

HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH (18<sup>TH</sup>) Congress  
First Regular Session

HOUSE BILL NO. 3401



Introduced by Rep. Bernadette Herrera-Dy

**AN ACT MANDATING ALL BUSES, TRUCKS, AND OTHER HEAVY VEHICLES TO UNDERGO PREVENTIVE MAINTENANCE WITH THEIR RESPECTIVE COMPANIES AND MONTHLY INSPECTIONS WITH THE LAND TRANSPORTATION OFFICE (LTO) TO PREVENT ACCIDENTS DUE TO MECHANICAL MALFUNCTION/FAILURE AND TO ENSURE ROAD SAFETY**

**Explanatory Note**

The Decade of Action for Road Safety (2011-2020) was declared by the United Nations in 2010. The resolution urged member states to take steps toward safer roads and mandated the World Health Organization (WHO) to monitor the efforts taken. Unfortunately, as the decade comes to a close, road accidents seem to surge more than it should. According WHO, road crashes kill more than 1.2 million people every year, costing governments about 3% of their gross domestic product. In the Philippines, the Department of Public Works and Highways recorded 1,513 deaths in 2013. However, WHO estimated that the actual number could be as high as 10,379. The Department of Health also stated that road crashes are likely to claim the lives of 300,000 Filipinos by 2020.

From 2015 to 2017, the Land Transportation Office (LTO) registered 10,410,814 motor vehicles. Thus, there is a need to effectively monitor the vehicles that crowd our roads. The PNP-Highway Patrol Group (PNP-HPG), Metropolitan Manila Development Authority (MMDA), and Philippine Statistics Authority (PSA) determined that vehicle defects or mechanical troubles such as brake failure are leading causes of road accidents. Other mechanical problems include worn-out/under-inflated tires, suspension and steering issues, headlight/tail light malfunction, engine and transmission problems, and faulty windshield wipers. Although these defects can be dangerous, it is important to note that these are actually preventable.

Specifically, heavy vehicles must be regularly maintained because these can be dangerous road hazards when caught up in accidents. Last April 19, 2017, thirty-one passengers died and forty-six people were injured when an overloaded mini-bus zoomed into a 100-foot ravine in Carranglan, Nueva Ecija. The police blamed tire explosion and brake malfunction for the bloody road accident. Last May 7, 2019, an AMV Travel and Tours bus had a head-on collision with a 10-wheeler truck loaded with wood, in Barangay Sta. Catalina in Atimonan. It was reported that over 70 people were hurt in the incident. The passengers claimed that the bus tried to overtake a car and lost control of the brakes, then slammed into an approaching truck. These accidents prove that there is a great need for brakes, tires, and engines to be regularly checked to ensure the safety of drivers, passengers, and other road users.

Performing regular inspection on a vehicle's brake system will signify early signs of failure such as brake fluid leaks and overheating. While drivers should maintain and inspect their vehicles regularly, it is also the responsibility of owners and companies of buses, trucks, and other heavy vehicles to oversee this. Companies must be liable and must require daily routine tune-ups and preventive maintenance of vehicles that they own. At the same time, the Land Transportation Office (LTO) must be involved in ensuring that these vehicles are legitimately safe for travel.

To this end, the state shall pursue a policy mandating buses, trucks, and other heavy vehicles to undergo preventive maintenance with their respective companies and monthly inspections with

the Land Transportation Office (LTO) to prevent accidents due to mechanical malfunction and to ensure road safety.

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

  
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**Section 1. *Short Title.*** This Act shall be known as "Heavy Vehicle Preventive Maintenance Act of 2019."

**Section 2. *Declaration of Policy.*** The state shall prioritize the safety of its citizens and regulate public transportation. To ensure public safety, the government shall ensure road worthiness of vehicles and maintain effective precautionary measures. The government shall pursue a policy mandating buses, trucks, and other heavy vehicles to undergo preventive maintenance with their respective companies and monthly inspections with the Land Transportation Office (LTO) to prevent accidents due to mechanical malfunction and to ensure road safety.

**Section 3. *Mandatory Preventive Vehicle***

***Maintenance of Buses, Trucks, and Other Heavy Vehicles.*** Buses, trucks, and other similar heavy vehicles shall undergo preventive maintenance daily with their respective owners and companies in accordance to their manufacturer's manual. Companies must keep records of proof of maintenance and ensure its legitimacy. Failure to comply shall be penalized under Section 9 of this Act.

