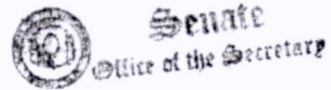


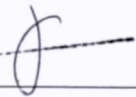
SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'18 AUG -2 A11 :10

SENATE

S. NO. 1905

RECEIVED 

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

**AN ACT
PROVIDING MEASURES TO ENSURE PEDESTRIAN SAFETY AND
CONVENIENCE AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF**

EXPLANATORY NOTE

The World Health Organization's (WHO) 2015 Global Status Report on Road Safety revealed that more than 1.25 million people die and 50 million more injured from road-related incidents every year globally. In the nation's capital alone, the Metro Manila Accident Recording and Analysis System (MMARAS) recorded 446 fatalities and 20,876 injured in road accidents in 2016, with 44% of the deaths and 24% of those injured being pedestrians. And what is extremely troubling is that an average of 670 children have perished each year, from 2006 to 2015, from road accidents.

A 2016 article by VERA Files expounds that there are four risk areas that affect pedestrian safety on the road: driver attitude, pedestrian attitude, rules and policies, and engineering or infrastructure.¹

These four areas, if addressed correctly, can help prevent pedestrian deaths and injuries. Thus, given the large number of pedestrian fatalities and injuries, there is an urgent need for the government to make our streets pedestrian-friendly. According to

¹ Tribdino, Raymond Gregory. "ROAD SAFETY ISSUE NO. 5: Protecting the Filipino pedestrian". Accessed from <http://verafiles.org/articles/road-safety-issue-no-5-protecting-filipino-pedestrian>.

the WHO, road-related injuries can be prevented when the government takes some action to address the problems in road safety.

This bill enumerates the rights and duties of every pedestrian and provides for the penalties for its violation, both on the part of the pedestrians and motorists. Unarguably, road accidents are not only caused by erring motorists who refuse to follow the Traffic Code and give way to pedestrians, but likewise by pedestrians who stubbornly place themselves in harm's way.

To address the fourth risk area, this bill likewise proposes to declare all obstructions found along sidewalks and public roads as nuisance *per se*. In such manner, local governments may subject these nuisance to summary abatement in order to immediately clear our roads and guarantee safe and convenient passage for both pedestrians and motorists. To protect against undue deprivation of property, the owner of the property declared as nuisance shall be given an opportunity to prevent summary abatement by going to court.

Finally, government is given the duty to provide for sidewalks when there are none, clear the obstructions thereat, install signs whenever there are construction activities being conducted, and effectively disseminate the provisions of this bill.

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


LEILA M. DE LIMA

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**AN ACT
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THEREOF**

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 “Pedestrian Safety Act
2 of 2018.”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 provide a safe travel for both pedestrians and motorists. To this end, the State shall
5 ensure that public roads and sidewalks are free of obstructions at all times and
6 promote the adherence to who has the right-of-way in accordance with established
7 traffic rules and regulations.

8 Sec. 3. *Definition of Terms.* – For the purposes of this Act, the following terms
9 are defined as:

- 10 1. Pedestrian lane or Crosswalk – (a) That part of a public road at an
11 intersection included within the connections of the lateral lines of the
12 sidewalks on opposite sides of the highway, measured from the curbs or, in
13 the absence of curbs, from the edges of the traversable public road; or (b)
14 Any portion of a public road at an intersection or elsewhere distinctly
15 indicated for pedestrian crossing by lines or other markings on the surface;
16 2. Pedestrian – is a person on foot or whose conveyance such as roller skates,
17 skateboards, etc., other than a bicycle. A pedestrian can also be a person

1 with a disability using a tricycle, quadricycle, or wheelchair for
2 transportation.

