



# LEGISLATIVE RESEARCH SERVICE

## QUICK NOTES

Second Regular Session, 19<sup>th</sup> Congress

### Public Hearing of the Committee on Justice and Human Rights joint with the Committee on Public Services

**Chairperson: Sen. Francis N. Tolentino**

**29 November 2023, Wednesday, 10:00 a.m., Sen. Recto Room, Senate**

**Re: Amendment of RA 11235 (Motorcycle Crime Prevention Act)**

□ **S. No. 159—Sen. Joseph Victor G. Ejercito**

#### Background

- The use of motorcycles has become a popular and cost-effective mode of transportation, especially in congested cities with narrow streets. However, it has also been exploited by criminals who commit crimes while riding motorcycles, a practice known as "riding in tandem." The Philippine National Police (PNP) reports a high daily incidence of violence and criminal activity involving motorcycle-riding criminals, including robberies, muggings, shootings, abductions, and sexual assaults.
- In response to this issue, Republic Act No. 11235 was enacted to prevent motorcycle-related crimes. However, concerns have arisen about the excessive fines and penalties imposed on motorcycle riders for violating the law. Therefore, there is a proposal to amend the law by removing the penalty of imprisonment and reducing the fines to make it more equitable for motorcycle riders.



Riding in tandem caught in camera in General Santos City. Source: Bing images

#### Highlights of S. No. 159

- The bill seeks to remove the penalty of imprisonment of *arresto mayor* to *prision correccional* and to lower the fine imposed under RA 11235 to not more than five thousand pesos (P5,000.00). This penalty and fine are for failure of the owner of the

motorcycle to register it within five (5) days from its acquisition, or to immediately report its sale or disposition.

- The proposal seeks to implement a more innovative and technological solution by installing a Radio Frequency Identification System (RFID) sticker to every motorcycle. The data contained in the RFID sticker installed in the front of the motorcycle shall be readable by RFID scanners.
- Driving without an RFID sticker is prohibited under the proposal, and the driver of a motorcycle without a sticker shall be meted a fine of not more than five thousand pesos (P5,000.00).
- Failure of the owner of the motorcycle to report the lost, damaged, or stolen RFID sticker to the LTO and PNP shall subject the owner to a fine of not more than five thousand pesos (P5,000.00).
- The measure punishes the erasing, forging, or concealing of a readable number plate, or the intentional use of such erased, forged, or concealed readable number plate with a fine of not more than ten thousand pesos (P10,000.00).
- The proposal punishes the use of a stolen number plate by a fine of not more than ten thousand pesos (P10,000.00) without prejudice to criminal prosecution for violation of other laws.

#### **Possible Points for Discussion**

- **Rationale or objective for the amendment of RA 11235 (Motorcycle Crime Prevention Act):** The amendment of RA 11235 could be driven by various reasons, including the need for a more balanced and effective approach to motorcycle-related crime prevention. The government may have observed limitations or unintended consequences of the original law, such as the potential burden on motorcycle owners, issues with enforcement, or public outcry. An amendment could seek to address these concerns while still maintaining the primary objective of curbing motorcycle-related crimes. Additionally, changes may reflect evolving technological solutions, such as RFID stickers, that can enhance security and traceability without the need for front plates.
- **Possible consequences in deleting the penalty of imprisonment and decreasing the imposition of fines:** Deleting imprisonment penalties and reducing fines might be seen as a move toward a more lenient approach, aiming to strike a balance between crime prevention and the rights and financial burdens of motorcycle owners. Such changes could reduce the likelihood of overcriminalization and excessive punishment for minor infractions, especially for individuals with limited financial means. However, it might also raise concerns about the effectiveness of deterrence. A comprehensive discussion would consider how these changes may impact the law's ability to prevent motorcycle-related crimes and whether alternative measures are being introduced to compensate for the reduced penalties.

- **Number of incidents of violence and criminality committed by motorcycle-riding criminals:** To provide a thorough understanding of the situation, it is essential to present the latest available data on motorcycle-related crimes in the country. The discussion should delve into the types of crimes involved, their frequency, geographic distribution, and trends over time. This data can help assess the urgency of the issue and whether legislative changes are warranted. Additionally, examining the socioeconomic factors driving motorcycle-related crimes can offer insights into the root causes and potential preventive measures.
- **Manner of implementing the installation of RFID stickers instead of front plates:** This point can explore the practical aspects of implementing RFID stickers, such as the technology's reliability, cost-effectiveness, and ease of use. It is important to discuss the feasibility of widespread adoption and compliance among motorcycle owners. Potential challenges, such as issues with RFID system maintenance, data security, and enforcement procedures, should be addressed. A detailed plan for the phased implementation, including public awareness campaigns and regulatory guidelines, can also be part of the discussion.
- **Appropriation for the implementation of the measure:** A comprehensive discussion on appropriation may involve the allocation of funds for various aspects of the measure's implementation, including the procurement of RFID technology, personnel training, public education campaigns, and enforcement mechanisms. The source of funding and its sustainability over time should be considered, as well as the potential impact on the government's budget.