**Section 4. *Mandatory Vehicle Inspection of the Land Transportation Office (LTO).*** Buses, trucks, and other similar heavy vehicles shall undergo monthly system inspection from the Land Transportation Office (LTO). The LTO shall give a certification that the vehicles are fit to travel before being allowed to do so. With the number of vehicles for inspection, LTO shall provide maximum effort to accommodate and to schedule inspections accordingly, coordinate with all LTO branches, and hire the necessary personnel and/or inspectors for the purposes of this Act.

**Section 5. *Responsibilities and Liabilities of Companies of Buses, Trucks, and Other Heavy Vehicles.*** Companies shall be ultimately liable if upon proper investigation, vehicles under their care are determined to cause accidents, road hazards, or traffic disturbances due to mechanical malfunction or failure. Circumstances of mechanical failure shall be determined under Section 6 of this Act. They shall also be responsible to submit their vehicles to inspection by the Land Transportation Office (LTO) and to have it certified before their vehicles are allowed to travel. They shall ensure that their practice of preventive maintenance of vehicles are legitimate. Companies must also practice maximum effort in the proper maintenance of their vehicles and proper education of their drivers.

**Section 6. *Circumstances of Mechanical Failure.*** Unless otherwise proven, circumstances that are qualified as mechanical failure shall include but are not limited to the following:

- a) Loss or faulty brake system
- b) Weak or empty battery
- c) Broken fuel filter or engine air filter
- d) Overheating of engine or radiator
- e) Flat tires due to weak tire pressure



1 Other circumstances shall be determined by the Land Transportation Office (LTO).

2 **Section 7. Record of Preventive Maintenance of Vehicles.** Records of preventive  
3 maintenance from companies of buses, trucks, and other heavy vehicles and certification of  
4 inspection from the Land Transportation Office shall be kept ready for investigation. As seen  
5 necessary for the investigation, these shall be surrendered, unless agreed otherwise, to  
6 government personnel, legal bodies, and able courts that are tasked to investigate and  
7 prosecute criminal activities and civil offenses.

8 **Section 8. Education and Practical Learning on the Preventive Maintenance of Vehicles.**  
9 The Land Transportation Office (LTO), the Department of Transportation (DOTr), the  
10 Department of Education (DepEd), the Commission Higher Education (CHED), Local  
11 Government Units (LGUs), barangays, driving schools, and the academe shall provide an  
12 avenue for the education and/or practical learning of the preventive maintenance of vehicles so  
13 as to inform the public of appropriate safety measures. These may include but are not limited  
14 to simulations, seminars, inclusion in the curriculum, short courses, and other media.

15 **Section 9. Penal Provisions.** Any person, owner, representative, of companies of buses,  
16 trucks, and other heavy vehicles, whose vehicle has been involved in accidents and traffic  
17 disturbances due to faulty brake systems or any other mechanical malfunction/failure, shall be  
18 ultimately liable. Companies shall pay a fine of five hundred thousand pesos (P500,000) and  
19 have their business permits and licenses suspended or cancelled under relevant and  
20 appropriate agencies, upon discretion of the court.

21 **Section 10. Fund Sources.** The amounts necessary to implement this Act shall be included in  
22 the annual General Appropriations Act.

23 **Section 11. Implementing Rules and Regulations.** Within ninety (90) days from the effectivity  
24 of this Act, the Land Transportation Office (LTO), the Department of Transportation (DOTR),  
25 and Land Transportation Franchising and Regulatory Board (LTFRB) in consultation with  
26 appropriate government agencies and other stakeholders, shall promulgate the necessary rules  
27 and regulations to implement this Act.

28 **Section 12. Separability Clause.** If, for any reason or reasons, any part of the provision of this  
29 Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not  
30 affected thereby shall continue to be in full force and effect.

31 **Section 13. Repealing Clause.** All laws, decrees, orders, rules, and regulations, or parts  
32 thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified  
33 accordingly.

34 **Section 14. Effectivity Clause.** This Act shall take effect after fifteen (15) days following its  
35 publication in the Official Gazette and at least two (2) newspapers of general circulation.

36 **Approved,**