



Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 4670

Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE

Initiatives to address the worsening transport crisis tend to dominate the public discourse and remedial measures proposed are primarily centered on alleviating the plight of motorists and commuters. Conveniently sidelined in the race to identify and propose solutions to the traffic problem are the pedestrians whose protection appear to be neglected and whose safety, when compromised on any road, are merely relegated as ordinary traffic incidents.

The root causes of road traffic deaths and injuries are often overshadowed by the growing conundrum of vehicular traffic. Measures to effectively address road traffic deaths and injuries have not been seriously considered and pushed with steadfastness. As a result, deaths and injuries associated with road traffic continued to rise and has reached alarming levels in recent years.

In its Global Status Report on Road Safety released in 2018, the World Health Organization (WHO) reported that road traffic deaths continue to rise in the Philippines, with an estimated 12,690 deaths in 2016. About half of the number of road traffic deaths involved vulnerable road users such as motorcyclists, cyclists and pedestrians.¹

The WHO considers road traffic injuries as major but neglected public health challenge. It underscores that unsafe road traffic systems are seriously harming global public health and development. It contends that the level of road traffic injury is unacceptable but it is largely avoidable.²

Indeed, a serious effort to put in place an effective and sustainable prevention measure is now imperative. This effort can commence by enhancing our archaic traffic laws, according paramount consideration to the protection and safety of pedestrians, penalizing any person who violates the traffic laws, and mandating the training of violators.

REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan

¹ <https://news.abs-cbn.com/news/12/21/18/road-traffic-deaths-continue-to-rise-in-the-philippines-who-report> (date last accessed: August 6, 2019).

² https://www.who.int/violence_injury_prevention/publications/road_traffic/world_report/en/ (date last accessed: August 6, 2019).



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AN ACT

**STRENGTHENING THE PROTECTION AND SAFETY OF PEDESTRIANS,
FURTHER AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4136, AS
AMENDED, OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND
TRAFFIC CODE, AND FOR OTHER PURPOSES**

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

SECTION 1. *Title.* – This Act shall be known as the “Pedestrian Safety
Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
to provide and ensure safe and convenient pedestrian travel and access, whether
by foot, wheelchair, walker, stroller or any other similar means. To this end, the
State shall provide convenient and safe passage for pedestrians on and across all
streets and highways, and reduce pedestrian fatalities and injuries.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms
shall be understood as follows:

(a) Crosswalk is that part of the roadway set aside for pedestrian traffic;

(b) Intersection is any place where one line of roadway meets another
roadway. Intersections include cross streets, side streets, alleys, freeway
entrances, and any other location where vehicles traveling on different highways
or roads join each other;

(c) Pedestrian is a person on foot or who uses a conveyance such as roller
skates, skateboard, wheelchair, etc., other than a bicycle.

SEC. 4. *Right-of-Way of Pedestrians.* – A new Article of the Land

1 Transportation and Traffic Code, as amended, is hereby added after Article III to
2 read as follows:

3 **ARTICLE III-A**

4 **RIGHTS-OF-WAY OF PEDESTRIANS**

5 **"SEC. 44-A. RIGHT-OF-WAY OF PEDESTRIANS. – (A) THE**
6 **DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO A**
7 **PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY MARKED**
8 **CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN**
9 **INTERSECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS**
10 **SECTION.**

11 **"(B) THE DRIVER OF A VEHICLE APPROACHING A**
12 **PEDESTRIAN WITHIN ANY MARKED OR UNMARKED**
13 **CROSSWALK SHALL EXERCISE ALL DUE CARE AND SHALL**
14 **REDUCE THE SPEED OF THE VEHICLE OR TAKE ANY OTHER**
15 **ACTION RELATING TO THE OPERATION OF THE VEHICLE AS**
16 **NECESSARY TO ENSURE THE SAFETY OF THE PEDESTRIAN.**

17 **"(C) NOTWITHSTANDING THE PROVISION OF ANY LAW TO**
18 **THE CONTRARY, THIS SECTION SHALL NOT RELIEVE:**

19 **"1. A PEDESTRIAN FROM USING DUE CARE FOR HIS OR**
20 **HER SAFETY. NO PEDESTRIAN SHALL SUDDENLY LEAVE A**
21 **CURB OR OTHER PLACE OF SAFETY AND WALK OR RUN INTO**
22 **THE PATH OF A VEHICLE THAT IS SO CLOSE AS TO**
23 **CONSTITUTE AN IMMEDIATE HAZARD. NO PEDESTRIAN SHALL**
24 **ALSO UNNECESSARILY STOP OR DELAY TRAFFIC WHILE IN A**
25 **MARKED OR UNMARKED CROSSWALK; AND**

26 **"2. A DRIVER OF A VEHICLE FROM THE DUTY OF**
27 **EXERCISING DUE CARE FOR THE SAFETY OF ANY**
28 **PEDESTRIAN WITHIN ANY MARKED CROSSWALK OR WITHIN**
29 **ANY UNMARKED CROSSWALK AT AN INTERSECTION.**

