



SENATE

'19 AUG -5 P5 :15

S. B. NO. 859

RECEIVED BY: _____

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT PROTECTING UNATTENDED CHILDREN
IN MOTOR VEHICLES**

EXPLANATORY NOTE

In the past years, the number of deaths arising from suffocation in cars has been increasing. In the United States, around 682 children died from 1998 to 2019, after their parents left them unattended inside a motor vehicle.¹ In the Philippines, 10 children have reportedly died from suffocation inside motor vehicles in 2017. In the first quarter of 2019, three young girls were found dead after accidentally locking themselves in a car where they suffocated.²

Thus, there is a need to educate our citizens regarding the safety and health risks of leaving children inside motor vehicles, especially in periods of extreme weather conditions. According to the Spanish Association of Pediatrics³ (Asociación Española de Pediatría), children aged zero to five years old are most likely to incur a rise in body temperature three to five times faster than that of adults due to a lower water reserve and a developing respiratory system. Moreover, a study found that a motor vehicle left for an hour in the sun may heat up to 116 degrees, a temperature that may cause organ failure, brain damage and death to toddlers.

¹ 2016, July 25. Two more children died over the weekend in hot cars. That's 682 since 1998. It isn't getting better. Andrews, Travis M. The Washington Post. Retrieved from: <https://www.washingtonpost.com/news/morning-mix/wp/2016/07/25/two-children-died-over-the-weekend-in-hot-cars-thats-682-since-1998-it-isnt-getting-better/> (date last accessed: July 23, 2019).

² 2019, May 17. Three child cousins are found dead after accidentally locking themselves in a car in 35C heat for four hours in the Philippines. Pleasance, Chris. Daily Mail Online. Retrieved from: <https://www.dailymail.co.uk/news/article-7040565/Three-child-cousins-die-getting-locked-car-35C-heat-Philippines.html> (date last accessed: July 23, 2019).

³ 2016, May. Children Inside Cars and Heat Stroke in Children. Asociacion Espanola de Pediatría. Retrieved from: https://www.aeped.es/sites/default/files/dossier_golpe_de_calor_en.pdf (date last accessed: July 23, 2019).

This bill seeks to prevent the occurrence of death of, or injury to, unsupervised children under nine years old inside motor vehicles, when there are conditions that present a significant risk to the child's health and safety, or when the vehicle's engine is running or the vehicle's keys are in the ignition, or both. Any person who violates the provision of this Act will be penalized with a fine ranging from Ten Thousand Pesos (Php10,000) to Fifty Thousand Pesos (Php50,000) depending on the frequency of violation committed by the offender. This bill also requires all violators of the Act to undergo driver education seminars with the Land Transportation Office (LTO), which shall include education on the dangers of leaving young children unattended in motor vehicles.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA



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*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 “Unattended Child in
2 Motor Vehicles Act.”
3
4 **SEC. 2. Declaration of Policy.** – It is hereby the policy of the State to defend
5 the right of children to assistance, including proper care and nutrition, and
6 special protection from all forms of neglect, abuse, cruelty, exploitation, and
7 other conditions prejudicial to their development. To this end, the State shall
8 adopt a more proactive and preventive approach to secure the safety of
9 passengers, especially children, by regulating the operation of vehicle and
10 penalizing persons who leave children unattended inside a motor vehicle. The
11 State shall also inculcate the standards of safe use of motor vehicles and the
12 benefits that may be derived from it through institutional programs and
13 appropriate public information strategies.
14
15 **SEC. 3. Unattended Child in Motor Vehicles.** – It shall be unlawful for a
16 person to intentionally, recklessly, knowingly or negligently cause or permit to
17 leave a child under nine (9) years of age inside a motor vehicle without being
18 subject to the supervision of a person who is fifteen (15) years old or above,
19 under any of the following circumstances:
20
21 a) When there are conditions that present a significant risk to the child’s
22 health or safety; or
23
24 b) When the vehicle’s engine is running or the vehicle’s keys are in the
25 ignition, or both.
26

1 For the purposes of this Act, the term "motor vehicle" refers to any land
2 transportation vehicle propelled by any power other than muscular power,
3 excluding tricycle, motorcycle and jeepney.

4
5 **SEC. 4. Penalty.** – Any person who violates the provisions of this Act shall be
6 liable for an administrative fine in the amount of Ten Thousand Pesos
7 (Php10,000.00) for the first offense; Twenty Thousand Pesos (Php20,000.00)
8 for the second offense; and Fifty Thousand Pesos (Php50,000.00) for the third
9 and succeeding offenses.

10
11 If, as a result of such violation, less serious or serious injuries result, the
12 offender shall additionally be punished with a penalty of imprisonment of one
13 (1) year. If death occurs as a result thereof, a penalty of imprisonment ranging
14 from two (2) years to six (6) years shall be additionally imposed on the
15 offender.

16
17 Nothing herein shall preclude the filing of charges for violation of Act No.
18 3815, otherwise known as "The Revised Penal Code of the Philippines," as
19 amended, and other special laws.

20
21 All persons in violation of this Act shall also be required to undergo driver
22 education seminars with the Land Transportation Office (LTO), which shall
23 include education on the dangers of leaving young children unattended in
24 motor vehicles.

25
26 **SEC. 5. Lead Agency.** – The Land Transport Office (LTO) shall take the lead
27 in implementing the provisions of this Act. The LTO shall have the authority to
28 deputize members of the Philippine National Police (PNP), the Metropolitan
29 Manila Development Authority (MMDA), other metropolitan councils and the
30 responsible officer of local government units (LGUs) to enforce the provisions
31 of this Act.

32
33 The LTO shall also be empowered to adjust the amount of fines herein
34 imposed: Provided, That:

- 35
36 a) The adjustment shall be made only once every three (3) years, and after
37 public consultation;
38
39 b) The amount of adjustment shall not exceed twenty percent (20%) of the
40 amount sought to be adjusted;
41
42 c) A thorough study shall have been conducted indicating that the existing
43 amounts are no longer an effective deterrent; and
44
45 d) Current relevant economic indices, such as the Consumer Price Index
46 (CPI), have been considered in the determination of the adjusted
47 amount.

48
49 **SEC 6. Public Information Campaign.** – The LTO, in coordination with the
50 Philippine Information Agency (PIA), the Department of Education (DepEd),

1 Department of Health (DOH), and other relevant stakeholders, shall regularly
2 undertake a nationwide information and education campaign regarding the
3 provisions of this Act.

4
5 **SEC. 7. Implementing Rules and Regulations.** – The LTO, in coordination
6 with the Department of Transportation (DOTr), Department of Interior and
7 Local Government (DILG) and other relevant government agencies, in
8 consultation with relevant stakeholders, shall issue the implementing rules
9 and regulations for the effective implementation of this Act within sixty (60)
10 days after the effectivity of this Act.

11
12 **SEC 8. Separability Clause.** – If, for any reason, any section or provision of
13 this Act is declared invalid or unconstitutional, other provisions hereof which
14 are not affected thereby shall continue to be in full force and effect.

15
16 **SEC 9. Repealing Clause.** – All laws, decrees, or rules and regulations,
17 which are inconsistent with or contrary to the provisions of this Act, are hereby
18 amended or repealed.

19
20 **SEC 10. Effectivity.** – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in two (2) national newspapers of general
22 circulation.

23
24 **Approved,**
25