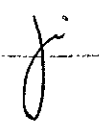


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SENATE
S. No. 2494

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING THE USE OF SAFETY DEVICES FOR CHILDREN RIDING IN MOTOR
VEHICLES¹

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

In the Philippines, accidents of all types - including road traffic crashes - rank fourth among the causes of mortality in all ages. Road traffic crashes constitute the second leading cause of injury death with a mortality rate of 7.8/100,000. Among children 0-17 years of age, it is the second leading cause of injury death (with mortality rate of 5.85/100,000), next to drowning.² In 2006, 1,185 deaths and 5,870 non-fatal injuries were reported along national roads and highways.³

Lack of seat belts or improper use of restraints may account for a substantial portion of these deaths. Adult seat belts are ill equipped to protect young children. Child seats provide effective restraint for young children riding in motor vehicles and minimize risk of death and injury during car crashes. However, the implementation of mandatory child seats may not be feasible, affordable, and sustainable in developing countries such as the Philippines. Republic Act No. 8750 mandates the installation and use of adult seat belts in front and rear seats of any private motor vehicle. Children below six years of age are likewise prohibited from occupying

¹ This bill was originally filed during the Thirteenth Congress, Third Regular Session.

² Philippine National Injury Survey, unpublished, 2003. Found in
<<http://www.doh.gov.ph/sites/default/files/Vol.%203%20Issue%203%20November%202008.pdf>>

³ Traffic Accident Report Application System, Department of Public Works and Highways, 2007.

the front seat of any moving motor vehicle. However, the Republic Act No. 8750 does not require the use of specialized seats or restraints for young children. This bill seeks to address that deficiency.


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1 device for such children. Any driver in violation of this provision shall be punished by a fine of
2 Five Thousand Pesos (₱5,000.00) or imprisonment of not more than thirty (30) days, or both at
3 the discretion of the court, taking into consideration all attending circumstances. The license of
4 such driver shall also be revoked upon final conviction for two (2) violations of this provision.
5 Such revocation shall prohibit the grant of a new driver's license for the twelve (12) months from
6 the date of the conviction.

7 It shall also be unlawful for any adult accompanying any child or to allow such child to
8 travel on a motor vehicle which does not have safety devices for children, unless such adult
9 provides one for the child's own use. Any person in violation of this provision shall be punished
10 by a fine of Two Thousand Pesos (₱2,000.00) or imprisonment of not more than thirty (30) days,
11 or both at the discretion of the court, taking into consideration all attending circumstances.

12 SECTION 5. *Exceptions.* - The provisions of this Act shall not apply to public utility
13 vehicles such as, but not limited to, jeepneys and buses, as well as to emergency vehicles. It shall
14 likewise not apply to medical emergencies or when, because of the circumstances of the
15 situation, riding in a motor vehicle without a safety device removes such child from an even
16 greater or more imminent danger.

17 SECTION 6. *Implementing Agency.* - The Land Transportation Office shall be the
18 primary implementing and supervising agency for the implementation of this Act. It shall
19 formulate the necessary implementing rules and regulations immediately upon the approval of
20 this Act which it shall promulgate not more than sixty (60) days after the approval such approval.

21 It shall likewise formulate a procedure for the approval of safety devices for use by
22 children in motor vehicles and to publish a list of such approved devices not more than ninety
23 (90) days after the approval of this Act.

24 SECTION 7. *Separability Clause.* - If any provision or part thereof is held invalid or
25 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
26 valid and subsisting.

1 SECTION 8. *Repealing Clause.* - All laws, decrees, orders, proclamation, rules and
2 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed,
3 amended, or modified accordingly.

4 SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen days (15) days after its
5 publication in at least two (2) newspapers of general circulation.

Approved,

/mamf27Nov2014