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SENATE

S. B. NO. 350

RECEIVED BY: _____



Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT ENHANCING THE SAFETY OF PEDESTRIANS,
FURTHER AMENDING REPUBLIC ACT NO. 4136, AS AMENDED,
OTHERWISE KNOWN AS LAND TRANSPORTATION AND
TRAFFIC CODE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The current crisis faced by the Philippines in the realm of public transportation involves a wide array of stakeholders, and an even wider array of concerns. Specifically, the government must pay particular concern to the majority of the Filipino population that are directly affected by the use of roads and traffic routes: the pedestrian.

Indeed, protection of Filipino pedestrians should be of paramount concern. In 2018, the World Health Organization (WHO) released its Global Status Report on Road Safety, which found that incidents of road traffic deaths continue to rise in the Philippines. The WHO found that 12,690 road traffic deaths occurred in the country in 2016, and that about half of these road traffic deaths involved vulnerable road users such as motorcyclists, cyclists and pedestrians.¹

In addition to establishing sufficient infrastructure, systems and programs to alleviate traffic, institutionalizing "right-of-way" culture in the use of roads, walkways and other means for pedestrian access will greatly help in lessening the number of road traffic deaths. This bill seeks to enhance the country's traffic laws by (a) respecting the rights of pedestrians, (b) clarifying the rules on when

¹ <https://news.abs-cbn.com/news/12/21/18/road-traffic-deaths-continue-to-rise-in-the-philippines-who-report> (date last accessed: June 24, 2019)

a pedestrian should yield to a driver, or vice versa, (c) penalizing any person who violates the right-of-way of pedestrians; and (d) mandating the training of erring drivers and pedestrians.


The passage of this measure will not only ensure safety of our pedestrians, it will also provide a comprehensive solution to the country's persistent traffic problems, especially in Metro areas, by mandating a system of behavior and accountability for the commuting public, including both drivers and pedestrians.

The immediate passage of this bill is earnestly sought.


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KNOWN AS LAND TRANSPORTATION AND TRAFFIC CODE AND
FOR OTHER PURPOSES**

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

- 1 **SECTION 1. Title** – This Act shall be known as the “Pedestrian Safety Act.”
2
3 **SEC. 2. Declaration of Policy** – It is hereby declared the policy of the State
4 to provide and ensure safe and convenient pedestrian travel and access,
5 whether by foot, wheelchair, walker, stroller or any other means. To this end,
6 the State shall provide convenient and safe passage for pedestrians on and
7 across all streets and highways, increase levels of walking and pedestrian
8 travel, and reduce pedestrian fatalities and injuries.
9
10 **SEC. 3. Definition of Terms** – For the purposes of this Act, the following
11 terms shall be defined as follows:
12
13 (a) Crosswalk is the part of the roadway set aside for pedestrian traffic;
14
15 (b) Intersection is any place where one line of roadway meets another
16 roadway. Intersections include cross streets, side streets, alleys,
17 freeway entrances, and any other location where vehicles traveling on
18 different highways or roads join each other;
19
20 (c) Pedestrian is a person on foot or who uses a conveyance such as
21 roller skates, skateboard, etc., other than a bicycle. A pedestrian can
22 also be a person with a disability using a tricycle, quadricycle, or
23 wheelchair for transportation.

1 **SEC. 4. Repeal of Certain Provisions** – Section 42(c) of Republic Act No.
2 4136, otherwise known as Land Transportation and Traffic Code, as
3 amended, is hereby repealed.

4
5 **SEC. 5. Right of Way of Pedestrians** – A new Article III-A of the Land
6 Transportation and Traffic Code, as amended, is hereby provided to read as
7 follows:

8
9 **ARTICLE III-A**
10 **RIGHTS OF WAY OF PEDESTRIANS**

11
12 **SECTION 44-A. RIGHT OF WAY OF PEDESTRIANS –**

13
14 (a) THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO
15 A PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY MARKED
16 CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN
17 INTERSECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS
18 SECTION.

19
20 (b) THE DRIVER OF A VEHICLE APPROACHING A PEDESTRIAN
21 WITHIN ANY MARKED OR UNMARKED CROSSWALK SHALL
22 EXERCISE ALL DUE CARE AND SHALL REDUCE THE SPEED OF
23 THE VEHICLE OR TAKE ANY OTHER ACTION RELATING TO THE
24 OPERATION OF THE VEHICLE AS NECESSARY TO SAFEGUARD
25 THE SAFETY OF THE PEDESTRIAN.

