

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



'18 AUG 30 P2:52

SENATE

Committee Report No. 427

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Submitted by the Committees on Public Services; and Women, Children, Family Relations and Gender Equality on **AUG 30 2018**

Re: Senate Bill No. 1971 Prepared by the Committee upon recommendation of the Subcommittee on Special Protection for Child Passengers

Recommending its approval in substitution of Senate Bill Nos. 1447 and 1818, taking into consideration House Bill No. 6938.

Sponsor: **Senator Joseph Victor G. Ejercito**

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**MR. PRESIDENT:**

The Committees on Public Services; and Women, Children, Family Relations and Gender Equality, to which were referred **Senate Bill No. 1447**, introduced by Senators Joseph Victor Ejercito, Ralph Recto, Grace Poe, Joel Villanueva, Sherwin Gatchalian, Risa Hontiveros and Juan Edgardo Angara, entitled:

**AN ACT  
PROVIDING FOR THE SPECIAL PROTECTION OF CHILD PASSENGERS IN  
MOTOR VEHICLES AND PROVIDING APPROPRIATIONS THEREOF**

and

**Senate Bill No. 1818**, introduced by Maria Lourdes Nancy S. Binay, entitled:

**AN ACT  
ENSURING THE SAFETY MEASURES FOR CHILDREN RIDING IN MOTOR  
VEHICLES**

taking into consideration **House Bill No. 6938** introduced by Reps. Velarde, Sarmiento, Robes, *et. al.*, entitled:

**AN ACT**  
**PROVIDING FOR THE SPECIAL PROTECTION OF CHILD PASSENGERS IN MOTOR VEHICLES**

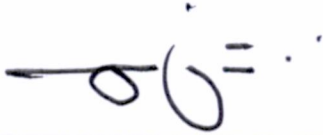
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 1971, prepared by the Committees entitled:

**AN ACT**  
**PROVIDING FOR THE SPECIAL PROTECTION OF CHILD PASSENGERS IN MOTOR VEHICLES AND PROVIDING APPROPRIATIONS THEROF**

be approved in substitution of Senate Bill Nos. 1447 and 1818, taking into consideration House Bill No. 6938, with Senators Ejercito, Recto, Poe, Villanueva, Gatchalian, Hontiveros, Angara, and Binay as authors thereof.

Respectfully submitted:

***Chairpersons:***



**JOSEPH VICTOR G. EJERCITO**  
*Chairperson, Subcommittee on  
Special Protection for Child Passengers  
Vice Chairperson, Committee on  
Public Services*



**GRACE POE**  
*Chairperson, Committee on Public Services*



**RISA HONTIVEROS**  
*Chairperson,  
Committee on Women, Children,  
Family Relations and Gender Equality*

**Members:**



**FRANCIS G. ESCUDERO**  
*Vice Chairperson,  
Committee on Public Services*

**LOREN B. LEGARDA**  
*Committee on Public Services  
Committee on Women, Children,  
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**PAOLO BENIGNO "BAM" AQUINO IV**  
*Committee on Public Services  
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**ANTONIO "SONNY" F. TRILLANES IV**  
*Committee on Public Services*

**AQUILINO "KOKO" PIMENTEL III**  
*Committee on Public Services*

**PANFILO M. LACSON**  
*Committee on Public Services*




**RICHARD J. GORDON**  
*Committee on Public Services*

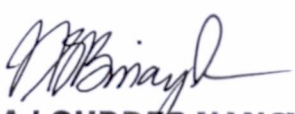


**JOEL VILLANUEVA**  
*Committee on Public Services*

**CYNTHIA A. VILLAR**  
*Committee on Women, Children,  
Family Relations and Gender Equality*



**SONNY ANGARA**  
*Committee on Women, Children,  
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**MARIA LOURDES NANCY S. BINAY**  
*Committee on Women, Children,  
Family Relations and Gender Equality*

