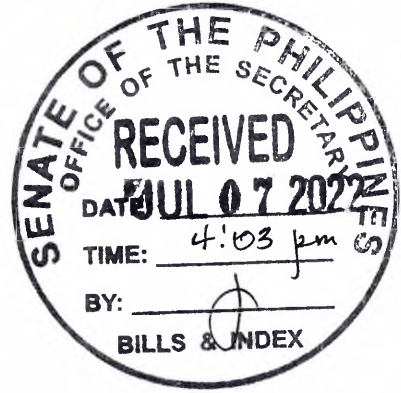


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 159

Introduced by SENATOR JOSEPH VICTOR "JV" EJERCITO

AN ACT
AMENDING REPUBLIC ACT NO. 11235, OTHERWISE KNOWN AS THE
"MOTORCYCLE CRIME PREVENTION ACT"

EXPLANATORY NOTE

The rising popularity of the use of motorcycles as an alternative form of transportation has never been more prevalent in our society today. It has become one of the cheapest and fastest ways to go from one's point of origin to his or her chosen destination. As the government continue to improve the country's mass transport system, motorcycle riding has been the logical mode of transportation for our people.

There is new found ease of travel that motorcycle brings to our people, most especially in the heavy populated cities. Seemingly impassable narrow streets have now become accessible. Unfortunately, it did not take long for criminals to take advantage of this useful and efficient vehicle as a tool for executing their evil deeds. It gave them the ability to swiftly escape the crime scene almost effortlessly.

The "riding in tandem" phrase has become a staple expression in the daily news and negatively tarnished the image of the peace-loving riding community. In effective crime prevention, criminals should indeed be punished. But in the process of doing so, the innocent should not be made to suffer.

Republic Act No. 11235 was legislated to prevent crimes done by the use of motorcycles. However, though the intention of this law was good, the fines and penalties are somewhat too excessive to the point of being discriminatory to motorcycle riders. It is worth to note that most of motorcycle owners are of course, those who can not afford a car. Meaning they either lead a humble and simple life, or even trying to make ends meet. They chose to ride a motorcycle to work because it saves them the burden of lining up at our train stations; it saves them time; and mostly, it saves them money.

In the spirit of equity, the fines contained in Republic Act No. 11235 should be lowered not only because the possible would-be violators are poor, but because it is not at par with the fines imposed to a car owner with the same violation. The penalty of imprisonment in violation of Republic Act No. 11235 is also too harsh and discriminating to motorcycle owners. As such, this bill aims to remove the penalty of imprisonment for violation of Republic Act No. 11235.

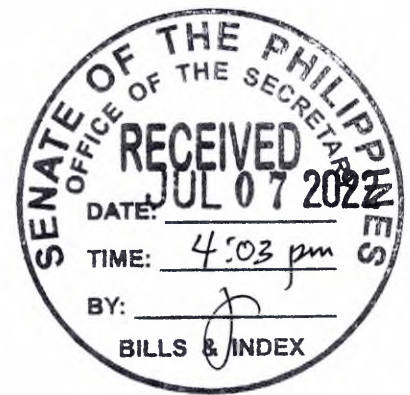
In furtherance of fairness and to eliminate any doubts of bias against motorcycle riders, the proposed measure seeks to implement a more innovative and technological solution, and that is the installation of Radio Frequency Identification System (RFID) stickers, instead of front plates. The RFID stickers shall contain basic information about the owner and the motorcycle, and shall be readable by scanner. An RFID sticker does not disturb the aero dynamicity and maintains the structural integrity of the motorcycle. Such advancements in technology not only makes the riders safe but also gives a sense of security among the public knowing that criminals would think twice before employing a motorcycle in their evil deeds.

In view of the foregoing, I sought the earnest passage of the proposed measure.



JOSEPH VICTOR "JV" EJERCITO

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

1 Section 1. Section 3 of Republic Act No. 11235 is hereby amended to
2 read as follows:

3 "Sec 3. *Definitions.* – As used in this Act, the following terms
4 are defined:

5

6 (a) xxx

7 (b)

8 (c)

9 (d)

