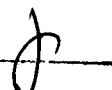


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SENATE
S. No. 1862

RECEIVED



Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
AMENDING SECTION 5 AND SECTION 12 OF REPUBLIC ACT NO. 8750,
OTHERWISE KNOWN AS "SEAT BELTS USE ACT OF 1999"

EXPLANATORY NOTE

According to a World Health Organization (WHO) study, road traffic injuries are a major public health problem and a leading cause of death and injury around the world¹, with 1.25 million deaths annually².

In the Philippines, the Philippine Statistics Authority has recently recorded an increase in deaths due to road crashes – from 6,869 in 2006 to 10,012 in 2015. Of this total, an average of 667 are children ages 14 years old and below.³

In various studies, WHO always emphasized the importance of seatbelts and child restraint systems, in that "even if it doesn't prevent crashes, seatbelts and child restraints reduce severity of injury to passengers."⁴ A child restraint system, in fact, can reduce deaths among infants by approximately 70% and among small children by between 54% and 80%.⁵

¹ WHO. Seatbelt Manual Module 1. Retrieved from http://www.who.int/roadsafety/projects/manuals/seatbelt/seat_belt_manual_module_1.pdf. Accessed 27 June 2018

² Sy, Kimiko. IN NUMBERS: Road crash incidents in the Philippines. (02 November 2017). Retrieved from <https://www.rappler.com/move-ph/issues/road-safety/166151-road-crashes-philippines-awareness-safety>. Accessed 27 June 2018.

³ Ibid.

⁴ Supra footnote #1

⁵ Dayao, Dinna Louise C. "Seats that save kids' lives: Why are they rarely used in the Philippines?" (17 August 2017) Retrieved from <https://www.rappler.com/move-ph/issues/road-safety/178867-seats-save-kids-lives-philippines>. Accessed 27 June 2018

Currently, Republic Act No. 8750 requires seat belt use among drivers and passengers of moving vehicles. It also prohibits children below six (6) years old from sitting in the front seat of a vehicle.

However, RA 8750 only protects adults since regular seatbelts are not designed for infants and young children. Infant and children need a more specific type of design to protect them during a collision because a seat belt will not prevent trajectory or injuries⁶.

This measure seeks to address this legislative gap. This bill seeks to widen the scope of R.A. No. 8750. Aside from the seat belt requirement, motorists of privately-owned vehicles are now required to install and to use child restraint system for infant and young children passengers.

This bill also increases the age requirement of children allowed to sit in front of vehicles to twelve (12) years old from six (6) years old, unless the child is at least 150 centimeters or 59 inches in height and capable to properly fit in the regular seat belt in the front seat.

This bill also seeks to impose higher penalties on violators of this law. This is in response to news reports that according to the Land Transportation Office, the most frequently committed traffic violation in the years 2013, 2014 and 2016 is non-compliance with the Seat Belts Use Law.⁷

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


LEILA M. DE LIMA

⁶ Rappler. Seat belts are not enough for infants and children. (17 August 2017). Retrieved from <https://www.rappler.com/move-ph/issues/road-safety/177959-child-restraints-seat-belts-not-enough>. Accessed 27 June 2018.

⁷ Rappler. Seat belt law: the most violated road rule in PH. (21 November 2017). Retrieved from <http://verafiles.org/articles/seat-belt-law-most-violated-road-rule-ph>. Accessed 27 June 2018.

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SENATE

S. No. 1862

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Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
AMENDING SECTION 5 AND SECTION 12 OF REPUBLIC ACT NO. 8750,
OTHERWISE KNOWN AS "SEAT BELTS USE ACT OF 1999"

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

SECTION 1. *Short Title.* This Act shall be known as the "*Expanded Seat Belts Use Act of 2018*".

Sec. 2. Section 5 of Republic Act No. 8750 (R.A. 8750) is hereby amended to read as follows:

"Section 5. Children Prohibited to Sit in Front Seat. — Infants and/or children with ages [six (6)] **TWELVE (12)** years and below shall be prohibited to sit in the front seat of any running motor vehicle[.], **EXCEPT IF THE CHILD IS AT LEAST ONE HUNDRED FIFTY (150) CENTIMETERS OR FIFTY-NINE (59) INCHES IN HEIGHT AND CAPABLE TO PROPERLY FIT IN THE REGULAR SEAT BELT IN THE FRONT SEAT**"

Sec. 3. Two new Sections are inserted after Section 5 of R.A. 8750, to read as follows:

"SECTION 5A. MANDATORY USE OF CHILD RESTRAINT SYSTEM IN PRIVATELY-OWNED MOTOR VEHICLES. - IT SHALL BE UNLAWFUL FOR THE DRIVER OF A PRIVATELY-OWNED MOTOR VEHICLE TO DRIVE SAID VEHICLE ON ANY ROAD, STREET OR HIGHWAY WITH A CHILD PASSENGER UNSECURED BY A CHILD RESTRAINT SYSTEM. THE CHILD RESTRAINT SYSTEM SHALL BE APPROPRIATE TO THE CHILD'S SIZE, HEIGHT AND WEIGHT.