26
27 (c) NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS
28 SECTION SHALL NOT RELIEVE:

29
30 (1) A PEDESTRIAN FROM THE DUTY OF USING DUE CARE
31 FOR HIS OR HER SAFETY. NO PEDESTRIAN SHALL
32 SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY
33 AND WALK OR RUN INTO THE PATH OF A VEHICLE THAT
34 IS SO CLOSE AS TO CONSTITUTE AN IMMEDIATE HAZARD.
35 NO PEDESTRIAN SHALL ALSO UNNECESSARILY STOP OR
36 DELAY TRAFFIC WHILE IN A MARKED OR UNMARKED
37 CROSSWALK; AND

38
39 (2) A DRIVER OF A VEHICLE FROM THE DUTY OF EXERCISING
40 DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN WITHIN
41 ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED
42 CROSSWALK AT AN INTERSECTION.

43
44 **SECTION 44-B. REMOVAL OF CROSSWALKS –**

45
46 (a) AN EXISTING MARKED CROSSWALK MAY NOT BE REMOVED
47 UNLESS NOTICE AND OPPORTUNITY TO BE HEARD IS
48 PROVIDED TO THE PUBLIC NOT LESS THAN 30 DAYS PRIOR TO

1 THE SCHEDULED DATE OF REMOVAL. IN ADDITION TO ANY
2 OTHER PUBLIC NOTICE REQUIREMENTS, THE NOTICE OF
3 PROPOSED REMOVAL SHALL BE POSTED AT THE CROSSWALK
4 IDENTIFIED FOR REMOVAL.
5

6 (b) THE NOTICE REQUIRED BY SUBSECTION (A) ABOVE SHALL
7 INCLUDE, BUT NOT BE LIMITED TO, NOTIFICATION TO THE
8 PUBLIC OF THE FOLLOWING:
9

10 (1) THAT THE PUBLIC MAY PROVIDE INPUT RELATING TO THE
11 SCHEDULED REMOVAL; AND
12

13 (2) THE FORM AND METHOD OF PROVIDING THE INPUT
14 AUTHORIZED UNDER PARAGRAPH (1) ABOVE.
15

16 **SECTION 44-C. NO OVERTAKING AT INTERSECTIONS** – WHENEVER
17 ANY VEHICLE HAS STOPPED AT A MARKED CROSSWALK OR AT ANY
18 UNMARKED CROSSWALK AT AN INTERSECTION TO PERMIT A
19 PEDESTRIAN TO CROSS THE ROADWAY, THE DRIVER OF ANY OTHER
20 VEHICLE APPROACHING FROM THE REAR SHALL NOT OVERTAKE AND
21 PASS THE STOPPED VEHICLE.
22

23 **SECTION 44-D. SIDEWALKS** – THE DRIVER OF ANY MOTOR VEHICLE,
24 PRIOR TO DRIVING OVER OR UPON ANY SIDEWALK, SHALL YIELD THE
25 RIGHT-OF-WAY TO ANY PEDESTRIAN APPROACHING THEREON.
26

27 **SECTION 44-E. UNDERPASS AND OVERPASS** – WHENEVER ANY
28 PEDESTRIAN CROSSES A ROADWAY OTHER THAN BY MEANS OF A
29 PEDESTRIAN TUNNEL OR OVERHEAD PEDESTRIAN CROSSING, IF A
30 PEDESTRIAN TUNNEL OR OVERHEAD CROSSING SERVES THE PLACE
31 WHERE THE PEDESTRIAN IS CROSSING THE ROADWAY, SUCH
32 PEDESTRIAN SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES ON
33 THE HIGHWAY SO NEAR AS TO CONSTITUTE AN IMMEDIATE HAZARD.
34

35 NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS SECTION
36 SHALL NOT BE TAKEN AS A PROHIBITION AGAINST THE INSTALLATION
37 OF CROSSWALKS WHERE A PEDESTRIAN TUNNEL OR OVERHEAD
38 CROSSING EXISTS, SHOULD PUBLIC NECESSITY AND SAFETY
39 DICTATE.
40

41 **SECTION 44-F. INSTANCES WHERE PEDESTRIANS SHALL YIELD TO**
42 **VEHICLES** – EVERY PEDESTRIAN UPON A ROADWAY AT ANY POINT
43 OTHER THAN WITHIN A MARKED CROSSWALK OR WITHIN AN
44 UNMARKED CROSSWALK AT AN INTERSECTION SHALL YIELD THE
45 RIGHT-OF-WAY TO ALL VEHICLES UPON THE ROADWAY SO NEAR AS
46 TO CONSTITUTE AN IMMEDIATE HAZARD, PROVIDED THAT, THE
47 DRIVER OF A VEHICLE SHALL CONTINUE TO EXERCISE DUE CARE
48 FOR THE SAFETY OF ANY PEDESTRIAN UPON A ROADWAY.
49

