential decree, executive order, or
22 issuance, rules and regulations inconsistent with this Act is hereby repealed or
23 modified accordingly.

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26 **SEC. 10. Effectivity Clause.** – This Act shall take effect after fifteen (15) days
27 following its complete publication in the Official Gazette or in two (2) newspapers
28 of general circulation.

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34 *Approved,*