

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

6 AUG 28 2012

SENATE
S. B. No. **2450**

MAILED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In 1998, it was reported that there were 449 deaths per 100,000 population of the 5 - 9 year old age group in. In the Philippines, motor vehicle crashes were the third leading cause of overall mortality in the 10-14 year old age group. These accounted for 299 deaths per 100,000 population of the age group in 1998.

According to a study made by the Philippine Pediatric Society, Inc. in 2004, private owned motor vehicles make up 79.6% of all vehicles on Philippine roads. In the 5 -15 year old age group, traffic crashes are the 3rd leading overall cause of mortality. Lack of seat belts or improper use of restraints may account for a substantial portion of these deaths.

Adult seat belts are ill equipped to protect young children. Child seats provide effective restraint for young children riding in motor vehicles and minimize risk of death and injury during car crashes. However, the implementation of mandatory child seats may not be feasible, affordable, and sustainable in developing countries such as the Philippines.

Republic Act 8750 mandates the installation and use of adult seat belts in front and rear seats of any private motor vehicle. Children below six years of age are likewise prohibited from occupying the front seat of any moving motor vehicle. However, the Republic Act No. 8750 does not require the use of specialized seats or restraints for young children. This bill seeks to address that deficiency.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
REQUIRING THE USE OF SAFETY DEVICES FOR CHILDREN
RIDING IN MOTOR VEHICLES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Child Safety Device Act of 2006.”

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, and emphasizing that safe driving practices and proper use of safety devices remain the best way to protect children from traffic crashes and injuries resulting from vehicular accidents, this Act seeks to penalize any driver of a motor vehicle to travel which children on board without providing a safety device for such children

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

(A) “Adult” means any person eighteen (18) years old and above.

(B) “Children” means any person twelve (12) years and below.

(C) “Motor vehicle” means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power and is being used in any way to carry any child from one place to another

(D) “Safety devices” shall mean any device approved by the Land Transportation Office to ensure the safety of children riding in motor vehicles.

SECTION 4. *Prohibited Acts and Penalties for violation thereof.* – It shall be unlawful for any driver of a motor vehicle to travel which children on board without providing a safety device for such children. Any driver in violation of this provision shall be punished by a fine of One Thousand Pesos (P1,000.00) or imprisonment of not more than thirty (30) days, or both at the discretion of the court, taking into consideration all attending circumstances.

The license of such driver shall also be revoked upon final conviction for two (2) violations of this provision. Such revocation shall prohibit the grant of a new driver's license for the twelve (12) months from the date of the conviction.

It shall also be unlawful for any adult accompanying any child or to allow such child to travel on a motor vehicle which does not have safety devices for children, unless such adult provides one for the child's own use. Any person in violation of this provision shall be punished by a fine of Two Thousand Pesos (P2,000.00) or imprisonment of not more than thirty (30) days, or both at the discretion of the court, taking into consideration all attending circumstances.

SECTION 5. *Exceptions.* – The provisions of this Act shall not apply to public utility vehicles such as, but not limited to, jeepneys and buses, as well as to emergency vehicles. It shall likewise not apply to medical emergencies or when, because of the circumstances of the situation, riding in a motor vehicle without a safety device removes such child from an even greater or more imminent danger.

SECTION 6. *Implementing Agency.* – The Land Transportation Office shall be the primary implementing and supervising agency for the implementation of this Act. It shall formulate the necessary implementing rules and regulations immediately upon the approval of this Act which it shall promulgate not more than sixty (60) days after the approval such approval. It shall likewise formulate a procedure for the approval of safety devices for use by children in motor vehicles and to publish a list of such approved devices not more than ninety (90) days after the approval of this Act.

SECTION 7. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,