


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



'16 SEP -5 P5:03

SENATE

RECEIVED BY: 

S. B. No. 1126

Introduced by Senator JOEL VILLANUEVA

**AN ACT ENHANCING THE SAFETY OF PEDESTRIANS, FURTHER
AMENDING REPUBLIC ACT NO. 4136, AS AMENDED, OTHERWISE
KNOWN AS LAND TRANSPORTATION AND TRAFFIC CODE AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

The continuing traffic crisis in Metro Manila calls for the adoption of innovative and holistic ways from all stakeholders. Aside from having the right infrastructure such as roads, trains and airports, a right-of-way culture among drivers must be encouraged. At the same time, the pedestrians must also be informed of traffic laws and be encouraged to use the appropriate crosswalks.

This bill enhances our traffic laws by (a) respecting the right-of-way of pedestrians; (b) clarifying the rules on when a pedestrian should yield to a pedestrian, or vice-versa; (c) penalizing any person who violates the right-of-way of pedestrians; and (d) mandating the training of erring drivers and pedestrians.


The passage of this bill will not only help solve the traffic woes that beset Metro Manila and other areas of the country, but also reduce road accidents. In the Global Status Report on Road Safety 2015 reveals that pedestrian deaths is the second cause of road user deaths at 19%.

Given the foregoing, the immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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PURPOSES**

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

- 1 **SECTION 1. Title** – This Act shall be known as the "Pedestrian Safety Act of
- 2 2016."
- 3
- 4
- 5 **SECTION 2. Declaration of Policy** – It is hereby declared the policy of the
- 6 State to provide and ensure safe and convenient pedestrian travel and
- 7 access, whether by foot, wheelchair, walker, or stroller. To this end, the State
- 8 shall provide convenient and safe passage for pedestrians on and across all
- 9 streets and highways, increase levels of walking and pedestrian travel, and
- 10 reduce pedestrian fatalities and injuries.
- 11
- 12
- 13 **SECTION 3. Definition of Terms** – For the purposes of this Act, the following
- 14 terms shall be defined as follows:
- 15
- 16 (a) *Crosswalk* is the part of the roadway set aside for pedestrian traffic;
- 17

1 (b) *Intersection* is any place where one line of roadway meets another
2 roadway. Intersections include cross streets, side streets, alleys,
3 freeway entrances, and any other location where vehicles traveling on
4 different highways or roads join each other;

5
6 (c) *Pedestrian* is a person on foot or who uses a conveyance such as
7 roller skates, skateboard, etc., other than a bicycle. A pedestrian can
8 also be a person with a disability using a tricycle, quadricycle, or
9 wheelchair for transportation.

10
11
12 **SECTION 4. Repeal of Certain Provisions** – Section 42(c) of Republic Act
13 No. 4136, otherwise known as Land Transportation and Traffic Code, as
14 amended, is hereby repealed.

15
16
17 **SECTION 5. Right of Way of Pedestrians** – A new Article III-A of the Land
18 Transportation and Traffic Code, as amended, is hereby provided to read as
19 follows:

20
21
22 **ARTICLE III-A**
23 **RIGHTS OF WAY OF PEDESTRIANS**

24
25 **SECTION 44-A. RIGHT OF WAY OF PEDESTRIANS –**

26
27 (a) THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO
28 A PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY MARKED
29 CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN
30 INTERSECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS
31 SECTION.

32
33 (b) THE DRIVER OF A VEHICLE APPROACHING A PEDESTRIAN
34 WITHIN ANY MARKED OR UNMARKED CROSSWALK SHALL
35 EXERCISE ALL DUE CARE AND SHALL REDUCE THE SPEED OF
36 THE VEHICLE OR TAKE ANY OTHER ACTION RELATING TO THE
37 OPERATION OF THE VEHICLE AS NECESSARY TO SAFEGUARD
38 THE SAFETY OF THE PEDESTRIAN.

