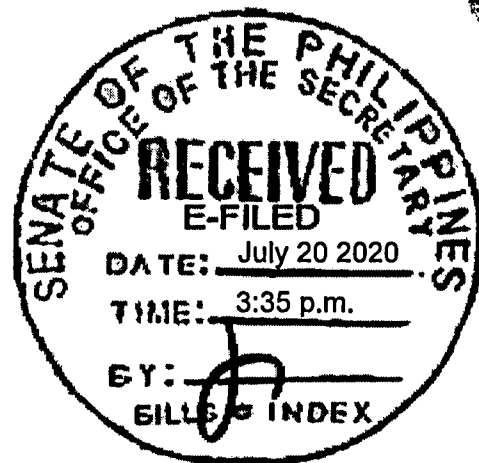


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 469

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE ISSUES
SURROUNDING THE IMPLEMENTATION OF REPUBLIC ACT NO. 11235,
OTHERWISE KNOWN AS THE MOTORCYCLE CRIME PREVENTION
ACT, WITH THE END IN VIEW OF EASING ITS ADVERSE IMPACT ON
THE MILLIONS OF LAW-ABIDING RIDERS AND MOTORCYCLE
OWNERS WHILE FOCUSING OUR LIMITED GOVERNMENT
RESOURCES ON APPREHENDING AND PROSECUTING ACTUAL
CRIMINALS

1 WHEREAS, Article III, Section 1 of the 1987 Constitution declares that “[n]o
2 person shall be deprived of life, liberty, or property without due process of law, nor
3 shall any person be denied the equal protection of the laws”;

4 WHEREAS, on 29 March 2019, Pres. Rodrigo Duterte signed Republic Act No.
5 11235, otherwise known as the Motorcycle Crime Prevention Act;

6 WHEREAS, R.A. No. 11235 required that “the readable number plates must be
7 displayed in both the front and back sides of a motorcycle”¹ and that “the contents of
8 the number plates shall be readable from the front, the back and the side of the
9 motorcycle from a distance of at least fifteen(15) meters from the motorcycle;”²

10 WHEREAS, one month after he signed RA 11235 into law, Duterte, a
11 motorbike enthusiast, suspended the law’s implementation and asked Congress to
12 reconsider the provisions pertaining to the size and the material of the front number

¹ R.A. No. 11235, Section 5

² *Ibid.*

1 plate. More than that, he called for the reduction of the penalties on certain
2 violations;³

3 WHEREAS, on May 11, 2020, Land Transportation Office (LTO) chief Edgar
4 Galvante signed the 13-page Implementing Rules and Regulations (IRR) of R.A. No.
5 11235 which contained the provisions that require motorcycle owners to use a bigger,
6 readable, and color-coded number plates (determined by region). But instead of
7 asking the bike owners to mount a big front number plate made of metal, which had
8 been deemed by the riders' community as unsafe, the LTO opted for smaller front
9 number stickers measuring 135mm by 85mm. The plate for the bike's rear section
10 will be 235mm by 135mm, or slightly smaller than the European license plates, but
11 bigger than the current motorcycle plates we have locally;⁴

12 WHEREAS, however, the critical provisions of RA 11235 imposing heavy
13 penalties and jail terms for violators were retained in the IRR despite the President's
14 appeal;⁵

15 WHEREAS, on 1 June 2020, the LTO announced that while the IRR became
16 effective on 6 June 2020, the portion requiring the placement of revised plates will
17 be suspended until the plates become available in their office. They estimate that the
18 plates will be delivered between July and September of this year.⁶

19 WHEREAS, motorcycle rider groups decried this law stating that license
20 plates compliant with this law will compromise the safety of the motorcycles. One
21 commentator states that "[h]aving a strapped metal blade in front of the motorcycle
22 can lead to a disaster. The plates will automatically transform into deadly razors
23 while riding high down the road at 20 to 80 km/h. This puts the riders at risk and
24 even to the pedestrians should the plates come loose. Riders have also mentioned
25 that the bigger license plates can affect the aerodynamics of the motorcycle;"⁷

³ Ilagan, Aris. *LTO releases IRR for 'doble plaka' law; jail term, hefty fines await offenders*. Top Gear Philippines. (22 May 2020). Retrieved from: <https://www.topgear.com.ph/news/motoring-news/lto-irr-doble-plaka-law-a959-20200522>

⁴ *Ibid.*

⁵ *Ibid.*

⁶ CNN Philippines Staff. *'Doble plaka' law implementation deferred pending motor plate delivery*. CNN Philippines (1 June 2020). Retrieved from: <https://cnnphilippines.com/news/2020/6/1/doble-plaka-law-deferred.html>

⁷ Sanchez, Hanna. *Why Doble Plaka is so against by bikers?* Philkotse.com (27 June 2019). Retrieved from: <https://philkotse.com/market-news/why-doble-plaka-is-so-against-by-bikers-4918>

