

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



Senate
Office of the Secretary

'13 AUG -8 P2 56

SENATE
S. B. NO. 1256

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

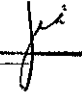
EXPLANATORY NOTE

The proposed bill seeks to protect and minimize death and injury of children through vehicular accidents by imposing safety standards in the transportation of children in motor vehicles, particularly with the use of child restraint devices.


MARIA LOURDES NANCY S. BINAY
Senator

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1 AN ACT ENSURING THE SAFETY MEASURES FOR CHILDREN
2 RIDING IN MOTOR VEHICLES
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
5 *assembled:*
6

7 **SECTION 1. Short Title.** This Act shall be known as the “Children in Motor Vehicle Safety
8 Act of 2013”.
9

10 **SECTION 2. Declaration of Policy.** The State recognizes the vital role of the youth in
11 nation-building and shall promote and protect their physical, moral, spiritual, intellectual and
12 social well-being. Towards this end, the State shall pursue a proactive and preventive
13 approach in order to secure the safety of children riding in motor vehicles at all times with the
14 enforcement of safety measures.
15

16 **SECTION 3. Definition of Terms.** As used in this Act, the term:
17

18 (a) “Children” refers to any person fifteen (15) years old and below;
19

20 (b) “Motor vehicle” refers to private vehicles and school buses for pre-school and primary
21 school operated or driven upon a public highway which are propelled by any power
22 other than muscular power and is being used in any way to carry any person from one
23 place to another. It shall likewise include public motor vehicle as defined in Republic
24 Act No. 4136, otherwise known as the “Land Transportation and Traffic Code”;
25 Republic Act No. 8750, otherwise known as the “Seat Belt Use Act of 1999”; and LTO
26 Administrative Order No. BGC-AO-99004, Implementing Rules and Regulations
27 Governing the Installation and Use of Seat Belt Devices and Seat Belt Anchorage;
28

29 (c) “Seat belt device” refers to any strap, webbing or similar device in the form of pelvic
30 restraint or lap belt, upper torso restraint or shoulder strap or a combination thereof
31 designed to secure a person in a motor vehicle in order to mitigate the results of any
32 accident including all necessary buckles and other fasteners, and all
33 hardware/anchorage designed for installing such seat belt in a motor vehicle; and
34

35 (d) “Child restraint system” refers to beds for babies, seats for infants and seats for school
36 children that are manufactured and crafted in accordance with the internationally
37 accepted standards pending adoption of a national standard by the Bureau of Product
38 Standards (BPS) of the Department of Trade and Industry (DTI). Provided, however,

1 that pending the adoption of a national standard by the BPS, the same agency shall issue
2 a list of acceptable child restraint systems which are readily available in the Philippines.

3 **SECTION 4. Coverage.** This Act shall apply to drivers and children passengers of private
4 motor vehicles and school buses for preschool and primary school.

5
6 **SECTION 5. Prohibited Acts.** It shall be unlawful for any driver of a motor vehicle to travel
7 with children on board without ensuring or exercising the following safety measures:

- 8
9 (a) Infants and/or children ages fifteen (15) years old and below shall be prohibited
10 to sit in the front seat of any running motor vehicle;
11
12 (b) Children shall not be allowed to travel on board any motor vehicle without seat
13 belt devices and/or child restraint systems at the back row seats; and
14
15 (c) Children shall not be allowed to ride motorcycles, scooters, motorized bicycles,
16 tricycles, pedicabs or other motor vehicles which are not enclosed and which
17 would expose a child to significant risk of serious injury in the in the event of a
18 vehicular accident; and
19
20 (d) Children shall not be left unattended inside the motor vehicle without
21 supervision by a person who is eighteen (18) years of age or older under one or
22 more of the following circumstances:
23
24 (1) Under conditions presenting a significant risk to the child's health
25 or safety;
26
27 (2) The engine of the motor vehicle is running; or
28
29 (3) The keys to the motor vehicle are within the motor vehicle.
30

31 **SECTION 6. Exceptions.** The provisions of this Act shall not apply to public utility vehicles
32 which are not school buses for preschool and primary school. As such, jeepneys and buses, as
33 well as emergency vehicles, shall be exempt from the provisions of this Act. It shall likewise
34 not apply to medical emergencies or when, because of the circumstances of the situation,
35 riding in a motor vehicle without a safety device removes such child from an even greater or
36 more imminent danger.

37
38 **SECTION 7. Penalties and Fines.** Any person found guilty of violating the provisions of this
39 Act shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) or
40 imprisonment of not more than thirty (30) days, or both, at the discretion of the court, taking
41 into consideration all attending circumstances. Subsequent violations shall be punishable by a
42 fine of not less than Ten Thousand Pesos (P10,000.00) or a penalty of imprisonment of
43 *arresto mayor*, or both, at the discretion of the court. The driver's license shall be revoked
44 upon conviction of three (3) violations of this provision. Such revocation shall prohibit the
45 grant of a new driver's license for twelve (12) months from the date of the conviction.
46

47 **SECTION 8. Implementing Agency.** The Land Transportation Office (LTO) and the
48 Philippine National Police (PNP) shall be the primary implementing agencies in enforcing the
49 provisions of this Act. Within sixty (60) days from the effectivity of this Act, the LTO. the

1 PNP and the BPS of the DTI shall formulate and issue the necessary implementing rules.
2 regulations and guidelines and shall mobilize available resources to assure the effective
3 implementation of this Act.

4
5 The BPS, in coordination with the LTO, shall likewise formulate the procedure and standards
6 for the approval of safety devices for use by children in motor vehicles and to publish the
7 same with a list of such approved devices not more than ninety (90) days after the approval of
8 the Act.

9 **SECTION 9. *Separability Clause.*** If any provision or part hereof is held invalid or
10 unconstitutional, the remainder of this Act or the provisions not otherwise affected thereby
11 shall remain valid and subsisting.

12
13 **SECTION 10. *Repealing Clause.*** Any law, presidential decree or issuance, executive order,
14 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with
15 the provisions of this Act is hereby repealed, modified or amended accordingly.

16
17 **SECTION 11. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its full and
18 complete publication in at least two (2) newspapers of general circulation.

19
20 Approved,