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SENATE

S.B. No. 551

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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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

EXPLANATORY NOTE

Article 1733 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, provides that, "Common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all circumstances of each case."

The same statute further imposes a stricter protection with respect to the carriage of passengers under Article 1755, which provides, "A common carrier is bound to carry passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances."

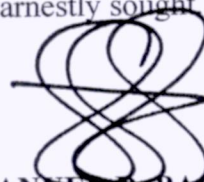
Despite the stringent obligations imposed by law on common carriers in order to ensure the safety and protection of the passengers, vehicular accidents continue to hound our streets and highways due to the remiss of public utility vehicles operators, owners, drivers, and conductors.

The minibus that fell into a 100-foot ravine in Nueva Ecija in early 2017, which claimed over 30 lives, is deemed as one of the deadliest crashes in the Philippines. It was discovered to be overloaded with passengers as it can only carry up to 45 passengers but was then actually carrying 77 persons. In the case of motorcycle accidents, the Motorcycle Development Program Participants Association (MDPPA) reported that one of the major causes of said accidents is the overloading of a motorcycle. It compromises the balance of a motorcycle, thereby causing accidents.

The penalty on overloading vehicles provided under Republic Act No. 4136, or the Land Transportation and Traffic Code, enacted in June 1964, is now outdated, hence, it must be reviewed.

This bill seeks to impose a stiffer penalty against overloaded vehicles to ensure the safety of the passengers and to increase the vigilance of common carriers in protecting the persons and goods on board.

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


A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line across the middle, characteristic of Emmanuel D. Pacquiao's signature.

EMMANUEL D. PACQUIAO

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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 2019."
2

3 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to ensure the
4 safety and protection of all its citizens. It shall also ensure strict implementation of the law.
5 Towards this end, the State shall establish pro-active measures for the prevention of road
6 traffic fatalities and for maintenance of peace and order, and public safety.
7

8 **SEC. 3. Definition of Terms.**
9

- 10 a. **Covered Vehicle** refers to any motor vehicle considered as a public transport
11 conveyance or common carrier duly registered with the Land Transportation Office
12 and granted a franchise by the Land Transportation Franchising and Regulatory
13 Board;
14 b. **Overloading** refers to the act of loading people over and above the registered
15 carrying capacity of the covered vehicle;
16 c. **Passenger** refers to any person being transported and conveyed in and by a motor
17 vehicle for transportation of people, including persons expressly authorized by law or
18 by the vehicle's operator or his agents.
19

20 **SEC. 4. Prohibited Acts.** It shall be unlawful for owners, operators, drivers, conductors and
21 other persons responsible for the operation of any covered vehicle to load above their
22 registered carrying capacity as determined by the Department of Transportation (DOTr).
23

24 In the determination of the registered carrying capacity, the DOTr shall consider the
25 measured weight of a motor vehicle plus the maximum allowable carrying capacity in
26 passenger. The registered carrying capacity shall reflect the seating and standing capacity of
27 the motor vehicle.

28 **SEC. 5. Penalties.** Carrying passengers beyond the registered carrying capacity as
29 determined by the DOTr shall be imposed the following penalties:

- 1
2 a. For first offense, a fine in the amount of Fifty Thousand Pesos (Php 50,000) and
3 suspension of the franchise and driver's license of the driver;
4 b. For second offense, a fine in the amount of Two Hundred Fifty Thousand Pesos (Php
5 250,000) and suspension of the franchise and driver's license of the driver;
6 c. For third offense, a fine of One Million Pesos (Php 1,000,000) and revocation of the
7 franchise and driver's license of the driver.
8

9 In addition to the above penalties, if the act of overloading shall result in the death of
10 any passenger of the covered vehicle, the penalty of *prision correccional* or an imprisonment
11 of two (2) and one (1) day to six (6) years shall be imposed.
12

13 The imposition of the foregoing fines and penalties shall be without prejudice to any
14 criminal action that may be instituted under existing laws, rules and regulations.
15

16 **SEC. 6. Separability Clause.** If any provision of this Act is held invalid or unconstitutional,
17 other provisions not affected thereby shall continue to be in full force and effect.
18

19 **SEC. 7. Repealing Clause.** All laws, decrees, executive orders or parts thereof inconsistent
20 with the provisions of this Act are hereby repealed, amended or modified accordingly.
21

22 **SEC. 8. Effectivity Clause.** This Act shall take effect fifteen (15) days after its complete
23 publication in the Official Gazette or in a national newspaper of general circulation.
24
25
26
27

Approved,