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SENATE

RECEIVED BY: 

S.B. No. 1521

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
INCREASING THE PENALTY FOR OVERLOADING OF PASSENGERS AND/OR
FREIGHT OR CARGO IN COMMON CARRIERS BEYOND THE REGISTERED
CARRYING CAPACITY

EXPLANATORY NOTE

Article 1733 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, provides that, "Common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all circumstances of each case."

The same statute further imposes a stricter protection with respect to the carriage of passengers under Article 1755, which provides, "A common carrier is bound to carry passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances."

Despite the stringent obligations imposed by law on common carriers in order to ensure the safety and protection of the passengers, vehicular accidents continue to hound our streets and highways due to the remiss of public utility vehicles operators, owners, drivers, and conductors.

The minibus that fell into a 100-foot ravine in Nueva Ecija recently, which claimed over 30 lives, is deemed as one of the deadliest crashes in the Philippines. It was discovered to be overloaded with passengers as it can only carry up to 45 passengers, but was then actually carrying 77 persons. In the case of motorcycle accidents, the Motorcycle Development Program Participants Association (MDPPA) reported that one of the major causes of said accidents is the overloading of a motorcycle. It compromises the balance of a motorcycle, thereby causing accidents.

The penalty on overloading vehicles provided under Republic Act No. 4136, or the Land Transportation and Traffic Code, enacted on June, 1964, are now outdated, hence, must be reviewed.

This bill seeks to impose stiffer penalty against overloaded vehicles to ensure the safety of the passengers and to increase the vigilance of common carriers in protecting the persons and goods on board.

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



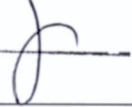
EMMANUEL D. PACQUIAO

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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 of 2017."
2

3 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to ensure the safety
4 and protection of the riding public as far as human care and foresight can provide.
5

6 **SEC. 3. Definition of Terms.**
7

- 8 a. Cargo – refers to goods, articles, commodities or merchandise carried
9
10 b. Common Carrier – as defined in Article 1732 of the Civil Code, it refers to "persons,
11 corporations, firms or associations engaged in the business of carrying or transporting
12 passengers or goods or both, by land, water, or air, for compensation, offering their
13 services to the public;"
14
15 c. Overloading – refer to the act of loading people over and above the registered carrying
16 capacity of the covered vehicle;
17
18 d. Passenger – is any fare paying person being transported and conveyed in and by a motor
19 motor vehicle for transportation of passengers for compensation, including persons
20 expressly authorized by law or by the vehicle's operator or his agents to ride without fare.
21

22 **SEC. 4. Prohibited Acts.** No owner, operator, driver, conductor, and other persons responsible
23 for the transportation shall allow more passenger or more freight or cargo in his vehicle than its
24 registered carrying capacity as determined under Republic Act No. 4136 or the "Land
25 Transportation and Traffic Code."
26

27 **SEC. 5. Penalties.**
28

1 a. Carrying more passengers beyond the registered carrying capacity as determined under
2 Republic Act No. 4136 or the "Land Transportation and Traffic Code"

3
4 First Offense - a fine in the amount of Ten Thousand Pesos (Php 10,000) and
5 suspension of the franchise and driver's license of the driver;

6
7 Second Offense – a fine in the amount of Thirty Thousand Pesos (Php 30,000)
8 and suspension of the franchise and driver's license of the driver;

9
10 Third Offense – a fine of Fifty Thousand Pesos (Php 50,000) and revocation of
11 the franchise and driver's license of the driver.
12

13
14 b. Operating a passenger bus/truck with cargo exceeding 160 kilograms:

15
16 First Offense - a fine in the amount of Ten Thousand Pesos (Php 10,000) and
17 suspension of the franchise and driver's license of the driver;

18
19 Second Offense – a fine in the amount of Thirty Thousand Pesos (Php 30,000)
20 and suspension of the franchise and driver's license of the driver;

21
22 Third Offense – a fine of Fifty Thousand Pesos (Php 50,000) and revocation of
23 the franchise and driver's license of the driver.
24

25 If the act of overloading results in the death of any passenger, the penalty of prison
26 correccional or an imprisonment of two years and 1 day to six years shall be imposed.
27

28 The imposition of the foregoing fines and penalties shall be without prejudice to any
29 criminal action that may be instituted under existing laws, rules and regulations.
30

31 **SEC. 6. Separability Clause.** If any provision of this Act is held invalid or unconstitutional, other
32 provisions not affected thereby shall continue to be in full force and effect.
33

34 **SEC. 7. Repealing Clause.** All laws, decrees, executive orders or parts thereof inconsistent with
35 the provisions of this Act are hereby repealed, amended or modified accordingly.
36

37 **SEC. 8. Effectivity Clause.** This Act shall take effect fifteen (15) days after its complete
38 publication in the Official Gazette or in a national newspaper of general circulation.
39

40 Approved,