30 **"SEC. 44-B. REMOVAL OF CROSSWALKS. – (A) AN**
31 **EXISTING MARKED CROSSWALK MAY NOT BE REMOVED**
32 **UNLESS NOTICE AND OPPORTUNITY TO BE HEARD IS**
33 **PROVIDED TO THE PUBLIC NOT LESS THAN THIRTY (30) DAYS**
34 **PRIOR TO THE SCHEDULED DATE OF REMOVAL. IN ADDITION**
35 **TO ANY OTHER PUBLIC NOTICE REQUIREMENTS, THE NOTICE**
36 **OF PROPOSED REMOVAL SHALL BE POSTED AT THE**
37 **CROSSWALK IDENTIFIED FOR REMOVAL.**

38 **"(B) THE NOTICE REQUIRED BY SUBSECTION (A) ABOVE**

1 SHALL INCLUDE, BUT NOT BE LIMITED TO, NOTIFICATION TO
2 THE PUBLIC OF THE FOLLOWING:

3 "1. THAT THE PUBLIC MAY PROVIDE COMMENTS OR
4 INPUTS RELATING TO THE SCHEDULED REMOVAL; AND

5 "2. THE FORM AND MANNER OF PROVIDING THE
6 COMMENTS OR INPUTS AUTHORIZED UNDER PARAGRAPH (1)
7 ABOVE.

8 "SEC. 44-C. PROHIBITED OVERTAKING AT
9 INTERSECTIONS. – WHENEVER ANY VEHICLE HAS STOPPED
10 AT MARKED CROSSWALK OR AT ANY UNMARKED
11 CROSSWALK AT AN INTERSECTION TO PERMIT A PEDESTRIAN
12 TO CROSS THE ROADWAY, THE DRIVER OF ANY OTHER
13 VEHICLE APPROACHING FROM THE REAR SHALL NOT
14 OVERTAKE AND PASS THE STOPPED VEHICLE.

15 "SEC. 44-D. DRIVING OVER SIDEWALKS. – THE DRIVER OF
16 ANY MOTOR VEHICLE, PRIOR TO DRIVING OVER OR UPON ANY
17 SIDEWALK, SHALL YIELD THE RIGHT-OF-WAY TO ANY
18 PEDESTRIAN APPROACHING THEREON.

19 "SEC. 44-E. UNDERPASS AND OVERPASS. – WHENEVER
20 ANY PEDESTRIAN CROSSES A ROADWAY OTHER THAN BY
21 MEANS OF A PEDESTRIAN TUNNEL OR OVERHEAD
22 PEDESTRIAN CROSSING, IF A PEDESTRIAN TUNNEL OR
23 OVERHEAD CROSSING SERVES THE PLACE WHERE THE
24 PEDESTRIAN IS CROSSING THE ROADWAY, SUCH PEDESTRIAN
25 SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES ON THE
26 ROADWAY SO NEAR AS TO CONSTITUTE AN IMMEDIATE
27 HAZARD.

28 "THE PROVISION OF ANY LAW TO THE CONTRARY
29 NOTWITHSTANDING, THIS SECTION SHALL NOT BE TAKEN AS
30 A PROHIBITION AGAINST THE PROVISION OF CROSSWALKS
31 WHERE A PEDESTRIAN TUNNEL OR OVERHEAD CROSSING
32 EXISTS, SHOULD PUBLIC NECESSITY AND SAFETY DICTATE.

33 "SEC. 44-F. INSTANCES WHERE PEDESTRIANS SHALL
34 YIELD TO VEHICLES. – EVERY PEDESTRIAN UPON A ROADWAY
35 AT ANY POINT OTHER THAN WITHIN A MARKED CROSSWALK
36 OR WITHIN AN UNMARKED CROSSWALK AT AN INTERSECTION
37 SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES UPON THE
38 ROADWAY SO NEAR AS TO CONSTITUTE AN IMMEDIATE
39 HAZARD: *PROVIDED*, THAT, THE DRIVER OF A VEHICLE SHALL

1 CONTINUE TO EXERCISE DUE CARE FOR THE SAFETY OF ANY
2 PEDESTRIAN UPON A ROADWAY.

3 "SEC. 44-G. CROSSING ON CROSSWALKS. – BETWEEN
4 ADJACENT INTERSECTIONS CONTROLLED BY TRAFFIC
5 CONTROL SIGNAL DEVICES OR BY POLICE OFFICERS OR
6 TRAFFIC ENFORCERS, PEDESTRIANS SHALL NOT CROSS THE
7 ROADWAY AT ANY PLACE EXCEPT IN A CROSSWALK.

8 "SEC. 44-H. ROADWAYS. – (A) NO PEDESTRIAN MAY WALK
9 UPON ANY ROADWAY OUTSIDE OF A BUSINESS OR
10 RESIDENTIAL DISTRICT OTHER THAN CLOSE TO HIS OR HER
11 LEFT-HAND EDGE OF THE ROADWAY.