39
40 (c) NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS
41 SECTION SHALL NOT RELIEVE:

42
43 (1) A PEDESTRIAN FROM THE DUTY OF USING DUE CARE
44 FOR HIS OR HER SAFETY. NO PEDESTRIAN MAY
45 SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY
46 AND WALK OR RUN INTO THE PATH OF A VEHICLE THAT
47 IS SO CLOSE AS TO CONSTITUTE AN IMMEDIATE HAZARD.
48 NO PEDESTRIAN MAY UNNECESSARILY STOP OR DELAY
49 TRAFFIC WHILE IN A MARKED OR UNMARKED
50 CROSSWALK; AND

- 1
2 (2) A DRIVER OF A VEHICLE FROM THE DUTY OF EXERCISING
3 DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN WITHIN
4 ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED
5 CROSSWALK AT AN INTERSECTION.
6

7 **SECTION 44-B. REMOVAL OF CROSSWALKS –**
8

9 (a) AN EXISTING MARKED CROSSWALK MAY NOT BE REMOVED
10 UNLESS NOTICE AND OPPORTUNITY TO BE HEARD IS
11 PROVIDED TO THE PUBLIC NOT LESS THAN 30 DAYS PRIOR TO
12 THE SCHEDULED DATE OF REMOVAL. IN ADDITION TO ANY
13 OTHER PUBLIC NOTICE REQUIREMENTS, THE NOTICE OF
14 PROPOSED REMOVAL SHALL BE POSTED AT THE CROSSWALK
15 IDENTIFIED FOR REMOVAL.
16

17 (b) THE NOTICE REQUIRED BY SUBDIVISION (A) ABOVE SHALL
18 INCLUDE, BUT SHALL NOT BE LIMITED TO, NOTIFICATION TO
19 THE PUBLIC OF BOTH OF THE FOLLOWING:
20

21 (1) THAT THE PUBLIC MAY PROVIDE INPUT RELATING TO THE
22 SCHEDULED REMOVAL; AND
23

24 (2) THE FORM AND METHOD OF PROVIDING THE INPUT
25 AUTHORIZED UNDER PARAGRAPH (1) ABOVE.
26

27 **SECTION 44-C. NO OVERTAKING AT INTERSECTIONS –** WHENEVER
28 ANY VEHICLE HAS STOPPED AT A MARKED CROSSWALK OR AT ANY
29 UNMARKED CROSSWALK AT AN INTERSECTION TO PERMIT A
30 PEDESTRIAN TO CROSS THE ROADWAY, THE DRIVER OF ANY OTHER
31 VEHICLE APPROACHING FROM THE REAR SHALL NOT OVERTAKE AND
32 PASS THE STOPPED VEHICLE.
33

34 **SECTION 44-D. SIDEWALKS –** THE DRIVER OF ANY MOTOR VEHICLE,
35 PRIOR TO DRIVING OVER OR UPON ANY SIDEWALK, SHALL YIELD THE
36 RIGHT-OF-WAY TO ANY PEDESTRIAN APPROACHING THEREON.
37

38 **SECTION 44-E. UNDERPASS AND OVERPASS –** WHENEVER ANY
39 PEDESTRIAN CROSSES A ROADWAY OTHER THAN BY MEANS OF A
40 PEDESTRIAN TUNNEL OR OVERHEAD PEDESTRIAN CROSSING, IF A
41 PEDESTRIAN TUNNEL OR OVERHEAD CROSSING SERVES THE PLACE
42 WHERE THE PEDESTRIAN IS CROSSING THE ROADWAY, SUCH
43 PEDESTRIAN SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES ON
44 THE HIGHWAY SO NEAR AS TO CONSTITUTE AN IMMEDIATE HAZARD.
45

46 NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS SECTION
47 SHALL NOT BE TAKEN AS A PROHIBITION AGAINST THE INSTALLATION
48 OF CROSSWALKS WHERE A PEDESTRIAN TUNNEL OR OVERHEAD
49 CROSSING EXISTS, SHOULD PUBLIC NECESSITY AND SAFETY
50 DICTATE.

1
2 **SECTION 44-F. INSTANCES WHERE PEDESTRIANS SHALL YIELD TO**
3 **VEHICLES** – EVERY PEDESTRIAN UPON A ROADWAY AT ANY POINT
4 OTHER THAN WITHIN A MARKED CROSSWALK OR WITHIN AN
5 UNMARKED CROSSWALK AT AN INTERSECTION SHALL YIELD THE
6 RIGHT-OF-WAY TO ALL VEHICLES UPON THE ROADWAY SO NEAR AS
7 TO CONSTITUTE AN IMMEDIATE HAZARD, PROVIDED THAT, THE
8 DRIVER OF A VEHICLE SHALL CONTINUE TO EXERCISE DUE CARE
9 FOR THE SAFETY OF ANY PEDESTRIAN UPON A ROADWAY.