- 3 3. Public Roads – all streets, roads, bridges, highways and other thoroughfares
4 constructed and maintained by the national government or by any local
5 government unit: Provided, That any road or sidewalk not falling under this
6 definition but which, upon determination by the appropriate local
7 government unit, is deemed vital to pedestrian access or safety, shall be
8 deemed a public road or sidewalk for the purposes of this Act.
- 9 4. Sidewalks – all specific areas running parallel to both sides of a public road,
10 with a width and elevation as may be deemed appropriate for safe and
11 convenient pedestrian passage by the appropriate local government unit in
12 consultation with the Department of Public Works and Highways (DPWH);
13 Provided, That for public roads which, for reasons of lack of land area,
14 easement or legal right protected by law, may not be provided with
15 sidewalks, the appropriate local government unit shall designate passing
16 lanes which may be lesser in dimension than regular sidewalks but which
17 shall, in every case, be adequate for safe and convenient pedestrian passage.
- 18 5. Obstruction – any structure, permanent or otherwise, movable or
19 immovable, erected along, standing on, abutting or in any manner impeding
20 safe and convenient passage through any public road or sidewalk shall be
21 deemed an obstruction subject to summary abatement under this Act;
22 Provided, That property of the government including structures erected or
23 installed for the purpose of regulating the flow of traffic shall not be deemed
24 obstructions.
- 25 6. Informal Settler Families (ISFs) – refers to homeless families living in
26 informal settlements, danger areas, and public spaces such as roads and
27 sidewalks.

28 *Sec. 4. Rights and Duties of Pedestrian.* – Pedestrians have the following rights
29 and duties to:

30 A. Pedestrian crossing in general.

- 31 1. Where sidewalks are provided, pedestrians shall, unless required by
32 other circumstances, walk along sidewalks. No pedestrian shall walk
33 along and upon the portion of a public road paved for vehicular traffic.

- 1 2. Where sidewalks are not provided, a pedestrian walking along and upon
2 a public road shall, when practicable, walk only on the shoulder on the
3 left side of the roadway in relation to the pedestrian's direction of travel,
4 facing traffic which may approach from the opposite direction.
- 5 3. No person upon roller skates, or riding in or by means of any coaster, toy
6 vehicle, or similar device, may go upon any public road except while
7 crossing a street on a crosswalk; and, when so crossing, such person
8 shall be granted all rights and shall be subject to all of the duties
9 applicable to pedestrians.
- 10 4. The driver of a vehicle at any crosswalk where a sign so indicates shall
11 stop and remain stopped to allow a pedestrian to cross a public road
12 when the pedestrian is in a crosswalk or pedestrian lane or steps into the
13 lane and is upon the half of the public road upon which the vehicle is
14 traveling or when the pedestrian is approaching so closely from the
15 opposite half of the roadway as to be in danger.
- 16 5. When traffic control signals are not in place or in operation and no sign
17 indicates otherwise, the driver of a vehicle shall yield, slowing down or
18 stopping if need be to so yield, to a pedestrian crossing the road within
19 a marked crosswalk or when the pedestrian is upon the half of the public
20 road upon which the vehicle is traveling or when the pedestrian is
21 approaching so closely from the opposite half of the public road as to be
22 in danger.
- 23 6. No pedestrian shall suddenly leave a curb or other place of safety and
24 walk or run into the path of a vehicle which is so close that it is
25 impossible for the driver to yield.
- 26 7. When a vehicle is stopped at a crosswalk to permit a pedestrian to cross
27 the public road, the driver of any other vehicle approaching from the rear
28 shall not overtake and pass such stopped vehicle.
- 29 8. A pedestrian may not cross an intersection diagonally except where and
30 when crossing is authorized by official traffic control devices.
- 31 9. Where a sidewalk is provided and its use is practicable, it is unlawful for
32 any pedestrian to walk along and upon an adjacent roadway.

1 10. Where neither a sidewalk nor a shoulder is available, any pedestrian
2 walking along and upon a highway shall walk as near as practicable to
3 an outside edge of the public road and, if on a two-way public road, shall
4 walk only on the left side of the road.

5 11. Where an overhead pedestrian crossing or pedestrian tunnel is
6 provided, pedestrians, other than those who are visually or mobility
7 impaired, wheelchair-bound, and the elderly, shall make use of the
8 overhead pedestrian crossing or the pedestrian tunnel.