10 (e) xxx xxx; **AND**

11 **(F) RADIO FREQUENCY IDENTIFICATION SYSTEM (RFID)**

12 **STICKER REFERS TO A STICKER THAT CONTAINS**

13 **MACHINE-READABLE DATA THAT INCLUDES THE BASIC**

14 **INFORMATION ABOUT THE MOTORCYCLE AND ITS OWNER**

15 **AND OTHER RELEVANT DATA AS THE LTO MAY SEE FIT TO**

16 **BE INCLUDED."**

17

1 Sec. 2. Section 4 of Republic Act No. 11235 is hereby amended to read
2 as follows:

3 “Sec. 4. *Registration by the Owner.* — The owner of a
4 motorcycle shall register his or her motorcycle with the LTO within
5 five (5) days from such acquisition of ownership. The owner of a
6 motorcycle shall also immediately report any sale or disposition of
7 his or her motorcycle to the LTO. Failure of the owner to register
8 within five (5) days from acquisition of ownership, or to immediately
9 report its sale or disposition, shall subject the owner to [~~a penalty of~~
10 ~~imprisonment of *arresto mayor* or *prision correccional*, as defined~~
11 ~~under the Revised Penal Code, or a fine of not less than Twenty~~
12 ~~thousand pesos (P20,000.00) but not more than Fifty thousand~~
13 ~~pesos (P50,000.00), or both] **A FINE OF NOT MORE THAN FIVE**
14 **THOUSAND PESOS (P5,000.00).**~~

15 ~~[If a motorcycle that is not yet registered with the LTO is used~~
16 ~~in connection with an offense punishable under the Revised Penal~~
17 ~~Code or special penal laws, the maximum penalty of the relevant~~
18 ~~offense shall be imposed on the offenders.]”~~

19 Sec. 3. Section 5 of Republic Act No. 11235 is hereby amended to read
20 as follows:

21 “Section 5. *Bigger, Readable and Color-Coded Number Plate*
22 **AND INSTALLATION OF RFID STICKER.** —The LTO shall issue a
23 readable number plate **AND RFID STICKER** for every motorcycle.
24 The LTO shall, in the implementing rules and regulations (IRR) of
25 this Act, determine the font style and size of the bigger, readable and
26 color-coded number plate **AND A SMALL SCANNER-READABLE**
27 **RFID STICKER: *Provided,*** That the contents of the number plate
28 shall be readable from the [~~front, the back, and the side] **BACK**~~
29 ~~of the motorcycle from a distance of at least fifteen (15) meters from~~
30 ~~the motorcycle; **AND THE DATA CONTAINED IN THE RFID**~~
31 ~~**STICKER INSTALLED IN THE FRONT OF THE MOTORCYCLE**~~
32 ~~**SHALL BE READABLE BY RFID SCANNERS.**~~

1 XXX XXX XXX

2 The readable number plates must be displayed in [~~both the~~
3 ~~front and back sides~~] **THE BACK SIDE** of a motorcycle and shall be
4 made of suitable and durable material as determined by the LTO.

5 XXX XXX XXX.”

6 Sec. 4. Section 7 of Republic Act No. 11235 is hereby amended to read
7 as follows:

8 “Section 7. *Driving Without a Number Plate or Readable*
9 *Number Plate* **OR WITHOUT AN RFID STICKER.** —Driving
10 without a number plate or a readable number plate **OR WITHOUT**
11 **AN RFID STICKER**, as provided in this Act, is prohibited. The driver
12 of a motorcycle without a number plate or readable number plate,
13 **OR WITHOUT AN RFID STICKER**, as provided in this act shall be
14 punished by [~~prision correctional as provided in the Revised Penal~~
15 ~~Code, or a fine not less than Fifty thousand pesos (P50,000.00) but~~
16 ~~not more than One hundred thousand pesos (P100,000.00), or both~~]
17 **A FINE OF NOT MORE THAN FIVE THOUSAND PESOS**
18 **(P5,000.00).**

19 A motorcycle driven without a number plate or a readable
20 number plate **OR WITHOUT AN RFID STICKER** shall be stopped,
21 and such motorcycle shall be seized by law enforcers and
22 immediately surrendered to the Philippine National Police (PNP):
23 **PROVIDED, THAT NO SEIZURE SHALL BE MADE UPON**
24 **SHOWING PROOF OF OWNERSHIP AND REGISTRATION:**
25 **PROVIDED, FURTHER, THAT THE OWNER IS NOT AT FAULT**
26 **FOR THE NON-INSTALLATION OF NUMBER PLATE OR A**
27 **READABLE PLATE AND RFID STICKER.** Any apprehension must
28 be reported immediately to the LTO, PNP and the Department of
29 Information and Communications Technology (DICT) through the
30 Joint LTO and PNP Operations and Control Center. The owner of such
31 motorcycle may redeem his seized motorcycle from the LTO upon

1 proof of ownership, payment of the costs of seizure, and compliance
2 with a number plate or readable number plate.”

