

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



'16 JAN 25 P5 02

SENATE
S. No. 3099

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING REPUBLIC ACT NO. 8794, ALSO KNOWN AS AN ACT IMPOSING
MOTOR VEHICLES USER'S CHARGE ON OWNERS OF ALL TYPES OF MOTOR
VEHICLES AND FOR OTHER PURPOSES, SECTION 6 ON THE PENALTY FOR
OVERLOADING

EXPLANATORY NOTE

Republic Act No. 8794 or the Anti-Overloading Act of 2000, Section 1 provides:

The State shall protect and promote the right to health of the people
and instill health consciousness among them.

R.A. No. 8794 was enacted to protect the roads in the country by penalizing
overloading. However, according to a report by Ms. Marganx Ortiz of the Philippine
Daily Inquirer on 13 May 2008, Former Public Works Secretary Hermogenes Ebdane Jr.
claimed that R.A. No. 8794 should be amended because it is not effective in protecting
the roads from damage caused by overloading.

Former Sec. Ebdane said at a press conference at the DPWH Office that the cost of
maintaining 30,000 kilometers of national roads was about P13.5 billion annually. He
added that the truckers allege they would lose P5 billion if they adhere to the weight
limit, but their continuing violation of the law involves P20 billion worth of damage to
the road networks yearly. Noncompliance with the anti-overloading law has led to the
rapid deterioration of the road network, resulting in repeated repair work.

Former Sec. Ebdane further noted that the Philippines had the highest allowable axle load limit in the world. He said the DPWH had recommended to Congress that this be reviewed.

Compared to the 13.5 metric ton per axle limit prescribed by the law, other countries have the following limits: United States, 9.1 MT/axle; United Kingdom, 11.5 MT/axle; France, 13 MT/axle; Thailand, 9.1 MT/axle; Pakistan, 12 MT/axle, and India 9.3 MT/axle.

This bills aims to remedy the flaws of R.A. No. 8794 to conform to internationally accepted standards.


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

1 SECTION 1. Republic Act No. 8794, Section 6 on the penalty for overloading, is
2 hereby amended to read as follows:

3 Section 6. Penalty for Overloading. -An amount equivalent to
4 twenty five percent (25%) of the MVUC shall be imposed on trucks
5 and trailers for loading beyond their prescribed gross vehicle weight:
6 Provided, That no axle load shall exceed [thirteen thousand five
7 hundred kilograms (13,500kgs)] NINE THOUSAND FIVE
8 HUNDRED KILOGRAMS (9,500 KGS). IN ADDITION TO THE
9 PENALTY, THE VIOLATORS ARE REQUIRED TO UNLOAD
10 THEIR EXCESS WEIGHT BEFORE THEY CAN CONTINUE
11 THEIR TRIP. FAILURE TO COMPLY WITH THE UNLOADING
12 REQUIREMENT' IS PUNISHABLE BY IMPRISONMENT NOT
13 EXCEEDING ONE YEAR OR FINE NOT EXCEEDING TEN
14 THOUSAND PESOS (P10,000.00), OR BOTH AT THE
15 DISCRETION OF THE COURTS.

1 ANY TRUCK OPERATOR WHO VIOLATES THE
2 OVERLOADING LIMIT THREE OR MORE TIMES SHALL BE
3 PUNISHED WITH IMPRISONMENT OF NOT LESS THAN
4 THREE (3) MONTHS BUT NOT EXCEEDING THREE (3)
5 YEARS AND FINE OF NOT LESS THAN ONE HUNDRED
6 THOUSAND PESOS (P100,000.00) BUT NOT EXCEEDING ONE
7 MILLION PESOS (P1,000,000.00).

8 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance,
9 executive order, letter of instruction, administrative order, rule or regulation contrary to
10 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
11 accordingly.

12 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
13 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/apm6January2016