9 12. The driver of a public utility vehicle (PUV) must, at all times, load and
10 unload passengers along the sidewalk in marked loading and unloading
11 stops.

12 13. Notwithstanding other provisions of this subsection or of a local
13 ordinance, a driver of a vehicle shall exercise due care to avoid colliding
14 with a pedestrian, give warning by sounding the horn when necessary,
15 and exercise proper caution on observing a child or any obviously
16 confused, incapacitated or intoxicated person.

17 B. Pedestrian crossing by visually or mobility impaired pedestrians.

18 1. When a pedestrian is trying to cross a public road or highway, guided by
19 a dog guide or carrying in a raised or extended position a cane or walking
20 stick, an approaching driver is obliged to bring his vehicle to a full stop
21 before arriving at such intersection or place of crossing and, before
22 proceeding, shall take such precautions as may be necessary to avoid
23 injuring such pedestrian.

24 2. If a mobility impaired person (using a guide dog or service animal, a
25 walker, a crutch, an orthopedic cane, or a wheelchair), is in the process
26 of crossing a roadway at an intersection, a driver approaching the
27 intersection must stop before arriving at the intersection and take
28 reasonable precautions to avoid injuring such a pedestrian.

29 Sec. 5. *Obstructions as nuisance per se.* – All obstructions along public roads
30 and sidewalks are hereby presumed or declared nuisances *per se* and, as such, are
31 subject to summary abatement without need of judicial proceedings; *Provided*, That
32 temporary housing structures built along public roads and sidewalks during natural
33 calamities shall not be declared nuisances *per se* until the lifting of the declaration of

1 a state of calamity by the local government unit concerned; *Provided*, further, that the
2 said temporary housing structures will not hamper or otherwise delay any government
3 services during such calamities.

4 Sec. 6. *Summary Abatement.* – All local government units other than
5 barangays, are hereby authorized to summarily abate any obstruction found within
6 their respective territorial jurisdictions: *Provided*, that where the obstruction is an ISF
7 housing structure, its abatement shall be done in accordance with Section 28 and
8 other relevant provisions of Republic Act No. 7279, otherwise known as the “Urban
9 Development and Housing Act”; *Provided*, further, that where the obstruction is
10 immovable, permanent and claimed by any person to be his private property, its
11 abatement shall be done only after a non-extendible five-day period from notice to
12 such person of the intended abatement within which such person may show cause why
13 the abatement should not ensue: *Provided*, finally, that where such person files an
14 action in any court against the intended abatement, he shall furnish a bond to the local
15 government unit concerned, in an amount thrice the estimated value, if any, of the
16 structure but in no case not less than Five Thousand Pesos (P5,000), which bond shall
17 be forfeited in the event the suit is found groundless.

18 Sec. 7. *Remedies to Compel Compliance.* – Any person may file, without need
19 to pay any bond or filing fee, a petition for mandamus directed against the appropriate
20 local government unit to compel such unit to summarily abate any specified
21 obstruction within its territorial jurisdiction: *Provided*, That such person has
22 previously asked, in writing, the chief executive of the local government unit
23 concerned, for such summary abatement and that said chief executive has not acted
24 on the matter within fifteen (15) days from receipt thereof or has determined that
25 summary abatement is not proper.

26 In the event that the local government unit has determined that summary
27 abatement is not proper, any person may file the proper action in court respecting
28 abatement of nuisance unless the petition for mandamus in the preceding paragraph
29 has been filed, in which case, said petition shall proceed as an ordinary action for
30 abatement of nuisance. Said petition shall be without prejudice to and shall not affect
31 any claim for damages as provided in Section 10 hereof.

32 Sec. 8. *Penalties.* –

1 (A) Persons found guilty of violation of the rights and duties of pedestrians as
2 enumerated in Section 4 hereof shall be penalized with a fine of not less than Two
3 Thousand Pesos (PhP2,000.00) but not more than Twenty Thousand Pesos
4 (PhP20,000.00) or imprisonment of not less than one (1) month but not more than
5 six (6) months, or both at the discretion of the court.

