

SIXTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
Third Regular Session



Senate  
Office of the Secretary

15 DEC 16 P5:07

SENATE  
S. No. 3047

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
PROHIBITING CHILDREN UNDER THE AGE OF SEVEN FROM RIDING AS A  
PASSENGER IN THE FRONT SEAT OF A MOTOR VEHICLE EXCEPT UNDER  
LIMITED CIRCUMSTANCES

EXPLANATORY NOTE

According to the Air Bag Safety Campaign of the United States, some eight children are killed and 932 injured every day in motor vehicle-related crashes. Experts agree children are safest when buckled up and in the back seat. The United States National Highway Traffic Safety Administration likewise estimates that children are up to 29 percent safer when riding in the rear seat regardless of whether the vehicle is equipped with a passenger side air bag. Therefore, placing children in the back seat provides greater protection for head on collisions, the most serious type of crash, by getting children farther away from the point of impact.

At present, the Philippines does not have any law regarding motor vehicle safety for children. Admittedly, motor vehicle safety laws of the United States will not find easy or intuitive application in the Philippines because of the differences in the means and culture of transportation; however, it is believed that child passenger safety can at least be improved to by requiring young children below the age of seven to sit in the rear seat of motor vehicles.

This bill proposes that children be allowed to ride in the front seat of a motor vehicles only if: 1) there are no rear seats; 2) a child safety seat or booster seat cannot be

properly installed in the rear seat; 3) all rear seats are already occupied by other occupants; or 4) medical reasons necessitate the child should not ride in rear seat. Thus, while attempting to secure a certain level of child passenger safety, this bill nevertheless allows flexibility for large families and/or parents who may be transporting other children.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed in the Fourteenth Congress, First Regular Session.

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

1 SECTION 1. *Short Title.* – This Act shall be known as “Children in the Backseat  
2 Act.”

3 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the  
4 general welfare of the people. Pursuant to this policy, this Act seeks to increase the  
5 children’s safety by requiring them to ride in the backseat of motor vehicles, except under  
6 limited circumstances.

7 SECTION 3. *Prohibition against Children Riding in the Front Seat of a Motor*  
8 *Vehicle.* – No person shall operate a motor vehicle with any passengers under the age of  
9 seven (7) seated in the front seat of such vehicle: Provided, however, that such  
10 prohibition shall not apply if:

11 (A) Such motor vehicle is not equipped with rear seats; or

12 (B) The rear seat cannot accommodate the proper installation of the child safety  
13 seat or booster seat in which such passenger is being transported, as determined by the  
14 commissioner, or vehicle manufacturer, or child safety seat or booster seat manufacturer;

15 (C) All other seat positions are occupied by other occupants; or

1 (D) Such passenger under age seven is exempt pursuant to the next succeeding  
2 section.

3 SECTION 4. *Exception.* – The preceding section shall not apply to a passenger or  
4 operator with a physically disabling condition whose physical disability would prevent  
5 appropriate restraint in such safety seat or safety belt, or to a passenger under the age of  
6 seven (7) whose physical condition necessitates that such passenger be seated in the front  
7 seat for medical or safety reasons: Provided, however, that such condition is duly  
8 certified by a physician who shall state the nature of the disability or condition, as well as  
9 the reason such restraint is or rear seat placement is inappropriate.

10 SECTION 5. *Penalties.* – Any person found guilty of violating Section 4 shall be  
11 punished by a penalty of imprisonment of *arresto menor*, or a fine of not more than Ten  
12 Thousand Pesos (P10,000.00), or both, at the discretion of the court, taking into  
13 consideration all attending circumstances.

14 The penalty next higher shall be imposed if the child below seven (7) years of age  
15 suffers physical injuries or dies as a result of any vehicular collision and the said child,  
16 without falling under the exceptions to Section 4 of this Act, was seated in the front seat  
17 or seats of the motor vehicle.

18 If the owner or operator of the motor vehicle is a corporation, trust or firm,  
19 partnership, association or any other entity, the penalty of imprisonment shall be imposed  
20 on the entity's responsible officers, including, but not limited to, the president, vice-  
21 president, chief executive officer, general manager, managing director or partner directly  
22 responsible therefore.

1           SECTION 6. *Separability Clause.* - If any provision, or part hereof, is held invalid  
2 or unconstitutional, the remainder of the law or the provision not otherwise affected shall  
3 remain.

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5           SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance,  
6 executive order, letter of instruction, administrative order, rule or regulation contrary to  
7 or inconsistent with the provisions of this act is hereby repealed modified or amended  
8 accordingly.

9           SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after  
10 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/mb12November2015