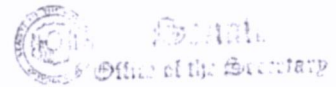


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

SENATE



Committee Report No. 484

'18 OCT -1 P 4:30

Submitted by the Committee on Public Services on OCT - 1 2018

RECEIVED

Re: Senate Bill No. 2038 Prepared by the Committee upon recommendation of the Subcommittee on Senate Bill Nos. 1446 and 1521

Recommending its approval in substitution of Senate Bill Nos. 1446 and 1521.

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

MR. PRESIDENT:

The Committee on Public Services to which were referred **Senate Bill No. 1446**, introduced by Senator Joseph Victor Ejercito, entitled:

AN ACT

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

and

Senate Bill No. 1521, introduced by Senator Emmanuel "Manny" Pacquiao, entitled:

AN ACT

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

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 2038, prepared by the Committee entitled:

AN ACT
INCREASING THE PENALTY OF OVERLOADING OF PASSENGERS IN PUBLIC
UTILITY VEHICLES AND FOR OTHER PURPOSES

be approved in substitution of Senate Bill Nos. 1446 and 1521, with Senators Ejercito, and Pacquiao as authors thereof.

Respectfully submitted:

Chairpersons:



JOSEPH VICTOR G. EJERCITO
Chairperson, Subcommittee on
Public Services

*Grace Poe will interpellate
and perhaps
amend.*
GRACE POE
Chairperson, Committee on Public Services

Members:



FRANCIS G. ESCUDERO
Vice Chairperson



LOREN B. LEGARDA



RICHARD J. GORDON



JOEL VILLANUEVA

*will interpellate, and possibly
propose amendments*



PANFILO M. LACSON

A. Pimentel III
AQUILINO "KOKO" PIMENTEL III

PAOLO BENIGNO "BAM" AQUINO IV



ANTONIO "SONNY" F. TRILLANES IV

Rita Hontiveros - Dorequel
RISA HONTIVEROS
*may interpellate &
propose amendments, especially
as to penalties.*

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

S.B. No. 2038

'18 OCT -1 P 4 :30

(In substitution of Senate Bill Nos. 1446 and 1521)

RECEIVED

**Prepared by the Committee on Public Services
with Senators Ejercito and Pacquiao as authors thereof**

**AN ACT
INCREASING THE PENALTY OF OVERLOADING OF PASSENGERS IN
PUBLIC UTILITY VEHICLES AND FOR OTHER PURPOSES**

*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
2 2018"
3
- 4 SEC. 2. *Declaration of Policies.* It is hereby declared the policy of the State to
5 ensure the safety and protection of all its citizens. It shall also ensure strict
6 implementation of the law. Towards this end, the State shall establish pro-active
7 measures for the prevention of road traffic fatalities and for maintenance of
8 peace and order, and public safety.
9
- 10 SEC. 3. *Definition of Terms.* As used in this Act,
11
- 12 (a) Covered Vehicle refers to any motor vehicle considered as a public
13 transport conveyance or common carrier duly registered with the Land
14 Transportation Office and granted a franchise by the Land Transportation
15 Franchising and Regulatory Board;
16
- 17 (b) Overloading refers to the act of loading people over and above the
18 registered carrying capacity of the covered vehicle;
19
- 20 (c) Passenger refers to any person being transported and conveyed in and by
21 a motor vehicle for transportation of people, including persons expressly
22 authorized by law or by the vehicle's operator or his agents.
23
- 24 SEC. 4. *Prohibited Acts.* It shall be unlawful for owners, operators, drivers,
25 conductors and other persons responsible for the operation of any covered
26 vehicle to load above their registered carrying capacity as determined by the
27 Department of Transportation (DOTr).

1 In the determination of the registered carrying capacity, the DOTr shall consider
2 the measured weight of a motor vehicle plus the maximum allowable carrying
3 capacity in passenger. The registered carrying capacity shall reflect the seating
4 and standing capacity of the motor vehicle.

5 .
6 SEC. 5. *Penalties.* Carrying passengers beyond the registered carrying capacity
7 shall be imposed the following penalties:

- 8
9 (a) For first offense, a fine in the amount of fifty thousand pesos (P50,000.00)
10 and suspension of the franchise and driver's license of the driver;
11 (b) For second offense, a fine in the amount of two hundred fifty thousand
12 pesos (P250,000.00) and suspension of the franchise and driver's license of
13 the driver;
14 (c) For third offense, a fine in the amount of one million pesos (P1,000,000.00)
15 and revocation of the franchise and driver's 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 prision correccional
19 or an imprisonment of two years and 1 day to six years shall be imposed.
20

21 The imposition of the foregoing fines and penalties shall be without prejudice to
22 any criminal action that may be instituted under existing laws, rules and
23 regulations.
24

25 SEC. 6. *Separability Clause.* – If any provision of this Act is held invalid or
26 unconstitutional, other provisions not affected thereby shall continue to be in full
27 force and effect.
28

29 SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders or parts thereof
30 inconsistent with the provisions of this Act are hereby repealed, amended or
31 modified accordingly.
32

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

Approved,