1 WHEREAS, the LTO has since changed the requirement to only a
2 decal/sticker with size of at least 135mm in length and 85mm in height bearing the
3 plate number on the front of the motorcycle.⁸ A move that motorcycle owners still
4 questions as most motorcycles do not have enough space for a decal this size;

5 WHEREAS, while the matter of the plates are being procured, the extremely
6 disproportionate penalties are still in effect, making it very difficult for motorcycles
7 to operate;

8 WHEREAS, while failure to attach the plate to automobiles carry with it the
9 penalty of ₱5,000 administrative fine,⁹ a similar violation under R.A. No. 11253 is
10 penalized with *prision correccional* or fine of ₱50,000 to ₱100,000 or both and
11 automatic impoundment of the motorcycle;¹⁰

12 WHEREAS, R.A. No. 11235 likewise creates a new crime of using a motorcycle
13 for the commission of crime separate from the predicate crime committed, with
14 separate penalty for the owner, driver, or rider, including forfeiture of the motorcycle
15 so used,¹¹ while the similar use of automobiles only carry a separate administrative
16 penalty of ₱10,000 and permanent disqualification from being granted a driver's
17 license and driving a motor vehicle;¹²

18 WHEREAS, R.A. No. 11235 likewise requires owners to register the sale of
19 motorcycles within five days,¹³ and report lost or stolen plates within 72 hours.¹⁴ Both
20 carry with them a penalty of fine of ₱20,000 to ₱50,000 while the failure to
21 immediately register the vehicle is also punished with possible imprisonment of
22 *arresto mayor* to *prision correccional*;

23 WHEREAS, such strict administrative deadlines did not take into
24 consideration the capacity of our Land Transportation Office to handle the
25 processing of the compliance of our motorcycle riders. As of March 2019, the LTO

⁸ IRR, R.A. No. 11235, Section 5

⁹ DOTC JAO No. 2014-01 (2 June 2014). Retrieved from: <http://www.ltolicensephilippines.com/wp-content/uploads/2017/07/lto-fines-penalties-charges.pdf>

¹⁰ R.A. No. 11235, Section 7

¹¹ R.A. 11235, Sections 9 and 10

¹² DOTC JAO No. 2014-01. *Supra*

¹³ R.A. No. 11235, Section 4

¹⁴ IRR R.A. No. 11235, Section 12

1 reported a total of 18 million registered motorcycles, 12.28 million of which have
2 delinquent registration;¹⁵

3 WHEREAS, with the advent of the COVID-19 pandemic, not only are
4 government offices like the LTO operating at reduced capacity, but the use of
5 motorcycles have become more prevalent following the ban on, or limited operations
6 of, public transportation;

7 WHEREAS, before the government can penalize those who could not comply
8 with the strict obligations under R.A. No. 11235, there must first be a determination
9 that the LTO is capable of meeting the accompanying bureaucratic requirements
10 under this law, lest this would be tantamount to requiring an impossible task of the
11 motorcycle owners;

12 WHEREAS, as a considerable number of the motorcycle owners belong to the
13 lower economic classes, there must also be a review on the apparent disproportionate
14 penalties under R.A. No. 11235, whether there is valid classification under the
15 principle of equal protection of the laws and whether the said law can be considered
16 anti-poor as alleged by the critics¹⁶;

17 WHEREAS, there must also be a determination on the veracity of the
18 argument that bigger plates would ultimately result in motorcycles becoming unsafe
19 for the riders, pedestrians, and other road users;

20 WHEREAS, while it is true that many crimes are committed with the use of
21 motorcycles, the offenders constitute only a very small population of our motorcycle
22 riders with the vast majority being law-abiding riders and motorcycle owners;

23 WHEREAS, to overly focus on the bureaucratic requirements under R.A. No.
24 11235 is to veer away from the original intent of the law to suppress criminality
25 related to motorcycle use. This could result in overburdening our law enforcement
26 agencies with cases involving delayed registration which would take the precious
27 resources away from apprehending and prosecuting actual criminals;

¹⁵ Ilagan, Aris. *LTO report: 12.28 million motorcycles with expired vehicle registration*. Topgear PH. (14 April 2029). Retrieved from: <https://www.topgear.com.ph/moto-sapiens/motorcycle-news/lto-report-motorcycles-expired-registration-philippines-a959-20190414>

¹⁶ Zulueta, Mikaela. *Why are bikers so angry about the new 'doble plaka' law for motorcycles?* When In Manila.com, (29 March 2019). Retrieved from: <https://www.wheninmanila.com/why-are-bikers-so-angry-about-the-new-doble-plaka-law-for-motorcycles/>

1 WHEREAS, in the exercise of its oversight function, the Senate should look
2 into the possibility of suspending the implementation of this law until such time as
3 the determinations herein suggested are completed;

4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
5 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
6 issues surrounding the implementation of Republic Act No. 11235, otherwise known
7 as the Motorcycle Crime Prevention Act, with the end in view of easing its adverse
8 impact on the millions of law-abiding riders and motorcycle owners while focusing
9 our limited government resources on apprehending and prosecuting actual criminals.

Adopted,


HEILA M. DE LIMA