**Ex-Officio Members:**



**RALPH G. RECTO**  
*President Pro-Tempore*



**JUAN MIGUEL F. ZUBIRI**  
*Majority Floor Leader*



**FRANKLIN M. DRILON**  
*Minority Floor Leader*

**HON. VICENTE C. SOTTO III**  
***Senate President***  
*Senate of the Philippines*



SENATE

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S.B. No. 1971

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(In substitution of Senate Bill Nos. 1447 and 1818 taking into consideration House Bill No. 6938)

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**Prepared by the Committees on Public Services; and Women, Children, Family Relations and Gender Equality with Senators Ejercito, Recto, Poe, Villanueva, Gatchalian, Hontiveros, Angara, and Binay as authors thereof**

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**AN ACT  
PROVIDING FOR THE SPECIAL PROTECTION OF CHILD PASSENGERS  
IN MOTOR VEHICLES AND PROVIDING APPROPRIATIONS THEREOF**

*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 "**Child Safety in Motor**  
2 **Vehicles Act**".

3  
4 Sec. 2. *Declaration of Policy.* – The State recognizes the right of children to  
5 assistance, including proper care, and special protection from all forms of  
6 neglect, abuse and other conditions prejudicial to their development. Pursuant to  
7 this, the State shall ensure the safety of children while being transported in any  
8 form of motor vehicle.

9  
10 Toward this end, the State shall adopt measures to promote and protect the  
11 child's health and welfare, including access to safe, appropriate, quality and  
12 affordable child restraint system and other safety measures in preventing traffic-  
13 related deaths and injuries among infants and children.

14  
15 Sec. 3. *Definition of Terms.* – For purposes of this Act, the term:  
16  
17 a) *Child* refers to any person twelve (12) years old and below;  
18  
19 b) "*Covered vehicle*" refers to any private motor vehicle and public motor  
20 vehicles upon the determination of the Department of Transportation  
21 (DOTr) in accordance with Section 12 of this Act;

- 1 c) "Motor vehicle" shall refer to both private and public motor vehicles. The  
2 term shall not include the tricycle and motorcycle;  
3  
4 d) "Private motor vehicle" shall refer to any of the following:  
5 1) Any motor vehicle owned by individuals and juridical persons for  
6 private use;  
7 2) Any motor vehicle owned by the National Government or any of its  
8 agencies, instrumentalities or political subdivisions, including  
9 government-owned or controlled corporations or their subsidiaries  
10 for official use; and  
11 3) Any diplomatic vehicle.  
12  
13 e) "Public motor vehicle" shall refer to public utility vehicle or vehicle for  
14 hire;  
15  
16 f) "Driver" refers to the individual operating a motor vehicle;  
17  
18 g) "Child Restraint System" refers to a device, approved in accordance with  
19 Section 6 of this Act, capable of accommodating a child occupant in a  
20 sitting or supine position. It is so designed as to diminish the risk of injury  
21 to the wearer, in the event of a collision or of abrupt deceleration of the  
22 vehicle, by limiting the mobility of the child's body.  
23

24 *Sec. 4. Mandatory Use of Child Restraint System in privately-owned motor*  
25 *vehicles.* — It shall be unlawful for the driver of a covered vehicle not to properly  
26 secure at all times a child, in a child restraint system while transporting such  
27 child on any road, street or highway. The child restraint system shall be  
28 appropriate to the child's age, height and weight, and approved in accordance  
29 with Section 6 of this Act.  
30

31 The requirements of this section shall not apply to circumstances where  
32 the child restraint system would put such child in a greater danger, such as:  
33

- 34 (1) During medical emergencies;  
35  
36 (2) When the child transported has a medical or developmental condition;  
37 or  
38  
39 (3) Other analogous circumstances prescribed in the Implementing Rules  
40 and Regulations (IRR).  
41

42 Notwithstanding the child being secured in a child restraint system, at no  
43 instance shall such child be left unaccompanied by an adult in a motor vehicle.  
44

