



'16 SEP -7 A9:36

SENATE
S. No. 1128

RECEIVED BY: 

Introduced by **Senator Richard "Dick" J. Gordon**

**AN ACT
PENALIZING AND PREVENTING THE USE OF MOTORCYCLES OR SCOOTERS IN
THE COMMISSION OF CRIMES THROUGH THE USE OF BIGGER PLATE
NUMBERS AND IDENTIFICATION MARKS, REGULATION OF BACKRIDERS AND
FOR OTHER PURPOSES**

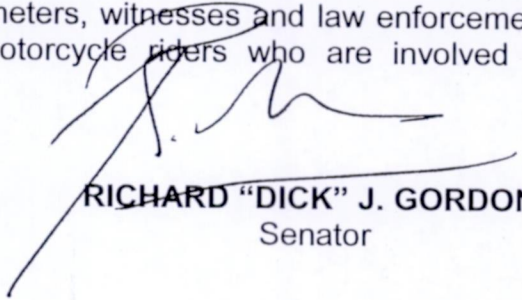
EXPLANATORY NOTE

Police power is one of the inherent powers of the State to make, ordain or establish reasonable laws for the good and welfare of the State and its people.¹ This bill seeks to protect the general public committed by those "riding in tandem", using motorcycles to perpetrate crime.

Motorcycles have become "crime machines". Reports show that ordinary people, media personnel, politicians and even policemen have been killed by persons on board a motorcycle and "riding in tandem" to enable their swift getaway. In 2011, the Philippine National Police (PNP) recorded 1,700 crime incidents involving riding-in-tandem suspects with 2,089 victims. This figure is higher than the 1,565 recorded incidents in 2010, with 1,819 victims.² Motorcycle riders in Metro Manila committed more than 3,000 crimes in 2013.³

With the decrease in price of motorcycles in the market, this two-wheeled vehicle becomes readily available and accessible to criminals or those intending to use it as a getaway vehicle. The proliferation of motorcycles in the main thoroughfares has likewise worsened and their proper identification is warranted to regulate its use for legitimate purposes only.

This bill seeks to deter crimes committed with the use of motorcycles or scooters by providing bigger plate numbers and identification marks, and by punishing the commission of a crime through or with a backrider on motorcycles and scooters. By increasing the size and visibility of the motorcycle plates to be able to read the plate numbers from a distance of between 12 to 15 meters, witnesses and law enforcement agencies are aided in the identification of motorcycle riders who are involved in accidents or criminal activities.


RICHARD "DICK" J. GORDON
Senator

¹ Ermita Malate Hotel v. City Mayor, G.R. L-24693, July 31, 1967.

² Interaksyon. PNP declares all-out war VS criminals riding in tandem on motorbikes. 22 January 2012. <Last accessed 24 August 2016.>

³ Philippine Daily Inquirer. Riding in Tandem motorcyclists committed over 3,000 crimes in Metro Manila in 2013. 28 January 2014. <Last accessed 24 August 2016.>



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AND IDENTIFICATION MARKS, REGULATION OF BACKRIDERS AND FOR OTHER
PURPOSES

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

1 SECTION 1. **Short Title.** – This Act shall be known as the "Motorcycle Crime
2 Prevention Act of 2016".

3 Sec. 2. **State Policy.** – Article II, Section 5 of the 1987 Philippine Constitution
4 provides that the maintenance of peace and order, the protection of life, liberty, and
5 property, and the promotion of the general welfare are essential for the enjoyment by all
6 the people of the blessings of democracy. It is hereby declared the policy of the State
7 to secure and safeguard its citizenry from the ruinous and extremely injurious effects of
8 crimes and fatal accidents, particularly those caused by motorcycles and scooters.

9 Sec. 3. **Definition.** - As used in this Act, the following terms are defined:

10 (a) "Plate number" refers to the regular motor vehicle license plate issued by
11 the Land Transportation Office (LTO) bearing the standard alphanumeric
12 characters in accordance with Batas Pambansa Blg. 43 and 74.

13 (b) "Backrider" refers to any person seated at the back of the motorcycle or
14 scooter driver, or a passenger of his driver.

15 (c) "Riding-in-tandem" refers to the combination of a driver and his backrider/s
16 or passenger/s riding a motorcycle or scooter.

17 Sec. 4. **Bigger Plate Number.** – The LTO shall issue bigger plate numbers for
18 every motorcycle and scooter which must be placed both in the front and rear part of the
19 motorcycle. It shall be made of aluminum plate applied with reflectorized paint, and with
20 alphanumeric characters in large and readable font. There must be a plate number both
21 at the front and back parts of the motorcycle or scooter, the dimensions of which should
22 be big enough for the plate numbers to be readable from a distance of between twelve
23 (12) to fifteen (15) meters.

24 The LTO shall devise a color scheme of the plate numbers for every region in the
25 country to easily identify where such motorcycle was registered. It shall also devise an

1 alphanumeric system, with as few characters as possible, for easier identification and
2 recollection by the general public, whether day or night.

3 The LTO shall provide every region and all its local government units a list of all
4 the registered motorcycles or scooters in its jurisdiction which includes, but are not
5 limited to the following information: name of registered owner, his driver's license
6 number, his address and contact details, vehicle identification number, plate number,
7 body color, brand/maker.

