



SENATE
S. No. 1467

20 MAY -4 P12:11

RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
PROVIDING MEASURES TO ENSURE PEDESTRIAN SAFETY AND
CONVENIENCE AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF**

EXPLANATORY NOTE

Road traffic injuries are now the leading killer of people aged 5-29 according to the Global status report on road safety 2018. The same report revealed that more than 1.35 million people die from road-related incidents every year globally.

In the nation's capital alone, the Metro Manila Accident Recording and analysis System (MMARAS) recorded 394 fatalities and 19,374 injured in road accidents in 2017, with 44% of the deaths and 24% of those injured being pedestrians. What is extremely disturbing is that an average of 670 children has perished each year from road accidents starting from 2006 to 2015. The 2018 MMARAS document, however, recorded fewer fatalities in 2018 than in 2017, which logged 383 recorded cases as compared to 394 incidents in 2017. Despite the small improvement, it should be underscored that the number is still high.

A World Health Organization (WHO) report identified traffic injuries as the "leading killer" of children and young people aged 5 to 29 around the world. Said report recognized that "the Philippines is progressing in the area of road safety management but post-crash or pre-hospital must also be improved to save more lives on the road."¹ It was likewise observed that motorists do not consider pedestrians as

¹ ABS-CBN News. *Road traffic deaths continue to rise in the Philippines: WHO report*. 21 December 2018. Retrieved from <https://news.abs-cbn.com/news/12/21/18/road-traffic-deaths-continue-to-rise-in-the-philippines-who-report>

road users. This reduces the attention and care supposedly observed towards pedestrians and therefore results to high-risk of safety concerns.

A 2016 study, entitled "Severity of road crashes involving pedestrians in Metro Manila", showed that "...traffic crashes that involve heavy and multiple vehicles, and an elderly pedestrian (60 years old and above), as well as those that occurred during the evening (7 pm to midnight) and late at night (1 am to 5 am) have significantly higher odds of resulting in fatal outcome". The study likewise revealed that the area with high number of fatalities happen on high-speed, high-traffic volume, multilane roadways, that which has a "particularly problematic mix of heavy vehicular and pedestrian traffic."²

A 2016 article by VERA Files expounds that there are four risk areas that affect pedestrian safety on the road: driver attitude, pedestrian attitude, rules and policies, and engineering or infrastructure.³ These four areas, if addressed correctly, can help prevent pedestrian deaths and injuries. Thus, given the large number of pedestrian fatalities and injuries, there is an urgent need for the government to make our streets pedestrian-friendly.

While there are existing laws and policies on road safety, such as: Republic Act No. 4136, or "Land Transportation and Traffic Code"; Republic Act No. 8750, or the "Seat Belts Use Act of 1999"; Republic Act No. 10054, or the "Motorcycle Helmet Act of 2009", Republic Act No. 10586, or the "Anti-Drunk and Drugged Driving Act of 2013"; Republic Act No. 10666, or the "Children's Safety on Motorcycles Act of 2015"; and the recently passed Republic Act No. 10913, or the "Anti-Distracted Driving Act of 2016", there has yet to be a law directly protecting the pedestrians or the ordinary citizens who traverse public spaces, roads and streets and declaring the duties of both the pedestrian and motorists.

The long disregard for the safety of pedestrians of all kinds and duties of motorists should be considered as a chronic crisis in the country. Different scenarios are occurring on a daily basis: people clamoring in the sidewalks, workers occupying a large chunk of a busy road, the public running to get on a speeding public vehicle and

² Verzosa, Nina et al. "Severity of road crashes involving pedestrians in Metro Manila, Philippines." June 2016.

³ Tribdino, Raymon Gregory. "ROAD SAFETY ISSUE NO. 5: Protecting the Filipino pedestrian". Retrieved from <http://verafilms.org/articles/road-safety-issue-no-5-protecting-filipino-pedestrian>.

motorists carelessly rushing to get to their destination to avoid getting late. With all these, it is apparent that it is a system that needs to be urgently fixed.

This bill enumerates the rights and duties of every pedestrian and provides for the penalties for its violation, both on the part of the pedestrians and motorists. Unarguably, road accidents are not only caused by erring motorists who refuse to follow the Traffic Code and give way to pedestrians, but likewise by pedestrians who stubbornly place themselves in harm's way.

To address the fourth risk area, this bill likewise proposes to declare all obstructions found along sidewalks and public roads as nuisance *per se*. In such manner, local governments may subject these nuisances to summary abatement in order to immediately clear out roads and guarantee safe and convenient passage for both pedestrians and motorists. To protect against undue deprivation of property, the owner of the property declared as nuisance shall be given an opportunity to prevent summary abatement by going to court.

