

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5595



Introduced by Rep. CESAR V. SARMIENTO and Rep. MARIANO MICHAEL M. VELARDE Jr.

EXPLANATORY NOTE

Cars usually serve as indicators of economic and social development. But without intensive education on road safety and adequate enforcement of road safety measures, these neutral engines of growth easily become instruments of death and damage in the hands of uninformed or unskilled motorists.

Road traffic deaths and injuries continue to be prevalent public health issues damaging innocent lives worldwide. In 2015 alone, the World Health Organization (WHO) reported that about 1.25 million road traffic deaths occur annually. It is considered as the leading cause of death in the youth bracket of all populations aged 15 to 29 and the sixth leading cause of death among children 5 to 9 years old.

In the Philippines, based on the data from the Philippine National Police, there had been 24,656 road crashes as of 2015, leaving 1,040 people dead. This figure does not even include those that are not reported. Moreover, in its Health Policy Notes, the Department of Health stressed that, among children 0-17 years of age, road crashes is the second leading cause of death (with mortality rate of 5.85/100,000), next to drowning.

The high statistics of road traffic deaths, injuries and damages locally and globally show the lack of government support to and implementation of road safety measures. No particular attention is being given particularly for the protection of children. The government's drive to prevent loss of or damage to life and properties on our roads must therefore be intensified by addressing legislative and implementation gaps.

One major legislative gap is the lack of law mandating the use of child restraint systems or special car seats for children. It may be noted that among the road safety laws being pushed by the United Nations and WHO, the requirement for the use of child restraint is one of the few remaining, if not the only remaining safety measure that the Philippines has not yet legislated.

Republic Act No. 8750 or the Seat Belt Law protects adults in the event of road crashes but does not specifically protects children and infants since seat belts

are not specifically designed for them. Moreover, in Section 11 of the law, the Land Transportation Office (LTO) is given only the discretion on whether or not to require the use of special car seats for infants.

Obviously and unfortunately, the LTO chooses not to impose or sees it as unnecessary to require the use of child restraint systems. But even if the LTO implements the said provision, the same will already be inadequate in view of recent legal and technological developments.

Hence, the filing of this bill. This measure is aimed at protecting infants and children from road crash deaths and injuries through the mandatory use of child restraint systems appropriate to the child's size, height and weight. Ultimately, the standards for such systems shall be based on international standards accepted by the United Nations before products can be used, sold, imported or distributed. Safety measures will also be determined to protect children aboard public utility vehicles.

This measure should not be seen as an unnecessary financial burden to the motoring public. The use of child restraint systems reduces or avoids the emotional and economic burden caused by a crash. It is already proven to have life-saving benefits. This bill is expected to protect millions of Filipino children being transported daily, amid the continuing growth in youth population and the corresponding increase in the demand for cars among Filipino consumers.

This bill is also in support of the "Westminster Declaration" and the UN General Assembly Resolution 70/260 calling for the reduction of road traffic deaths, injuries and damages. The House of Representatives has particularly adopted House Resolution No. 40 last 08 March 2017 supporting such international road safety initiatives.

In view of the foregoing, the passage of this bill is earnestly sought.



CESAR V. SARMIENTO



MARIANO MICHAEL M. VELARDE Jr.

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5595

Introduced by Rep. CESAR V. SARMIENTO and Rep. MARIANO MICHAEL M.
VELARDE Jr.

**AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILD
PASSENGERS IN MOTOR VEHICLES AND PROVIDING APPROPRIATIONS
THEREOF**

SECTION 1. Short Title. This Act shall be known as the "Child Safety in Motor Vehicles Act of 2017".

SECTION 2. Declaration of Policy. It is the policy of the State to ensure the safety of children while being transported in any form of motor vehicle. The State recognizes the right of children to assistance, including proper care, and special protection from all forms of neglect, abuse and other conditions prejudicial to their development, including exposure to safety risks while aboard motor vehicles.