8 Sec. 5. ***Driving Without a Plate Number or a Bigger Plate Number.*** – Driving
9 without a plate number or a bigger plate number, as provided in Sec. 4, is prohibited.
10 The motorcycle or scooter used without bigger plate numbers shall be confiscated by
11 the LTO until a bigger plate is issued.

12 Sec. 6. ***Penalty for Use of the Motorcycle or Scooter in the Commission of***
13 ***a Crime.*** – If the motorcycle or scooter is used in the commission of a crime or to
14 ensure a quick escape from the scene of the crime, as witnessed by another person,
15 and a victim dies as a result of this illegal use of a motorcycle or scooter, the motorcycle
16 driver, his backrider/s, if any, and conspirators, shall be punished by *reclusion perpetua*.
17 If the victim suffers serious physical injury, or there was shooting or stabbing of the
18 victim committed by the driver or backrider/s of the motorcycle or scooter which did not
19 result in death, the penalty shall be *reclusion temporal* unless a higher penalty is
20 imposed due to the commission of some other crime, in which case, the higher penalty
21 shall be applied. In all other cases, the use of the motorcycle or scooter in the
22 commission of a crime shall increase the penalty for the crime by one degree.

23 If the motorcycle or scooter used in the commission of a crime was stolen, or the
24 licensed plate used is mismatched from the vehicle registration of the *motorcycle* or
25 scooter, and the crime results in the death of the victim, the penalty is *life imprisonment*.

26 The motorcycle or scooter used in the commission of a crime shall be
27 confiscated and forfeited in favor of the Government, unless it be the property of a third
28 person not liable for the offense.

29 The vehicle shall be impounded pending investigation and shall be in *custodia*
30 *legis*, and no bond shall be admitted for the release of the same until the final decision
31 of acquittal is promulgated by the trial court which hears the criminal case involving the
32 use of the impounded motorcycle or scooter. The motorcycle or scooter shall be
33 confiscated and forfeited after conviction in the trial court where the appropriate criminal
34 case was filed. If there is an acquittal, the vehicle shall be returned to its registered
35 owner.

36 Sec. 7. ***Penalizing Commission of a Crime Through or With a Backrider/s on***
37 ***Motorcycles or Scooters.*** – Persons committing a crime through or with a backrider/s
38 shall be punished with the penalty of *life imprisonment*.

1 City or municipal ordinances prohibiting or regulating backriders in motorcycles
2 or scooters shall apply in the city or municipality or local government unit where the
3 same is prohibited or regulated, provided these are not inconsistent with this law.

4 Sec. 8. **Loss of Bigger Plate Number.** – If for some reason, the bigger plate
5 number of a motorcycle or scooter is lost or stolen, the registered owner of such
6 motorcycle, or his authorized representative, must immediately report to the LTO the
7 incident within three (3) calendar days from the date of loss, and shall apply for a new
8 license plate.

9 The motorcycle with a lost or stolen plate whose owner has not formally reported
10 the loss thereof to the LTO within the time provided in the previous paragraph shall be
11 impounded inside the designated impounding areas of the LTO until a new plate is
12 issued. The LTO may charge a reasonable daily fee against the registered owner of the
13 motorcycle or scooter which has been impounded under this section.

14 Sec. 9. **Implementation.** – The Department of Transportation (DOTr) and LTO
15 are mandated to issue pertinent guidelines to implement the provisions of this Act.

16 Sec. 10. **Other Penalties.** –

17 (a) Non-compliance with the use of the bigger plate numbers shall result to the
18 revocation of the registration of the motorcycle or scooter for a period of at
19 least one (1) year, and confiscation of the driver's license of the driver thereof,
20 or in the absence of the driver, the registered owner thereof for a period of at
21 least one (1) year, and a fine of not less than Ten Thousand Pesos
22 (P10,000.00) but not more than Twenty Thousand Pesos (P20,000.00).

23 (b) Tampering, alteration, forgery or imitation of the bigger plate number shall be
24 punished with a fine of not less than Twenty Thousand Pesos (P20,000.00)
25 but not more than Fifty Thousand Pesos (P50,000.00).

26 (c) If the registered owner of the motorcycle or scooter fails to timely report to the
27 LTO the loss of his bigger license plate, he or she shall be punished with a
28 fine of not less than Ten Thousand Pesos (P10,000.00) but not more than
29 Twenty Thousand Pesos (P20,000.00).

30 Sec. 11. **Appropriation.** – The amount needed for the initial implementation of
31 this Act shall be taken from the current fiscal year's appropriation of the Department of
32 Transportation. Thereafter, the amount needed for the operation and maintenance shall
33 be included in the General Appropriations Act.

34 Sec. 12. **Repealing Clause.** – All laws, decrees, orders, rules and regulations or
35 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
36 repealed or modified accordingly.

1 Sec. 13. ***Separability Clause.*** – If any portion or provision of this Act is declared
2 unconstitutional, the remainder of this Act or any provision not affected thereby shall
3 remain in force and effect.

4 Sec. 14. ***Effectivity.*** – This Act shall take effect after fifteen (15) days following
5 the completion of its publication either in the Official Gazette or in a newspaper of
6 general circulation in the Philippines.

7 *Approved,*