45 *Sec. 5. Children in Rear Seats.* — No child twelve (12) years and below of age  
46 shall be allowed to sit in a front seat of a motor vehicle, unless the child is at  
47 least 150 centimeters or 59 inches in height and capable to properly fit in the  
48 regular seat belt in the front seat.  
49

1 Sec. 6. *Safety Standards for Child Restraint Systems.* – The Department of Trade  
2 and Industry (DTI) shall use standards set forth in United Nations Regulation 44,  
3 and United Nations Regulation 129 in the approval or disapproval of child  
4 restraint systems that will be manufactured, sold, distributed and used in the  
5 Philippines. Such standards shall be periodically updated based on current United  
6 Nations Regulations concerning Child Restraint Systems.

7  
8 All manufacturers, importers, distributors and sellers of child restraints  
9 systems are required to secure from the Bureau of Product Standards (BPS) a  
10 Philippine Standards (PS) mark license or Import Clearance Certificate (ICC)  
11 license prior to the marketing, sale and distribution of their products. The BPS  
12 shall issue periodically a list of child restraint systems manufacturers, importers  
13 and distributors, and the brands which pass its standards to be published in a  
14 newspaper of general circulation or in its website.

15  
16 Sec. 7. *Prohibition on the Marketing of substandard or expired Child Restraint*  
17 *Systems.* It shall be unlawful for any person, company, partnership, sole  
18 proprietorship, manufacturer, distributor, and/or importer to manufacture, use,  
19 import, sell, distribute, donate, lease, advertise, promote, or otherwise market  
20 the use of substandard or expired child restraint system.

21  
22 Sec. 8. *Penalties* – (a) Any driver in violation of Sections 4 and 5 of this Act shall  
23 be fined One Thousand Pesos (P1, 000.00) for first offense, Two Thousand Pesos  
24 (P2,000.00) for the second offense, Five Thousand Pesos (P5,000.00) and the  
25 suspension of the driver's license for a period of one (1) year for the third and  
26 succeeding offenses.

27  
28 (b) Any manufacturer, distributor, importer, retailer, and seller who violates  
29 Section 6 of this Act shall be punished with a fine of not less than Ten thousand  
30 pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00)  
31 for each and every child restraint system product manufactured, distributed,  
32 imported and/or sold without prejudice to other penalties imposed in Republic  
33 Act No. 7394 or the "Consumer Act of the Philippines.

34  
35 (c) Any driver who allows the use of substandard and/or expired a child restraint  
36 system or permits the use of child restraint system that does not bear the PS  
37 mark or the ICC sticker and certificate shall be fined with One Thousand Pesos  
38 (P1,000.00) for the first offense, three thousand pesos (Php3,000.00) for the  
39 second offense, and Five thousand pesos (Php5,000.00) and the suspension of  
40 the driver's license for a period of one (1) year for the third and succeeding  
41 offenses.

42  
43 (d) Tampering, alteration, forgery and imitation of the PS mark or the ICC  
44 stickers in the child restraint system shall be punished with a fine of not less than  
45 Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos  
46 (Php20,000.00), for each and every child restraint system product, without  
47 prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer  
48 Act of the Philippines".

49

1 *Provided*, That the DOTr is hereby empowered to increase or adjust the amounts  
2 of fines prescribed in this Section during the periodic review of this Act.  
3

4 Sec. 9. *Nationwide Public Information Campaign*. — (a) The Department of  
5 Transportation (DOTr), the Philippine Information Agency (PIA), the Department  
6 of Health (DOH), the Department of Education (DepEd), and private agencies  
7 and organizations, shall undertake a regular nationwide Information, Education  
8 and Communication (IEC) campaign within six (6) months from the passage of  
9 this Act. The IEC campaign shall include information on the proper installation,  
10 use and maintenance of the child restraint system.  
11

12 (b) The DOTr, may call upon the assistance of any government agency, including  
13 the Philippine National Police, and non-governmental organizations (NGOs) to  
14 extend their full support and cooperation for the implementation of this Act.  
15