In order to guarantee the safety and welfare of infants and children and prevent traffic-related deaths and injuries, there is a need to adequately, consistently and objectively require, regulate, promote, and inform the public on the use of child restraints systems in motor vehicles and provide access to safe, appropriate, quality and affordable child restraint systems, in accordance with international standards accepted by the United Nations.

Furthermore, there is also a need to study and determine appropriate safety measures for children being transported in public utility vehicles.

SECTION 3. Definition of Terms. For purposes of this Act, the term:

- a) "Child" refers to any person under eighteen (18) years old.
- b) "Motor vehicle" refers to any four-wheeled power-driven vehicle normally used for the carriage of persons or goods.
- c) "Driver" refers to the individual operating a motor vehicle.
- d) "Child Restraint System" means a device capable of accommodating a child occupant in a sitting or supine position. It is so designed as to diminish the risk

of injury to the wearer, in the event of a collision or an abrupt deceleration of the vehicle, by limiting the mobility of the child's body.

SECTION 4. Mandatory Use of Child Restraint System in Privately-Owned Motor Vehicles. It shall be unlawful for the driver of a privately-owned motor vehicle not to secure at all times a child in a child restraint system while transporting such child on any road, street or highway. The child restraint system shall be appropriate to the child's size, height and weight as prescribed by Section 6 of this Act.

The requirements of this section shall not apply to circumstances where the child restraint system would put such child in a greater danger, such as:

- (1) During medical emergencies;
- (2) When the child transported has a medical or developmental condition; or
- (3) Other analogous circumstances prescribed under the Implementing Rules and Regulations.

Notwithstanding the child being secured in a child restraint system, at no instance shall such child be left unaccompanied by an adult in a motor vehicle.

SECTION 5. Children in Rear Seats. No child under twelve (12) years of age shall be allowed to sit in a front seat of a motor vehicle.

SECTION 6. Mandatory Testing of Child Restraint Systems. The Department of Trade and Industry (DTI) is mandated to use as benchmark the standards set forth in UN Regulation 44 and UN Regulation 129 in the approval or disapproval of child restraint systems that will be sold, distributed and used in the Philippines.

The DTI shall conduct a mandatory testing of all manufactured and imported child restraints systems. All manufacturers, importers, distributors and sellers of child restraints systems are required to secure from the Bureau of Product Standards (BPS) a Philippine Standards (PS) mark license and/or Import Clearance Certificate (ICC) license prior to the marketing, sale and distribution of their products. The BPS shall issue periodically a list of child restraint systems manufacturers, importers and distributors, and the brands which pass its standards, and shall publish the same in a newspaper of general circulation and on its website.

SECTION 7. Prohibition on Substandard or Expired Child Restraint System. It shall be unlawful for any person, company, partnership, sole proprietorship, manufacturer, distributor, and/or importer to manufacture, use, import, sell, distribute, donate, lease, advertise, promote, or otherwise market the use of substandard or expired child restraint system.

SECTION 8. Certification Training Program. The DOTr is hereby mandated to formulate and implement a certification training program for product inspectors, law enforcers, manufacturers, distributors, and sellers on the regulation, installation,

use, maintenance and inspection of child restraint systems, as prescribed under the Implementing Rules and Regulations.

SECTION 9. Child Safety in Public Utility Vehicles. Nothing in this Act shall prohibit the DOTr from issuing rules and regulations requiring the use of child restraint systems in public utility vehicles such as, but not limited to, jeepneys, buses, including school buses, taxis, vans, coasters, accredited/affiliated service vehicles of Transportation Network Companies, and all other motor vehicles used for public transport.

Should the DOTr determine, after study, that child restraint systems are not applicable in certain public utility vehicles, it shall decide and issue other safety measures and/or regulations for the safe and secure transportation of children in such vehicles; *Provided*, That the study shall be conducted within three (3) years from the effectivity of this Act.