1 **SECTION 44-G. CROSSING ON CROSSWALKS** – BETWEEN ADJACENT
2 INTERSECTIONS CONTROLLED BY TRAFFIC CONTROL SIGNAL
3 DEVICES OR BY POLICE OFFICERS, PEDESTRIANS SHALL NOT CROSS
4 THE ROADWAY AT ANY PLACE EXCEPT IN A CROSSWALK.

5
6 **SECTION 44-H. ROADWAYS** –

7
8 (a) NO PEDESTRIAN MAY WALK UPON ANY ROADWAY OUTSIDE OF
9 A BUSINESS OR RESIDENTIAL DISTRICT OTHERWISE THAN
10 CLOSE TO HIS OR HER LEFT-HAND EDGE OF THE ROADWAY.

11
12 (b) A PEDESTRIAN MAY WALK CLOSE TO HIS OR HER RIGHT-HAND
13 EDGE OF THE ROADWAY IF A CROSSWALK OR OTHER MEANS
14 OF SAFELY CROSSING THE ROADWAY IS NOT AVAILABLE OR IF
15 EXISTING TRAFFIC OR OTHER CONDITIONS WOULD
16 COMPROMISE THE SAFETY OF A PEDESTRIAN ATTEMPTING TO
17 CROSS THE ROAD.

18
19 **SECTION 44-I. SOLICITATION OF RIDES** – NO PERSON SHALL STAND IN
20 A ROADWAY WHICH IS NOT AN AUTHORIZED LOADING AND
21 UNLOADING ZONE FOR THE PURPOSE OF SOLICITING A RIDE FROM
22 THE DRIVER OF ANY VEHICLE.

23
24 **SECTION 44-J. PENALTY** –

25
26 (a) THE DRIVER OF A VEHICLE THAT VIOLATES THE PROVISIONS
27 OF THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM
28 PHP2,000.00 TO PHP20,000.00;

29
30 (b) A PEDESTRIAN FOUND TO BE VIOLATING THE PROVISIONS OF
31 THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM
32 PHP1,000.00 TO PHP10,000.00.

33
34 THE FINES IMPOSED HEREIN SHALL BE WITHOUT PREJUDICE TO ANY
35 OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE CASE THAT MAY BE
36 FILED AGAINST THE OFFENDER.

37
38 **SECTION 44-K. TRAINING WITH TESDA** – ANY PERSON WHO HAVE
39 VIOLATED THE PROVISIONS OF THIS ACT SHALL BE REQUIRED TO
40 UNDERGO THE APPROPRIATE TRAINING OR REFRESHER COURSE
41 WITH THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT
42 AUTHORITY (TESDA).

43
44 **SEC. 6. Information Campaign** – The Department of Transportation shall
45 conduct sustained information and education drives aimed at enhancing
46 pedestrian and driver education.

47
48 The Department of Transportation and the Land Transportation Office shall
49 also closely coordinate with TESDA for the establishment of a training
50 program for drivers and motorists consistent with the provisions of this Act.

1 **SEC. 7. Implementing Rules and Regulations and Standard Forms.** –
2 Within sixty (60) days from the approval of this Act, the Department of
3 Transportation, in consultation with the appropriate stakeholders and in
4 coordination with different government agencies that regulate traffic, shall
5 promulgate the implementing rules and regulations of this Act.
6

7 **SEC. 8. Funding** – Congress shall allocate adequate funding for the proper
8 implementation of this Act. In addition, 10% of the Special Road Support
9 Fund created under Republic Act No. 8794 shall be allocated for the
10 programs, activities and projects of the Department of Transportation geared
11 towards pedestrian safety and driver education.
12

13 **SEC. 9. Separability Clause.** – If any provision of this Act is declared
14 unconstitutional or invalid, the other provisions not affected thereby shall
15 continue to be in full force and effect.
16

17 **SEC. 10. Repealing Clause.** – All laws, proclamations, executive orders,
18 rules and regulations or parts thereof inconsistent with this Act are hereby
19 repealed, modified or amended accordingly.
20

21 **SEC. 11. Effectivity Clause.** – This Act shall take effect fifteen (15) days
22 following its publication in the Official Gazette or two (2) newspapers of
23 general circulation.

24 **Approved,**
25