3 Sec. 5. Section 11 of Republic Act No. 11235 is hereby amended to read
4 as follows:

5 “Section 11. *Loss of Number Plate or Readable Number Plate*
6 **OR LOSS OF RFID STICKER.** —If the number plate or readable
7 number plate **OR RFID STICKER** of a motorcycle is lost, damaged
8 or stolen, the owner of such motorcycle shall immediately report the
9 same to the LTO and the PNP through the Joint PNP and LTO
10 Operations and Control Center, and request a replacement number
11 plate. Failure of the owner to report the same shall subject the owner
12 to a fine not less than Twenty thousand pesos (P20,000.00) but not
13 more than Fifty thousand pesos (P50,000.00), or both] **A FINE OF**
14 **NOT MORE THAN FIVE THOUSAND PESOS (P5,000.00).**

15 If the lost, damaged, or stolen number plate or readable
16 number plate and **OR RFID STICKER** is used in connection with an
17 offense penalized under the Revised Penal Code or special penal
18 laws, the failure of the owner to report within three (3) days that the
19 motorcycle is lost, damaged, or stolen, shall subject the owner to a
20 [penalty of imprisonment of *arresto mayor* to *prision correccional*]
21 **FINE OF NOT MORE THAN FIVE THOUSAND PESOS**
22 **(P5,000.00).”**

23 Sec. 5. Section 12 of Republic Act No. 11235 is hereby amended to read
24 as follows:

25 “SEC. 12. *Erasing, Tampering, Forging, Imitating, Covering or*
26 *Concealing a Number Plate or Readable Number Plate and Intentional*
27 *Use Thereof.* - Erasing, tampering, altering, forging, imitating,
28 covering, concealing a number plate or readable number plate, or the
29 intentional use of such erased, tampered, altered, forged, imitated,
30 covered or concealed number plate or readable number plate, under
31 this Act shall be punished by [*prision mayor* as provided under the
32 ~~Revised Penal Code, or a fine of not less than Fifty thousand pesos~~

1 ~~(P50,000.00) but not more than One hundred thousand pesos~~
2 ~~(P100,000.00), or both]~~ **A FINE OF NOT MORE THAN TEN**
3 **THOUSAND PESOS (P10,000.00).**

4 If a person knowingly sells or buys an erased, tampered,
5 altered, forged or imitated number plate or readable number plate,
6 both such buyer and seller shall be punished by [~~prision mayor~~]
7 **ARRESTO MENOR** as provided under the Revised Penal Code.
8 However, if a person who sells or buys the number plate proves that
9 he or she has no knowledge that it was erased, tampered, altered,
10 forged or imitated, he or she shall be punished by [~~arresto mayor~~] **A**
11 **FINE OF NOT MORE THAN TEN THOUSAND PESOS**
12 **(P10,000.00).**

13 Sec. 6. Section 13 of Republic Act No. 11235 is hereby amended to read
14 as follows:

15 "SEC. 13. *Use of a Stolen Number Plate or Readable Number*
16 *Plate.* – **WITHOUT PREJUDICE TO CRIMINAL PROSECUTION**
17 **FOR VIOLATION OF OTHER LAWS,** [~~The~~] **THE** use of a stolen
18 number plate or readable number plate in a motorcycle shall be
19 punished by [~~prision mayor as provided under the Revised Penal~~
20 ~~Code, or a fine of not less than Fifty Thousand Pesos (P50,000.00)~~
21 ~~but not more than One hundred thousand pesos (P100,000.00), or~~
22 ~~both at the discretion of the court.]~~ **A FINE OF NOT MORE THAN**
23 **TEN THOUSAND PESOS (P10,000.00)."**

24 Sec. 7. Section 19 of Republic Act No. 11235 is hereby amended to read
25 as follows:

26 "SEC. 19. *Transitory Provision.* – Motorcycle owners with
27 number plates not in conformity with the provisions of this Act shall
28 renew their registration and apply for the required readable number
29 plate not later than [~~June 30, 2019~~] **JUNE 30, 2023.** The LTO is
30 given until [~~December 31, 2019~~] **DECEMBER 31, 2022** to produce,
31 release, and issue the number plates as required by this Act. After
32 [~~December 31, 2019~~] **DECEMBER 31, 2022,** the penal provisions

1 regarding the use of bigger, readable and color-coded number plates
2 as required under this Act shall take effect.”

3 *Sec. 7. Separability Clause.* – If any provision of this Act is held invalid
4 or unconstitutional, the same shall not affect the validity and effectivity of the
5 other provisions hereof.

6 *Sec. 8. Repealing Clause.* – All laws, decrees, executive orders, rules
7 and regulations, which are inconsistent with the provisions of this Act are
8 hereby repealed, amended or modified accordingly.

9 *Sec. 9. Effectivity Clause.* – This Act shall take effect fifteen (15) days
10 after its publication in the Official Gazette or in a newspaper of general
11 circulation.

Approved,