SECTION 10. Penalties. (a) Any driver in violation of Sections 4 and 5 of this Act shall be fined One Thousand Pesos (PhP1,000.00) for the first offense; Two Thousand Pesos (PhP2,000.00) for the second offense; Five Thousand Pesos (PhP5,000.00) and suspension of the driver's license for a period of one (1) year for the third and succeeding offenses.

(b) Any manufacturer, distributor, importer, retailer, and seller who violates Section 6 of this Act shall be punished with a fine of not less than Fifty Thousand Pesos (PhP50,000.00) but not more than One Hundred Thousand Pesos (PhP100,000.00) for each and every child restraint system product manufactured, distributed, imported and/or sold, without prejudice to other penalties imposed under Republic Act No. 7394 or the "Consumer Act of the Philippines."

(c) Any driver who knowingly allows the use of substandard and/or expired child restraint system or permits the use of child restraint system that does not bear the PS mark or the ICC sticker and certificate shall be fined One Thousand Pesos (PhP1,000.00) for the first offense; Three Thousand Pesos (PhP3,000.00) for the second offense; and Five Thousand Pesos (PhP5,000.00) and the suspension of the driver's license for a period of one (1) year for the third and succeeding offenses.

(d) Tampering, alteration, forgery and imitation of the PS mark or the ICC stickers in the child restraint system shall be punished with a fine of not less than Fifty Thousand Pesos (PhP50,000.00) but not more than One Hundred Thousand Pesos (PhP100,000.00), for each and every child restraint system product, without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines."

Provided, That the Department of Transportation (DOTr) is hereby empowered, after publication, to increase or adjust the amounts of the fines prescribed in this Section once every five (5) years in the amount not exceeding ten *per centum* (10%) of existing rates.

SECTION 11. Nationwide Public Information Campaign. The DOTr, the Philippine Information Agency (PIA), the Department of Education (DepEd) and

concerned private agencies and organizations shall undertake a regular nationwide Information, Education and Communication (IEC) campaign within six (6) months from the passage of this Act. The IEC campaign shall include information on the importance and the proper installation, use and maintenance of the child restraint systems.

The DOTr may call upon any government agency, including the Philippine National Police and non-governmental organizations (NGOs), to extend their full support and cooperation for the implementation of this Act.

SECTION 12. Review. The DOTr shall conduct a periodic review on the implementation of this Act and regularly recommend to Congress measures to further implement or improve the law.

SECTION 13. Appropriations. The initial amount necessary for the implementation of this Act shall be charged against the current appropriation of the DOTr; *Provided*, That fines and fees collected from the implementation of the Seatbelt Law may be used to augment the initial funding requirement of this Act; *Provided further*, That the fines and fees that may be collected in the enforcement of this Act shall be used exclusively for its implementation; *Provided finally*, That such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 14. Implementing Rules and Regulations. The Department of Transportation (DOTr), in consultation with the Department of Trade and Industry (DTI), Department of Health (DOH), Department of Interior and Local Government (DILG), Philippine National Police-Highway Patrol Group (PNP-HPG) and other concerned agencies and stakeholders, shall promulgate the Implementing Rules and Regulations (IRR) on child restraint systems within six (6) months from the effectivity date of this Act.

The IRR shall cover the following, but not limited to:

- a. Motor vehicles covered under this Act;
- b. Standards and kinds of child restraint systems based on UN Regulation 44 and UN Regulation 129;
- c. Compatibility of child restraint systems to motor vehicles available in the market;
- d. Proper installation and positioning of the child restraint system in the vehicle;
- e. Certification training program referred to in Section 10 for law enforcers, product inspectors, employees and agents of manufacturers, distributors, sellers and importers;
- f. Regulation of the manufacture, importation, and distribution of child restraint systems; and

- g. Authorities responsible for the monitoring and evaluation of the implementation and compliance to the provisions of this Act, including the phases of implementation.

SECTION 15. Separability Clause. If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or provision is not otherwise affected shall remain valid and subsisting.

SECTION 16. Repealing Clause. Section 5 of Republic Act No. 8750 and the portion of Section 11 thereof on the use of special car seats, and all other laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 17. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.