Finally, government is given the duty to provide for sidewalks when there are none, clear the obstructions thereat, install signs whenever there are construction activities being conducted, and effectively disseminate the provisions of this bill.

Early passage of this bill is earnestly sought.


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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 “Pedestrian Safety Act
2 of 2020.”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 provide safe travel for both pedestrians and motorists. To this end, the State shall
5 ensure that public roads and sidewalks are free of obstructions at all times and
6 promote the adherence to who has the right-of-way in accordance with established
7 traffic rules and regulations.

8 Sec. 3. *Definition of Terms.* – For the purposes of this Act, the following terms
9 are defined as:

- 10 a) *Pedestrian lane or Crosswalk.* – refers to (a) That part of a public road at
11 an intersection included within the connections of the lateral lines of the
12 sidewalks on opposite sides of the highway, measured from the curbs or, in
13 the absence of curbs, from the edges of the traversable public road; or (b)
14 Any portion of a public road at an intersection or elsewhere distinctly
15 indicated for pedestrian crossing by lines or other markings on the surface;
16 b) *Pedestrian.* – refers to a person on foot or on light personal conveyance
17 devices such as roller skates, skateboards, and other similar means, other
18 than bicycles and scooters and the like. A pedestrian can also be a person

1 with a disability using a tricycle, quadricycle, or wheelchair for
2 transportation;

3 c) *Public Roads*. – refers to all streets, roads, bridges, highways and other
4 thoroughfares constructed and maintained by the national government or
5 by any local government unit; *Provided*, That any road or sidewalk not
6 falling under this definition but which, upon determination by the
7 appropriate local government unit, is deemed vital to pedestrian access or
8 safety, shall be deemed a public road or sidewalk for the purposes of this Act;

9 d) *Sidewalks*. – refers to all specific areas running parallel to both sides of a
10 public road, with a width and elevation as may be deemed appropriate for
11 safe and convenient pedestrian passage by the appropriate local government
12 unit in consultation with the Department of Public Works and Highways
13 (DPWH); *Provided*, That for public roads which, for reasons of lack of land
14 area, easement or legal right protected by law, may not be provided with
15 sidewalks, the appropriate local government unit shall designate passing
16 lanes which may be lesser in dimension than regular sidewalks but which
17 shall, in every case, be adequate for safe and convenient pedestrian passage;

18 e) *Obstruction*. – refers to any structure, permanent or otherwise, movable or
19 immovable, erected along, standing on, abutting or in any manner
20 impeding safe and convenient passage through any public road or sidewalk
21 shall be deemed an obstruction subject to summary abatement under this
22 Act; *Provided*, That property of the government including structures erected
23 or installed for the purpose of regulating the flow of traffic shall not be
24 deemed obstructions;

25 f) *Informal Settler Families* – collectively referred to as “ISFs”, refers to
26 homeless families living in informal settlements, danger areas and public
27 spaces such as roads and sidewalks.

28 Sec. 4. *Rights and Duties of Pedestrians*. – Pedestrians have the following
29 rights and duties:

30 A. Pedestrian crossing in general.

- 31 1. Where sidewalks are provided, pedestrians shall, unless required by
32 other circumstances, walk along sidewalks. No pedestrian shall walk
33 along and upon the portion of a public road paved for vehicular traffic;

- 1 2. Where sidewalks are not provided, a pedestrian walking along and upon
2 a public road shall, when practicable, walk only on the shoulder on the
3 left side of the roadway in relation to the pedestrian's direction of travel,
4 facing traffic which may approach from the opposite direction;
- 5 3. No person upon roller skates, or riding in or by means of any coaster, toy,
6 vehicle, or similar device, may go upon any public road except while
7 crossing a street on a crosswalk; and, when so crossing, such person shall
8 be granted all rights and shall be subject to all of the duties applicable to
9 pedestrians;
- 10 4. The driver of a vehicle at any crosswalk where a sign so indicates shall
11 stop and remain stopped to allow a pedestrian to cross a public road
12 when the pedestrian is in a crosswalk or pedestrian lane or steps into the
13 lane and is upon the half of the public road upon which the vehicle is
14 travelling or when the pedestrian is approaching so closely from the
15 opposite half of the roadway as to be in danger;
- 16 5. When traffic control signals are not in place or in operation and no sign
17 indicates otherwise, the driver of the vehicle shall yield, slowing down or
18 stopping if need be to so yield, to a pedestrian crossing the road within a
19 marked crosswalk or when the pedestrian is upon the half of the public
20 road upon which the vehicle is travelling or when the pedestrian is
21 approaching so closely from the opposite half of the public road as to be
22 in danger;
- 23 6. No pedestrian shall suddenly leave a curb or other place of safety and
24 walk or run into the path of a vehicle which is so close that it is impossible
25 for the driver to yield;
- 26 7. When a vehicle is stopped at a crosswalk to permit a pedestrian to cross
27 the public road, the driver of any other vehicle approaching from the rear
28 shall not overtake and pass such stopped vehicle;
- 29 8. A pedestrian may not cross an intersection diagonally except where and
30 when crossing is authorized by official traffic control devices;
- 31 9. Where a sidewalk is provided and its use is practicable, it is unlawful for
32 any pedestrian to walk along and upon an adjacent roadway;
- 33 10. Where neither a sidewalk nor a shoulder is available, any pedestrian
34 walking along and upon a highway shall walk as near as practicable to an