12 "(B) A PEDESTRIAN MAY WALK CLOSE TO HIS OR HER
13 RIGHT-HAND EDGE OF THE ROADWAY IF A CROSSWALK OR
14 OTHER MEANS OF SAFETY CROSSING THE ROADWAY IS NOT
15 AVAILABLE OR IF EXISTING TRAFFIC OR OTHER CONDITIONS
16 WOULD COMPROMISE THE SAFETY OF A PEDESTRIAN
17 ATTEMPTING TO CROSS THE ROAD.

18 "SEC. 44-I. SOLICITATION OF RIDES. – NO PERSON SHALL
19 STAND IN A ROADWAY WHICH IS NOT AN AUTHORIZED
20 LOADING AND UNLOADING ZONE FOR THE PURPOSE OF
21 SOLICITING A RIDE FROM THE DRIVER OF ANY VEHICLE.

22 "SEC. 44-J. PENALTIES. – (A) THE DRIVER OF A VEHICLE
23 THAT VIOLATES THE PROVISIONS OF THIS ACT SHALL BE
24 PUNISHED BY A FINE RANGING FROM PHP2,000.00 TO
25 PHP20,000.00;

26 "(B) A PEDESTRIAN FOUND TO BE VIOLATING THE
27 PROVISIONS OF THIS ACT SHALL BE PUNISHED BY A FINE
28 RANGING FROM PHP1,000.00 TO PHP10,000.00.

29 "THE FINES IMPOSED HEREIN SHALL BE WITHOUT
30 PREJUDICE TO ANY OTHER CRIMINAL, CIVIL, OR
31 ADMINISTRATIVE CASE THAT MAY BE FILED AGAINST THE
32 OFFENDER.

33 "SEC. 44-K. TRAINING WITH TESDA. – ANY PERSON WHO
34 HAS VIOLATED THE PROVISIONS OF THIS ACT SHALL, IN
35 ADDITION TO THE PENALTIES PRESCRIBED IN SECTION 44-J,
36 BE REQUIRED TO UNDERGO THE APPROPRIATE TRAINING OR
37 REFRESHER COURSE WITH THE TECHNICAL EDUCATION AND
38 SKILLS DEVELOPMENT AUTHORITY (TESDA)."

1 **SEC. 5. No Contact Apprehension.** – To ensure the documentation of
2 violations, the apprehension of offenders, and the imposition of the appropriate
3 penalties provided under this Act even in the absence of traffic enforcers or police
4 officers onsite, closed-circuit television (CCTV) systems shall be installed at
5 crosswalks, intersections, and such portions of roadways as may be deemed
6 necessary for the proper monitoring of motorists and pedestrians. For this
7 purpose, the installation and maintenance of CCTV systems shall be the
8 responsibility of the Department of Public Works and Highways (DPWH), for
9 national roads; and the local government units (LGUs), for provincial, municipal,
10 and barangay roads. *Provided, That* LGUs may enter into Public-Private
11 Partnership Agreements for the installation and operation CCTV systems in their
12 respective jurisdictions subject to their compliance with the provisions of Republic
13 Act (RA) No. 6957, as amended by RA No. 7718, and its Implementing Rules and
14 Regulations.

15 The procedure for issuing citations for violations and enforcement of
16 penalties shall be provided in the rules and regulations implementing the
17 provisions of this Act.

18 **SEC. 6. Information Campaign.** – The Department of Transportation (DOTr)
19 shall conduct sustained information and education drives aimed at enhancing
20 pedestrian and driver education.

21 The DOTr and the Land Transportation Office shall also closely coordinate
22 with the TESDA for the establishment of a training program for drivers and
23 pedestrians consistent with the provisions of this Act.

24 **SEC. 7. Funding.** – The funds necessary for the initial implementation of
25 this Act shall be charged against the current appropriation of the DOTr. Thereafter,
26 such amount as may be necessary for the continued implementation of this Act
27 shall be included in the annual budget of the DOTr under the General
28 Appropriations Act.

29 **SEC. 8. Implementing Rules and Regulations.** – The DOTr, in consultation
30 with the appropriate stakeholders and in coordination with the relevant government
31 agencies that regulate traffic, shall promulgate the implementing rules and
32 regulations within sixty (60) days from the effectivity this Act.

33 **SEC. 9. Separability Clause** – If, for any reason, any part or provision of this
34 Act is declared invalid or unconstitutional, the remaining parts or provisions not
35 affected shall remain in full force and effect.

36 **SEC. 10. Repealing Clause** – Section 42(c) of Republic Act No. 4136,
37 otherwise known as the Land Transportation and Traffic Code, as amended, is
38 hereby repealed. All other laws, presidential decrees, executive orders, rules and
39 regulations contrary to or inconsistent with the provisions of this Act are hereby

1 repealed or modified accordingly.

2 **SEC. 11. *Effectivity*** – This Act shall take effect fifteen (15) days after its
3 publication in the Official Gazette, or in a newspaper of general circulation.

Approved.