1 **FOR PURPOSES OF THIS ACT, A CHILD RESTRAINT SYSTEM IS A**
2 **CAR SEAT ATTACHMENT CAPABLE OF ACCOMMODATING A**
3 **CHILD OCCUPANT IN A SITTING OR SUPINE POSITION. IT IS**
4 **DESIGNED TO DIMINISH THE RISK OF INJURY TO THE WEARER,**
5 **IN THE EVENT OF A COLLISION OR AN ABRUPT DECELERATION**
6 **OF THE VEHICLE, BY LIMITING THE MOBILITY OF THE CHILD'S**
7 **BODY.**

8 **THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY IN**
9 **CIRCUMSTANCES WHERE THE RESTRAINT SYSTEM WOULD**
10 **PUT SUCH CHILD IN A GREATER DANGER, SUCH AS:**

11 **(A) DURING MEDICAL EMERGENCIES;**

12 **(B) WHEN THE CHILD TRANSPORTED HAS A MEDICAL OR**
13 **DEVELOPMENTAL CONDITION; OR**

14 **(C) OTHER ANALOGOUS CIRCUMSTANCES PRESCRIBED UNDER**
15 **THE IMPLEMENTING RULES AND REGULATIONS.**

16 **PROVIDED, HOWEVER, THAT IF THE CHILD IS AT LEAST ONE**
17 **HUNDRED (150) CENTIMETERS OR FIFTY-NINE (59) INCHES IN**
18 **HEIGHT OR BASED ON THE STANDARDS OF THE HEIGHT OR**
19 **SIZE OF THE CHILD AS SET FORTH IN THE UNITED NATIONS (UN)**
20 **REGULATIONS 44 AND 29, INCLUDING THEIR EVOLVING**
21 **STANDARDS, THE CHILD MAY USE THE REGULAR SEAT BELT**
22 **INSTEAD OF A CHILD RESTRAINT SYSTEM.**

23 **NOTWITHSTANDING THE CHILD BEING SECURED IN A CHILD**
24 **RESTRAINT SYSTEM, AT NO INSTANCE SHALL HE/SHE BE LEFT**
25 **UNACCOMPANIED BY AN ADULT IN A MOTOR VEHICLE.**

26 **SECTION 5B. PROHIBITION ON SUBSTANDARD OR EXPIRED**
27 **CHILD RESTRAINT SYSTEM. - IT SHALL BE UNLAWFUL FOR ANY**
28 **PERSON, COMPANY, PARTNERSHIP, SOLE PROPRIETORSHIP,**
29 **MANUFACTURER, DISTRIBUTOR AND/OR IMPORTER TO**
30 **MANUFACTURE, USE, IMPORT, SELL, DISTRIBUTE, DONATE,**
31 **LEASE, ADVERTISE, PROMOTE, OR MARKET THE USE OF**
32 **SUBSTANDARD OR EXPIRED LEASE RESTRAINT SYSTEM"**

1 **Sec. 4.** Section 12 of R.A. 8750 is further amended to read as follows:

2 “Section 12. Penalties and Fines. — In the enforcement of this Act, the LTO
3 shall impose fines against drivers, operators, owners of vehicles,
4 manufacturers, assemblers, importers and/or distributors for violation of this
5 Act.

6 The following shall be the basis in defining fine and penalty provisions of the
7 IRR to be promulgated pursuant to Section 11 hereof, provided that six (6)
8 months grace period shall be allowed to lapse to conduct a nationwide
9 information campaign:

10 (1) On the driver

11 (a) For failure to wear the prescribed seat belt devices and/or failure to require
12 his passengers to wear the prescribed seat belt device **AND CHILD**
13 **RESTRAINT SYSTEM, AS MAY BE APPLICABLE**, a minimum fine of
14 [One hundred pesos (P100)] **FIVE HUNDRED PESOS (P500)** but not to
15 exceed [One thousand pesos (P1,000)] **TWO THOUSAND PESOS**
16 **(P2,000)** for the first violation; a minimum fine of [Two hundred pesos
17 **(P200)] TWO THOUSAND PESOS (P2,000)** but not to exceed [Two
18 **thousand pesos (P2,000)] THREE THOUSAND PESOS (P3,000)** for the
19 second violation; and a minimum fine of [Five hundred pesos (P500)]
20 **THREE THOUSAND PESOS (P3,000)** but not to exceed Five thousand
21 pesos (P5,000) and suspension of driver's license for a period of one (1) week
22 for the third and succeeding violations