1 outside edge of the public road and, if on a two-way public road, shall
2 walk only on the left side of the road;

3 11. Where an overhead pedestrian crossing or pedestrian tunnel is provided,
4 pedestrians, other than PWDs and the elderly, shall make use of the
5 overhead pedestrian crossing or the pedestrian tunnel;

6 12. The driver of a public utility vehicle (PUV) must, at all times, load and
7 unload passengers along the sidewalk in marked loading and unloading
8 stops; and

9 13. Notwithstanding other provisions of this section or of a local ordinances,
10 a driver of a vehicle shall exercise due care to avoid colliding with a
11 pedestrian, give warning by the sounding the horn when necessary, and
12 exercise proper caution on observing a child or any obviously confused,
13 incapacitated or intoxicated person.

14 B. Pedestrian crossing by visually or mobility impaired pedestrians.

15 1. When a pedestrian is trying to cross a public road or highway, guided by
16 a dog guide or carrying in a raised or extended position a cane or walking
17 stick, an approaching driver is obliged to bring his vehicle to a full stop
18 before arriving at such intersection or place of crossing and, before
19 proceeding, shall take such precautions as may be necessary to avoid
20 injuring such a pedestrian; and

21 2. If a mobility impaired person, as when he/she uses a guide dog or service
22 animal, a walker, a crutch, an orthopedic cane, or a wheelchair, is in the
23 process of crossing a roadway at an intersection, a driver approaching
24 the intersection must stop before arriving at the intersection and take
25 reasonably precautions to avoid injuring such a pedestrian.

26 Sec. 5. *Obstructions as nuisance per se.* – All obstructions along public roads
27 and sidewalks are hereby presumed or declared nuisances *per se* and, as such, are
28 subject to summary abatement without need of judicial proceedings; *Provided*, That
29 temporary housing structures built along public roads and sidewalks during natural
30 calamities shall not be declared nuisances *per se* until the lifting of the declaration of
31 a state of calamity by the local government unit concerned; *Provided*, further, that the
32 said temporary housing structures will not hamper or otherwise delay any government
33 services during such calamities.

1 Sec. 6. *Summary Abatement.* – All local government units other than
2 barangays, are hereby authorized to summarily abate any obstruction found within
3 their respective territorial jurisdictions: *Provided*, That where the obstruction is an
4 ISF housing structure, its abatement shall be done in accordance with Section 28 and
5 other relevant provisions of Republic Act No. 7279, otherwise known as the “Urban
6 Development and Housing Act”; *Provided, further*, That where the obstruction is
7 immovable, permanent and claimed by any person to be his private property, its
8 abatement shall be done only after a non-extendible five-day period from notice to
9 such person of the intended abatement within which such person may show cause why
10 the abatement should not ensue: *Provided, finally*, That where such a person files an
11 action in any court against the intended abatement, he shall furnish a bond to the local
12 government unit concerned, in an amount thrice the estimated value, if any, of the
13 structure but in no case not less than Five Thousand Pesos (P5,000.00), which bond
14 shall be forfeited in the event the suit is found groundless.

15 Sec. 7. *Remedies to Compel Compliance.* – Any person may file, without need
16 to pay any bond or filing fee, a petition for mandamus directed against the appropriate
17 local government unit to compel such unit to summarily abate any specified
18 obstruction within its territorial jurisdiction: *Provided*, That such person has
19 previously asked, in writing, the chief executive of the local government unit concerned,
20 for such summary abatement and that said chief executive has not acted on the matter
21 within fifteen (15) days from receipt thereof or has determined that summary
22 abatement is not proper.

23 In the event that the local government unit has determined that summary
24 abatement is not proper, any person may file the proper action in court respecting
25 abatement of nuisance unless the petition for mandamus in the preceding paragraph
26 has been filed, in which case, said petition shall proceed as an ordinary action for
27 abatement of nuisance. Said petition shall be without prejudice to and shall not affect
28 any claim for damages as provided in Section 10 hereof.