16 Sec. 10. *Certification Training Program*. The DOTr is hereby mandated to  
17 formulate and implement a certification training program for product inspectors,  
18 law enforcers, manufacturers, distributors, and sellers on the regulation,  
19 installation, use, maintenance, and inspection of child safety systems, as  
20 prescribed by the Implementing Rules and Regulations.  
21

22 Sec. 11. *Implementing Rules and Regulations (IRR) and Guidelines*. The DOTr,  
23 in consultation with the DTI, DOH, Department of Interior and Local Government  
24 (DILG), Philippine National Police, Metro Manila Development Authority (MMDA),  
25 Council for Welfare of Children (CWC), and other concerned agencies, and  
26 stakeholders, shall promulgate the Implementing Rules and Regulations (IRR) on  
27 child restraint systems within six (6) months from the effectivity date of this Act.  
28

29 The implementing rules and regulations shall cover the following, but not limited  
30 to:

- 31 a. Motor vehicles covered under this Act;
  - 32 b. Standards and kinds of child restraint systems based on UN Regulation 44,  
33 UN Regulation 129 and/or subsequent UN Regulations;
  - 34 c. Proper installation and positioning of the child restraint system in the  
35 vehicle;
  - 36 d. Certification training program referred to in Section 10 for law enforcers,  
37 product inspectors, employees and agents of manufacturers, distributors,  
38 sellers and importers;
  - 39 e. Regulation of the manufacture, importation, and distribution of child  
40 restraint systems;
  - 41 f. Authorities responsible for the monitoring and evaluation of the  
42 implementation and compliance to the provisions of this Act; and
  - 43 g. Phases of implementation of this Act;
- 44

45 Sec. 12. *Child Safety in Public Utility Vehicles*. Nothing in this Act shall prohibit  
46 the DOTr from issuing rules and regulations requiring the use of child restraint  
47 systems in public motor vehicles such as, but not limited to jeepneys, buses,  
48 including school buses, taxis, vans, coasters, accredited/affiliated service vehicles  
49 of Transportation Network Companies, and all other motor vehicles used for  
50 public transport. The DOTr, after study, is mandated to adopt safety measures



1 and issue regulations for the safe and secure transportation of children in such  
2 vehicles in accordance with standards set forth in this Act. Provided, That the  
3 study shall be conducted within one (1) year from the effectivity of this Act.  
4

5 Sec. 13. *Review.* The DOTr shall conduct and submit to Congress a periodic  
6 review on the implementation of this Act at the end of the third year from the  
7 date of its effectivity and every year thereafter.  
8

9 Sec. 14. *Appropriations.* The initial amount necessary for the implementation of  
10 this Act shall be charged against the current appropriation of the DOTr;  
11 *Provided,* that fines and fees collected from the implementation of the Seatbelt  
12 Law may be used to augment the initial funding requirement of this Act.  
13 *Provided further,* That the fines and fees that may be collected in the  
14 enforcement of this Act shall be used exclusively for its implementation.  
15 *Provided finally,* that such sums as may be necessary for the continued  
16 implementation of this Act shall be included in the annual General Appropriations  
17 Act.  
18

19 Sec. 15. *Transitory clause.* – Mandatory compliance with the requirements of this  
20 Act shall be enforced only one (1) year after the effectivity of the Implementing  
21 Rules and Regulations of this Act.  
22

23 Sec. 16. *Separability Clause.* — If any provision, or part hereof, is held invalid or  
24 unconstitutional, the remainder of the law or provision is not otherwise affected  
25 shall remain valid and subsisting.  
26

27 Sec. 17. *Repealing Clause.* - Section 5 of Republic Act Number 8750, and all  
28 other laws, decrees, executive orders, rules and regulations, issuances or parts  
29 thereof inconsistent with this Act are hereby repealed or amended accordingly.  
30

31 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
32 publication in the Official Gazette or in two (2) national newspapers of general  
33 circulation.  
34

35 Approved,