

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -3 AM 57

SENATE
S. B. No. 748

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

According to the Air Bag Safety Campaign of the United States, some 8 children are killed and 932 injured everyday in motor vehicle-related crashes. Experts agree children are safest when buckled up and in the back seat. The United States National Highway Traffic Safety Administration likewise estimates that children are up to 29 percent safer when riding in the rear seat regardless of whether the vehicle is equipped with a passenger side air bag. Therefore, placing children in the back seat provides greater protection for head on collisions, the most serious type of crash, by getting children farther away from the point of impact.

At present, the Philippines does not have any law regarding motor vehicle safety for children. Admittedly, motor vehicle safety laws of the United States will not find easy or intuitive application in the Philippines because of the differences in the means and culture of transportation; however, it is believed that child passenger safety can at least be improved to by requiring young children below the age of seven (7) to sit in the rear seat of motor vehicles.

This bill proposes that children be allowed to ride in the front seat of a motor vehicles only if: 1) there are no rear seats; 2) a child safety seat or booster seat cannot be properly installed in the rear seat; 3) all rear seats are already occupied by other occupants; or 4) medical reasons necessitate the child should not ride in rear seat. Thus, while attempting to secure a certain level of child passenger safety, this bill nevertheless allows flexibility for large families and/or parents who may be transporting other children.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
[Signature]

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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7 JUL -3 11:57

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1 AN ACT
2 PROHIBITING CHILDREN UNDER THE AGE OF SEVEN
3 FROM RIDING AS A PASSENGER IN THE FRONT SEAT OF A MOTOR VEHICLE
4 EXCEPT UNDER LIMITED CIRCUMSTANCES

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

7 SECTION 1. *Short Title.* – This Act shall be known as “Children in the Backseat Act of
8 2007.”

9 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the general
10 welfare of the people. Pursuant to this policy, this Act seeks to increase the children’s safety by
11 requiring them to ride in the backseat of motor vehicles, except under limited circumstances.

12 SECTION 3. *Prohibition against Children Riding in the Front Seat of a Motor Vehicle.* –
13 No person shall operate a motor vehicle with any passengers under the age of seven (7) seated in
14 the front seat of such vehicle: Provided, however, that such prohibition shall not apply if

15 (A) Such motor vehicle is not equipped with rear seats; or

16 (B) The rear seat cannot accommodate the proper installation of the child safety
17 seat or booster seat in which such passenger is being transported, as
18 determined by the commissioner, or vehicle manufacturer, or child safety seat
19 or booster seat manufacturer;

20 (C) All other seat positions are occupied by other occupants; or

21 (D) Such passenger under age seven is exempt pursuant to the next succeeding
22 section.

1 SECTION 4. *Exception.* – The preceding section shall not apply to a passenger or
2 operator with a physically disabling condition whose physical disability would prevent
3 appropriate restraint in such safety seat or safety belt, or to a passenger under the age of seven
4 (7) whose physical condition necessitates that such passenger be seated in the front seat for
5 medical or safety reasons: Provided, however, that such condition is duly certified by a physician
6 who shall state the nature of the disability or condition, as well as the reason such restraint is
7 or rear seat placement is inappropriate.

8 SECTION 5. *Penalties.* – Any person found guilty of violating Section 4 shall be
9 punished by a penalty of imprisonment of *arresto menor*, or a fine of not more than Ten
10 Thousand Pesos (P10,000.00), or both, at the discretion of the court, taking into consideration all
11 attending circumstances.

12 The penalty next higher shall be imposed if the child below seven (7) years of age suffers
13 physical injuries or dies as a result of any vehicular collision and the said child, without falling
14 under the exceptions to Section 4 of this Act, was seated in the front seat or seats of the motor
15 vehicle.

16 If the owner or operator of the motor vehicle is a corporation, trust or firm, partnership,
17 association or any other entity, the penalty of imprisonment shall be imposed on the entity's
18 responsible officers, including, but not limited to, the president, vice-president, chief executive
19 officer, general manager, managing director or partner directly responsible therefore.

20 SECTION 6. *Separability Clause.* – If any provision, or part hereof, is held invalid or
21 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
22 valid and subsisting.

23 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
24 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
25 with the provisions of this act is hereby repealed, modified or amended accordingly.

1 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

Approved,