6 (B) The penalty contained herein is without prejudice to the award of damages
7 to the aggrieved party, as may be proven during trial. The institution of a criminal
8 action shall impliedly include the civil action, unless a separate civil action has been
9 filed or a reservation for the filing of such action is made in accordance with the Rules
10 of Court.

11 *Sec. 9. Duty of LGU and DPWH.* – It shall be the duty of the LGU concerned
12 and the DPWH to:

- 13 a) Provide sidewalks in public roads within their jurisdiction for the use of the
14 pedestrians. *Provided*, that for public roads which, for reasons of lack of
15 land area, easement or legal right protected by law, sidewalks may not be
16 provided, the appropriate LGU shall designate passing lanes which may be
17 lesser in dimension than regular sidewalks but which shall, in every case, be
18 adequate for safe and convenient pedestrian passage. The LGU and the
19 DPWH shall ensure that such sidewalk is free of any obstruction which may
20 endanger the safety of pedestrians or hamper free passage on the sidewalk.
- 21 b) Ensure that clearly marked and visible signage are posted and
22 conspicuously placed to indicate on-going construction activities or repair
23 work along public roads or sidewalk.

24 *Sec. 10. Damages for Acts or Omissions Endangering Pedestrian Safety.* – Any
25 person who suffers damage to his person or property as a result of an act or omission
26 by another which endangers pedestrian safety may file an action for damages against
27 any juridical or natural person or local government unit responsible for such act or
28 omission, including but not limited to the following acts or omissions resulting in
29 damage:

- 30 a) Failure to post a clearly marked and visible sign indicating on-going
31 construction or repair work along a public or sidewalk;

- 1 b) Failure to obtain the permits from the appropriate local government
2 agencies required in undertaking repair or construction work or in
3 conducting any other activity requiring the use of a public road or sidewalk;
- 4 c) Failure to cover or provide adequate cover of any hole, ditch or digging
5 along a public road or sidewalk;
- 6 d) Failure to put up or use adequate protective roofing above sidewalks or
7 public roads adjacent to any construction or repair site;
- 8 e) Illegal parking of any vehicle along a public road or parking on a sidewalk;
- 9 f) Destroying, removing, or in any manner tampering with any sign or notice
10 indicating an existing hazard to pedestrian safety or any lamp or lamppost
11 illuminating a public road or sidewalk;
- 12 g) Building or in any manner placing a connecting pipe or portion thereof on
13 an elevated concrete or other connecting material across or along a
14 sidewalk; and,
- 15 h) Failure to act or perform adequate action by the local government unit
16 concerned respecting the abatement of any obstruction within its territorial
17 jurisdiction: *Provided*, that any person responsible for the construction or
18 presence of any obstruction as defined in this Act shall, in addition to having
19 such obstruction abated summarily, be liable for damages as provided in
20 this Section; *Provided*, further, That where the person suffering damages is
21 a disabled person, the award of exemplary or moral damages combined
22 shall not be lower than Two Hundred Thousand Pesos (P200,000):
23 *Provided*, finally, That should death result from such act or omission, the
24 liability shall not be lower than Three Hundred Thousand Pesos
25 (P300,000).

26 Sec. 11. *Dissemination of Information to the Public.* - The provisions of this Act
27 shall be disseminated widely to the public by the Department of Transportation
28 (DOTr) and all local government units.

29 Sec. 12. *Implementing Rules and Regulations and Standard Forms.* - Within
30 sixty (60) days from the approval of this Act, the DOTr and the DPWH, in consultation
31 with the appropriate stakeholders and in coordination with different government

1 agencies that regulate traffic shall promulgate the necessary rules and regulations to
2 implement the provisions of this Act.

3 *Sec. 13. Repealing Clause.* – All laws, executive orders, presidential decrees,
4 presidential proclamations, letters of instruction, rules and regulations or parts
5 thereof which are inconsistent with the provisions of this Act are hereby repealed or
6 modified accordingly.

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

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

13 *Approved,*