



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

'17 MAY 10 AIO :45

RECEIVED BY: _____

SENATE

S.B. No. 1446

Introduced by Senator JOSEPH VICTOR G. EJERCITO

AN ACT
INCREASING THE PENALTY OF OVERLOADING OF PASSENGER IN
PUBLIC UTILITY VEHICLES AND CERTAIN TYPES OF VEHICLES AND
OTHER PURPOSES

EXPLANATORY NOTE

The World Health Organization, in a report, cited that about 1.25 million people die each year as a result of road traffic crashes while 90% of the world's fatalities on the roads occur in low- and middle-income countries.¹ The report explained and cited that one of the risk factors of road fatalities is the inadequate law enforcement of traffic laws among others.²

In 2014 alone, the Land Transportation Office reported a total of 483 injuries; 28 of these are caused by public utility buses.

While the leading cause of road accidents is driver error, it cannot be denied that violation of traffic rules and regulations contributes to this factor. One violation which is seemed to be overlooked and is neglected in terms of enforcement is overloading. While the data are negligible, its effect and extent of fatality is great.

Overloaded buses are normal sights in Metro Manila but no one is really apprehended as if there is no law fixing the maximum capacities of PUVs. Just this year, a public utility bus in Nueva Ecija took 33 lives citing overloading as

¹ <http://www.who.int/mediacentre/factsheets/fs358/en/>

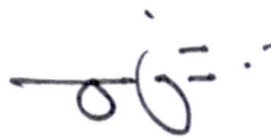
² Ibid.

the main cause of the accident. This gap in the enforcement of our land transportation law causes detriment to the riding public.

Republic Act 4136 or the Land Transportation and Traffic Code which was enacted in June 1964 is an outdated law which needs to be reviewed. Thus, this proposed legislation hopes to update the law and increase the penalty of overloading of passengers in public utility buses.

The measure proposes to provide for a penalty which corresponds to the severe damage to its passengers for its violation and ultimately, to serve as deterrence to PUV operators from violating what the law justly mandates.

In view of the foregoing, the passage of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'JOSEPH VICTOR G. EJERCITO', with a stylized flourish at the end.

JOSEPH VICTOR G. EJERCITO



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

1 SECTION 1. *Short Title.* This Act shall be known as the "Anti-overloading Act
2 of 2017"

3
4 SEC. 2. *Declaration of Policies.* It is hereby declared the policy of the State to
5 ensure the safety and protection of the riding public. Towards this end, it shall
6 implement measures to prevent road traffic fatalities and ensure that
7 reasonable rules and regulations are in place.

8
9 SEC. 3. *Definition of Terms.* As used in this Act,

10
11 (a) Covered Vehicle refers to any motor vehicle considered as a public
12 transport conveyance or common carrier duly registered with the Land
13 Transportation Office and granted a franchise by the Land
14 Transportation Franchising and Regulatory Board;

15
16 (b) Overloading refers to the act of loading people over and above the
17 registered carrying capacity of the covered vehicle;

18
19 SEC. 4. *Prohibited Acts.* It shall be unlawful for owners, operators, drivers,
20 conductors and other persons responsible for the operation of any covered
21 vehicle to load it above their registered carrying capacity of passenger as

1 determined under Republic Act No. 4136 or the "Land Transportation and
2 Traffic Code".

3
4 SEC. 5. *Penalties.* Any persons violating the provision of this act shall be
5 imposed the penalty of:

6
7 (a) For first offense, a fine in the amount of fifty thousand pesos
8 (P50,000.00) and suspension of the franchise and driver's license
9 of the driver;

10 (b) For second offense, a fine in the amount of two hundred fifty
11 thousand pesos (P250,000.00) and suspension of the franchise and
12 driver's license of the driver;

13 (c) For third offense, a fine in the amount of one million pesos
14 (P1,000,000.00) and revocation of the franchise and driver's
15 license of the driver.

16
17 In addition to the above penalties, if the act of overloading shall result in the
18 death of any passenger of the covered vehicle, the penalty of prison
19 correccional or an imprisonment of two years and 1 day to six years shall be
20 imposed.

21
22 SEC. 6. *Separability Clause.* - If any provision of this Act is held invalid or
23 unconstitutional, other provisions not affected thereby shall continue to be in
24 full force and effect.

25
26 SEC. 7. *Repealing Clause.* - All laws, decrees, executive orders or parts thereof
27 inconsistent with the provisions of this Act are hereby repealed, amended or
28 modified accordingly.

29
30 SEC. 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
31 complete publication in the *Official Gazette* or in a national newspaper of
32 general circulation.

33
34 Approved,
35