23 **FOR KNOWINGLY ALLOWING THE USE OF SUBSTANDARD**
24 **AND/OR EXPIRED CHILD RESTRAINT SYSTEM OR PERMITTING**
25 **THE USE OF CHILD RESTRAINT SYSTEM, A MINIMUM FINE OF**
26 **FIVE HUNDRED PESOS (P500) BUT NOT TO EXCEED TWO**
27 **THOUSAND PESOS (P2,000) FOR THE FIRST VIOLATION, A**
28 **MINIMUM FINE OF TWO THOUSAND PESOS (P2,000) BUT NOT**
29 **TO EXCEED THREE THOUSAND PESOS (P3,000) FOR THE**
30 **SECOND VIOLATION; AND A MINIMUM FINE OF THREE**
31 **THOUSAND PESOS (P3,000) BUT NOT TO EXCEED FIVE**
32 **THOUSAND PESOS (P5,000) AND SUSPENSION OF DRIVER'S**

LICENSE FOR A PERIOD OF ONE (1) WEEK FOR THE THIRD AND SUCCEEDING VIOLATION;

(b) Public utility vehicles shall post appropriate signages instructing front seat passengers to wear seat belts when inside the vehicle. Non-compliance hereof will hold both the driver and the operator liable and shall be fined a minimum of [Three hundred pesos (P300)] **ONE THOUSAND PESOS (P1,000)** but not to exceed [Three thousand pesos (P3,000)] **FIVE THOUSAND PESOS (P5,000)** for every violation; and

(2) On any manufacturer, assembler, importer and distributor for every unit found without seat belt devices installed prior to its distribution to the public, a minimum fine of [Five thousand pesos (P5,000)] **TEN THOUSAND PESOS (P10,000)** but not to exceed [Ten thousand pesos (P10,000)] **TWENTY THOUSAND PESOS (P20,000)** and suspension of the license to manufacture, assemble, import or distribute for a period of one (1) year for the first violation; a minimum fine of [Ten thousand pesos (P10,000)] **TWENTY THOUSAND PESOS (P20,000)** but not to exceed [Twenty thousand pesos (P20,000)] **FORTY THOUSAND PESOS (P40,000)** and suspension of the license to manufacture, assemble, import or distribute for a period of two (2) years for the second violation; and a fine of [Twenty thousand pesos (P20,000)] **FORTY THOUSAND PESOS (P40,000)** but not to exceed [Fifty thousand pesos (P50,000)] **ONE HUNDRED THOUSAND PESOS (P100,000)** and suspension of the license to manufacture, assemble, import or distribute for a period of five (5) years for the third violation.

(3) ON ANY MANUFACTURER, DISTRIBUTOR, IMPORTER, RETAILER AND SELLER WHO VIOLATES SECTION 5B OF THIS ACT, A MINIMUM FINE OF TEN THOUSAND PESOS (P10,000) BUT NOT TO EXCEED TWENTY THOUSAND PESOS (P20,000) AND SUSPENSION OF THE LICENSE TO MANUFACTURE, DISTRIBUTE, IMPORT AND SELL FOR THE PERIOD OF ONE (1) YEAR FOR THE FIRST VIOLATION; A MINIMUM OF TWENTY THOUSAND PESOS (P20,000) BUT NOT TO EXCEED FORTY THOUSAND PESOS (P40,000) AND SUSPENSION OF THE

1 **LICENSE TO MANUFACTURE, DISTRIBUTE, IMPORT AND SELL**
2 **FOR THE PERIOD OF TWO (2) YEARS FOR THE SECOND**
3 **VIOLATION; AND A FINE OF FORTY THOUSAND PESOS (P40,000)**
4 **BUT NOT TO EXCEED ONE HUNDRED THOUSAND PESOS**
5 **(P100,000) AND SUSPENSION OF THE LICENSE TO**
6 **MANUFACTURE, DISTRIBUTE, IMPORT AND SELL FOR A**
7 **PERIOD OF FIVE (5) YEARS FOR THE THIRD VIOLATION.”**

8 **Sec. 5. *Repealing Clause.*** - All laws, executive orders, presidential decrees,
9 presidential proclamations, letters of instruction, rules and regulations or parts
10 thereof which are inconsistent with the provisions of this Act are hereby repealed or
11 modified accordingly.

12 **Sec. 6. *Separability Clause.*** - If any provision of this Act is declared unconstitutional
13 or invalid, other parts or provisions hereof not affected thereby shall continue to be in
14 full force and effect.

15 **Sec. 7. *Effectivity.*** - This Act shall take effect fifteen (15) days following its publication
16 in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved,