



HOUSE OF REPRESENTATIVES

H. No. 6938

BY REPRESENTATIVES VELARDE, SARMIENTO (C.), SARMIENTO (E.M.), ROBES, PIMENTEL, ACOP, ERICE, UNICO, ONG (H.), VIOLAGO, BAGATSING, LOPEZ (C.), SUANSING (E.), VARGAS, OLIVAREZ, ABU, SUANSING (H.), SAMBAR, PANCHO, REVILLA, MANALO, VILLAFUERTE, CASTELO, AUMENTADO, ONG (E.), ARENAS, GONZALES (A.D.), NIETO, SANDOVAL, MARQUEZ, GASATAYA, VELASCO-CATERA, TEJADA, BIAZON, BENITEZ, FERNANDO, LOBREGAT, MONTORO, DEL MAR, TAMBUNTING, FARIÑAS, BONDOC, DEFENSOR, MERCADO, HOFER, NOEL, TY, GONZALES (A.P.), MATUGAS, ALONTE, SAVELLANO, GARIN (O.), LOPEZ (B.), ORTEGA (V.N.), GARCIA (J.E.), NOGRALES (J.J.), SALO, HERRERA-DY, ROA-PUNO, PRIMICIAS-AGABAS, ATIENZA, GARBIN, DE VERA, BRAVO (A.), CAMPOS, TAN (A.), TING, GERON, ALVAREZ (F.), DURANO, ROMUALDO, CALIXTO-RUBIANO, MARIÑO, GO (M.), CATAMCO, VILLARICA, LOPEZ (M.L.), BELARO, MACEDA AND HERRERA-DY, PER COMMITTEE REPORT NO. 570

AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILD PASSENGERS IN MOTOR VEHICLES

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
2 “Child Safety in Motor Vehicles Act”.

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to
4 ensure the safety of children while being transported in any form of
5 motor vehicle. The State recognizes the right of children to

1 assistance, including proper care, and special protection from all
2 forms of neglect, abuse and other conditions prejudicial to their
3 development, including exposure to safety risks while aboard motor
4 vehicles.

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

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

15 SEC. 3. *Definition of Terms.* – As used in this Act:

16 (a) *Adult* refers to any person eighteen (18) years old and
17 above;

18 (b) *Child* refers to any person twelve (12) years old and below;

19 (c) *Motor vehicle* refers to any four (4)-wheeled power-driven
20 vehicle normally used for the carriage of persons or goods;

21 (d) *Driver* refers to the individual operating a motor
22 vehicle; and

23 (e) *Child restraint system* refers to a device capable of
24 accommodating a child occupant in a sitting or supine position. It is
25 so designed as to diminish the risk of injury to the wearer, in the
26 event of a collision or an abrupt deceleration of the vehicle, by
27 limiting the mobility of the child's body.

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

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

11 (a) During medical emergencies;

12 (b) When the child transported has a medical or
 13 developmental condition; or

14 (c) Other analogous circumstances prescribed under the
 15 implementing rules and regulations (IRR).

16 *Provided, however,* That if the child is at least one hundred
 17 fifty (150) centimeters or fifty-nine (59) inches in height or based on
 18 the standards of the height or size of the child as set forth in
 19 United Nations (UN) Regulations 44 and 129, including their
 20 evolving standards, the child may use the regular seat belt instead
 21 of a child restraint system.

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

25 SEC. 5. *Prohibition of Children in the Front Seats;*
 26 *Exception.* – No child under twelve (12) years of age shall be
 27 allowed to sit in a front seat of a motor vehicle: *Provided, however,*

1 That unless the child is at least one hundred fifty (150) centimeters
 2 or fifty-nine (59) inches in height and capable to properly fit in the
 3 regular seat belt in the front seat.

4 SEC. 6. *Mandatory Testing of Child Restraint Systems.* –
 5 The Department of Trade and Industry (DTI) is mandated to use as
 6 benchmark the standards set forth in UN Regulations 44 and 129
 7 including its evolving standards in the approval or disapproval of
 8 child restraint systems that will be sold, distributed and used in the
 9 Philippines.

10 The DTI shall conduct a mandatory testing of all locally
 11 manufactured child restraint systems and shall certify to the
 12 safety and appropriateness of imported child restraint systems.
 13 All manufacturers, importers, distributors and sellers of child
 14 restraint systems are required to secure from the Bureau of Product
 15 Standards (BPS) a Philippine Standards (PS) mark license and/or
 16 Import Clearance Certificate (ICC) license prior to the marketing,
 17 sale and distribution of their products. The BPS shall issue
 18 periodically a list of child restraint systems manufacturers,
 19 importers and distributors, and the brands which pass its
 20 standards, and shall publish the same in a newspaper of general
 21 circulation and on its website.

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

1 SEC. 8. *Certification Training Program.* – The Department
2 of Transportation (DOTr) and the DTI are hereby mandated to
3 formulate and implement a certification training program for
4 product inspectors, law enforcers, manufacturers, distributors, and
5 sellers on the regulation, installation, use, maintenance and
6 inspection of child restraint systems, as prescribed under the IRR of
7 this Act.

8 SEC. 9. *Child Safety in Public Utility Vehicles.* – The DOTr
9 shall conduct a study and recommend to Congress the use of child
10 restraint systems in public utility vehicles such as, jeepneys, buses,
11 including school buses, taxis, vans, coasters, accredited/affiliated
12 service vehicles of transportation network companies, and all other
13 motor vehicles used for public transport.

14 Should the DOTr determine, after study, that child restraint
15 systems are not applicable in certain public utility vehicles, it shall
16 recommend to Congress other safety measures and/or regulations
17 for the safe and secure transportation of children in such vehicles:
18 *Provided,* That the study shall be conducted within three (3) years
19 from the effectivity of this Act.

20 SEC. 10. *Penalties.* – (a) Any driver in violation of Sections 4
21 and 5 of this Act shall be fined one thousand pesos (P1,000.00) for
22 the first offense; two thousand pesos (P2,000.00) for the second
23 offense; five thousand pesos (P5,000.00) and suspension of the
24 driver's license for a period of one (1) year for the third and
25 succeeding offenses.

26 (b) Any manufacturer, distributor, importer, retailer, and
27 seller who violates Sections 6 and 7 of this Act shall be punished

1 with a fine of not less than fifty thousand pesos (P50,000.00) but not
2 more than one hundred thousand pesos (P100,000.00) for each and
3 every child restraint system product manufactured, distributed,
4 imported and/or sold, without prejudice to other penalties imposed
5 under Republic Act No. 7394 or the "Consumer Act of the
6 Philippines".

7 (c) Any driver who knowingly allows the use of substandard
8 and/or expired child restraint system or permits the use of child
9 restraint system that does not bear the PS mark or the ICC
10 sticker and certificate, shall be fined one thousand pesos (P1,000.00)
11 for the first offense; three thousand pesos (P3,000.00) for the second
12 offense; and five thousand pesos (P5,000.00) and the suspension of
13 the driver's license for a period of one (1) year for the third and
14 succeeding offenses.

15 (d) Tampering, alteration, forgery and imitation of the PS
16 mark or the ICC stickers in the child restraint system shall be
17 punished with a fine of not less than fifty thousand pesos
18 (P50,000.00) but not more than one hundred thousand pesos
19 (P100,000.00) for each and every child restraint system product,
20 without prejudice to other penalties imposed in Republic Act
21 No. 7394 or the "Consumer Act of the Philippines": *Provided,* That
22 the DOTr is hereby empowered, after publication, to increase or
23 adjust the amounts of the fines prescribed in this section once every
24 five (5) years in the amount not exceeding ten *per centum* (10%) of
25 existing rates.

26 SEC. 11. *Nationwide Public Information Campaign.* –
27 The DOTr, the Philippine Information Agency (PIA), the

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

8 The DOTr may call upon any government agency, including
 9 the Philippine National Police and nongovernmental organizations
 10 (NGOs), to extend their full support and cooperation for the
 11 implementation of this Act.

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

15 SEC. 13. *Implementing Rules and Regulations.* – The DOTr,
 16 in consultation with the DTI, Department of Health (DOH),
 17 Department of the Interior and Local Government (DILG),
 18 Philippine National Police-Highway Patrol Group (PNP-HPG),
 19 Metro Manila Development Authority (MMDA) and other concerned
 20 agencies and stakeholders, shall promulgate the IRR on child
 21 restraint systems within six (6) months from the effectivity
 22 of this Act.

23 The IRR shall cover the following:

- 24 (a) Motor vehicles covered under this Act;
 25 (b) Standards and kinds of child restraint systems based on
 26 UN Regulations 44 and 129;

1 (c) Compatibility of child restraint systems to motor vehicles
 2 available in the market;

3 (d) Proper installation and positioning of the child restraint
 4 system in the vehicle;

5 (e) Certification training program referred to in Section 8
 6 of this Act for law enforcers, product inspectors, employees and
 7 agents of manufacturers, distributors, sellers and importers;

8 (f) Regulation of the manufacture, importation, and
 9 distribution of child restraint systems; and

10 (g) Authorities responsible for the monitoring and evaluation
 11 of the implementation and compliance to the provisions of this Act,
 12 including the phases of implementation.

13 SEC. 14. *Separability Clause.* – If any provision, or part
 14 hereof, is held invalid or unconstitutional, the remainder of the law
 15 or provision not otherwise affected shall remain valid and
 16 subsisting.

17 SEC. 15. *Repealing Clause.* – Section 5 on the age of children
 18 prohibited to sit in the front seat and Section 11 on the use of
 19 special car seats under Republic Act No. 8750 are hereby amended.
 20 All other laws, decrees, executive orders, rules and regulations,
 21 issuances or parts thereof inconsistent with this Act are hereby
 22 repealed or amended accordingly.

23 SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15)
 24 days after its publication in the *Official Gazette* or in a newspaper of
 25 general circulation.

Approved,