10
11 **SECTION 44-G. CROSSING ON CROSSWALKS** – BETWEEN ADJACENT
12 INTERSECTIONS CONTROLLED BY TRAFFIC CONTROL SIGNAL
13 DEVICES OR BY POLICE OFFICERS, PEDESTRIANS SHALL NOT CROSS
14 THE ROADWAY AT ANY PLACE EXCEPT IN A CROSSWALK.

15
16 **SECTION 44-H. ROADWAYS** –

17
18 (a) NO PEDESTRIAN MAY WALK UPON ANY ROADWAY OUTSIDE OF
19 A BUSINESS OR RESIDENCE DISTRICT OTHERWISE THAN
20 CLOSE TO HIS OR HER LEFT-HAND EDGE OF THE ROADWAY.

21
22 (b) A PEDESTRIAN MAY WALK CLOSE TO HIS OR HER RIGHT-HAND
23 EDGE OF THE ROADWAY IF A CROSSWALK OR OTHER MEANS
24 OF SAFELY CROSSING THE ROADWAY IS NOT AVAILABLE OR IF
25 EXISTING TRAFFIC OR OTHER CONDITIONS WOULD
26 COMPROMISE THE SAFETY OF A PEDESTRIAN ATTEMPTING TO
27 CROSS THE ROAD.

28
29 **SECTION 44-I. SOLICITATION OF RIDES** – NO PERSON SHALL STAND IN
30 A ROADWAY WHICH IS NOT AN AUTHORIZED LOADING AND
31 UNLOADING ZONE FOR THE PURPOSE OF SOLICITING A RIDE FROM
32 THE DRIVER OF ANY VEHICLE.

33
34 **SECTION 44-J. PENALTY** –

35
36 (a) THE DRIVER OF A VEHICLE THAT VIOLATES THE PROVISIONS
37 OF THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM
38 PHP10,000.00 TO PHP100,000.00;

39
40 (b) A PEDESTRIAN FOUND TO BE VIOLATING THE PROVISIONS OF
41 THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM
42 PHP1,000.00 TO PHP10,000.00.

43
44 THE FINES IMPOSED HEREIN SHALL BE WITHOUT PREJUDICE TO ANY
45 OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE CASE THAT MAY BE
46 FILED AGAINST THE OFFENDER.

47
48 **SECTION 44-K. TRAINING WITH TESDA** – ANY PERSON WHO HAVE
49 VIOLATED THE PROVISIONS OF THIS ACT SHALL BE REQUIRED TO
50 UNDERGO THE APPROPRIATE TRAINING OR REFRESHER COURSE

1 WITH THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT
2 AUTHORITY (TESDA).

3
4 **SECTION 6. Information Campaign** – The Department of Transportation
5 shall conduct sustained information and education drives aimed at enhancing
6 pedestrian and driver education.

7
8 The Department of Transportation shall closely coordinate with TESDA for the
9 establishment of a training program for drivers and motorists consistent with
10 the provisions of this Act.

11
12 **Section 7. Implementing Rules and Regulations and Standard Forms.** –
13 Within sixty (60) days from the approval of this Act, the Department of
14 Transportation, in consultation with the appropriate stakeholders and in
15 coordination with different government agencies that regulate traffic, shall
16 promulgate the implementing rules and regulations of this Act.

17
18
19 **SECTION 8. Funding** – Congress shall allocate adequate funding for the
20 proper implementation of this Act. In addition, 10% of the Motor Vehicle
21 User's Charge Fund crated under Republic Act No. 8794 shall be allocated for
22 the programs, activities and projects of the Department of Transportation
23 geared towards pedestrian safety and driver education.

24
25
26 **SECTION 9. Separability Clause.** – If any provision of this Act is declared
27 unconstitutional, the other provisions not affected thereby shall continue to be
28 in full force and effect.

29
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31 **SECTION 10. Effectivity Clause.** This Act shall take effect fifteen (15) days
32 following its publication in the Official Gazette or two (2) newspapers of
33 general circulation.

34
35 **Approved.**
36
37
38