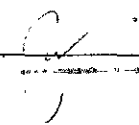


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SECRET
OFFICE OF THE SECRETARY

10 JUL 21 11:29

SENATE
S. No. 1737

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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

Section 1. Declaration of Policy. It is hereby declared as the policy of the States to ensure the adequate maintenance of national and provincial roads through sufficient funding the purpose.

R.A. No. 8794 was enacted to protect the roads in the country by penalizing overloading. However, according to a report by Ms. Margaux Ortiz of the Philippine Daily Inquirer first posted in Inquirer.net last 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. 8794.¹

cc *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the 14th Congress 1st Regular Session

FIFTEENTH CONGRESS OF THE REPUBLIC)
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SECRETARY
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10 JUL 21 AM 12:29

SENATE
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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

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

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

Section 6. *Penalty for Overloading.* -An amount equivalent to twenty five percent (25%) of the MVUC shall be imposed on trucks and trailers for loading beyond their prescribed gross vehicle weight: Provided, That no axle load shall exceed [thirteen thousand five hundred kilograms (13,500kgs)] NINE THOUSAND FIVE " D R E D KILOGRAMS (9,500 KGS). IN ADDITION TO THE PENALTY, THE VIOLATORS ARE REQUIRED TO UNLOAD THEIR EXCESS WEIGHT BEFORE THEY, CAN CONTINUE THEIR TRIP. FAILURE TO COMPLY WITH THE UNLOADING REQUIREMENT IS PUNISHABLE BY IMPRISONMENT NOT EXCEEDING ONE (1) YEAR OR FINE NOT EXCEEDING TEN THOUSAND PESOS (Php 10,000.00), OR BOTH AT THE DISCRETION OF THE COURTS.

ANY TRUCK OPERATOR WHO VIOLATES THE OVERLOADING LIMIT THREE (3) OR MORE TIMES SHALL BE PUNISHED WITH IMPRISONMENT OF NOT LESS THAN THREE (3) YEARS BUT NOT EXCEEDING FIVE (5) YEARS AND FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (Php 100,000.00) BUT NOT EXCEEDING ONE MILLION PESOS (Php 1,000,000.00).

1 SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
3 with the provisions of this Act is hereby repealed, modified or amended accordingly.

4 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,