29 Sec. 8. *Penalties.* –

30 (A) Persons found guilty of violation of the rights and duties of pedestrians
31 as enumerated in Section 4 hereof shall be penalized with a fine of not less than Three
32 Thousand Pesos (P3,000.00) but not more than Twenty Thousand Pesos (P20,000.00)

1 or imprisonment of not less than one (1) month but not more than six (6) months, or
2 both at the discretion of the court; and

3 (B) The penalty contained herein is without prejudice to the award of
4 damages to the aggrieved party, as may be proven during trial. The institution of a
5 criminal action shall impliedly include the civil action, unless a separate civil action
6 has been filed or a reservation for the filing of such action is made in accordance with
7 the Rules of Court.

8 Sec. 9. *Duty of LGU and DPWH.* – It shall be the duty of the LGU concerned
9 and the DPWH to:

- 10 a) Provide sidewalks in public roads within their jurisdiction for the use of
11 pedestrians; *Provided*, That for public roads which, for reasons of lack of
12 land area, easement or legal right protected by law, sidewalks may not be
13 provided, the appropriate LGU shall designate passing lanes which may be
14 lesser in dimension than regular sidewalks but which shall, in every case, be
15 adequate for safe and convenient pedestrian passage. The LGU and the
16 DPWH shall ensure that such sidewalk is free of any obstruction which may
17 endanger the safety of pedestrians or hamper free passage on the sidewalk;
18 and
- 19 b) Ensure that clearly marked and visible signage are posted and conspicuously
20 placed to indicate on-going construction activities or repair work along
21 public roads or sidewalk.

22 Sec. 10. *Damages for Acts or Omissions Endangering Pedestrian Safety.* – Any
23 person who suffers damage to his person or property as a result of an act or omission
24 by another which endangers pedestrian safety may file an action for damages against
25 any juridical or natural person or local government unit responsible for such act or
26 omission, including but not limited to the following acts or omissions resulting in
27 damage:

- 28 a) Failure to post a clearly marked and visible sign indicating on-going
29 construction or repair work along a public road or sidewalk;
- 30 b) Failure to obtain the permits from the appropriate local government
31 agencies required in undertaking repair or construction work or in
32 conducting any other activity requiring the use of a public road or sidewalk;

- c) Failure to cover or provide adequate cover of any hole, ditch or digging along a public road or sidewalk;
- d) Failure to put up or use adequate protective roofing above sidewalks or public roads adjacent to any construction repair site;
- e) Illegal parking of any vehicle along a public road or parking on a sidewalk;
- f) Destroying, removing, or in any manner tampering with any sign or notice indicating an existing hazard to pedestrian safety or any lamp or lamppost illuminating a public road or sidewalk;
- g) Building or in any manner placing a connecting pipe or portion thereof on an elevated concrete or other connecting material across or along a sidewalk; and
- h) Failure to act or perform adequate action by the local government unit concerned respecting the abatement of any obstruction within its territorial jurisdiction; *Provided*, That any person responsible for the construction or presence of any obstruction as defined in this Act shall, in addition to having such obstruction abated summarily, be liable for damages as provided in this Section; *Provided, further*, That where the person suffering damages is a disabled person, the award of exemplary or moral damages combined shall not be lower than Two Hundred Thousand Pesos (P200,000.00); *Provided, finally*, That should death result from such act or omission, the liability shall not be lower than Three Hundred Thousand Pesos (P300,000.00).

Sec. 11. *Dissemination of Information to the Public.* – The provisions of this Act shall be disseminated widely to the public by the Department of Transportation (DOTr), DPWH, the Department of Interior and Local Government and all local government units.

Sec. 12. *Implementing Rules and Regulations.* – Within sixty (60) days from the approval of this Act, the DOTr and the DPWH, in consultation with the appropriate stakeholders and in coordination with different government agencies that regulate traffic shall promulgate the necessary rules and regulations to implement the provisions of this Act.

Sec. 13. *Repealing Clause.* – All laws, executive orders, presidential decrees, presidential proclamations, letters of instruction, rules and regulations or parts

1 thereof which are inconsistent with the provisions of this Act are hereby repealed or
2 modified accordingly.

3 Sec. 14. *Separability Clause.* – If any provision of this Act is declared
4 unconstitutional or invalid, other parts or provisions hereof not affected shall continue
5 to be in full force and effect.

6 Sec. 15. *Effectivity.* – This Act shall take effect fifteen (15) days following its
7 publication in the Official Gazette or in two (2) newspapers of general circulation in
8 the Philippines.

 Approved,