

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. **2101**

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	27 JUL 2016
TIME:	6:15 PM
BY:	[Signature]
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by: Representative Emi Calixto-Rubiano

Explanatory Note


Traffic laws are promulgated to establish order on roadways and ensure safety of motorists and pedestrians alike. While the country is implementing traffic rules and regulations in accordance with internationally recognized standards, such rules proved wanting and deficient in so far as pedestrian protection is concerned.

The protection of pedestrians is admittedly of paramount consideration in traffic regulations. However, this concern has not been properly and sufficiently addressed and defined in our own traffic laws. A cursory search of our traffic laws and regulations reveals that said laws focus greatly on motorists, placing pedestrians on the sidelines.

This bill therefore, seeks to address the seeming neglect of the rights of pedestrians in our traffic laws thereby ensuring their protection and safety.

This proposed bill is a **re-filed measure** from the 15th and 16th Congresses filed by this humble Representation. During the previous Congress, it was referred to the Committee on Transportation and was deliberated by the said Committee.

In view of the foregoing, the passage of this measure is earnestly requested.


EMI CALIXTO-RUBIANO
Representative
Lone District of Pasay City

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House Bill No. **2101**

Introduced by REP. EMI CALIXTO-RUBIANO

**AN ACT DEFINING PEDESTRIAN SAFETY GUIDELINES
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

Section 1. *Short title.* This Act shall be known as the “**Pedestrian Protection Act of 2016**”.

Section 2. *Declaration of Policy.* It is hereby declared the policy of the State to protect pedestrians from traffic hazards and ensure their safety.

Section 3. *Definition of Terms.* For the purposes of this Act, the following terms are defined, thus:

1. Pedestrian lane or Crosswalk: (a) That part of a public road at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable public road, or (b) Any portion of a public road at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
2. Pedestrian: Pedestrians are persons travelling on foot. The term is understood to include: "a person afoot, in a wheelchair, on skates, or on a skateboard";
3. Sidewalk: That portion of a street between the curblane, or the lateral line, of a public road and the adjacent property lines, intended for use by pedestrians. Specifically refers to areas running parallel to both sides of a public road, with a width and elevation as may be deemed appropriate for safe and convenient pedestrian passage by the local government unit (LGU) concerned in consultation with the Department of Public Works and Highways (DPWH);
4. Public road: All streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any LGU.

Section 4. *Rights and Duties of Pedestrian.* The pedestrians have the following right to:

A. Pedestrian crossing in general.

1. Where sidewalks are provided, pedestrians shall, unless required by other circumstances, walk along sidewalks. No pedestrian shall walk along and upon the portion of a public road paved for vehicular traffic.
2. Where sidewalks are not provided, a pedestrian walking along and upon a public road shall, when practicable, walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic which may approach from the opposite direction.
3. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any public road except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.
4. The driver of a vehicle at any crosswalk where a sign so indicates shall stop and remain stopped to allow a pedestrian to cross a public road when the pedestrian is in the crosswalk or pedestrian lane or steps into the lane and is upon the half of the public road upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
5. When traffic control signals are not in place or in operation and no sign indicates otherwise, the driver of a vehicle shall yield, slowing down or stopping if need be to so yield, to a pedestrian crossing the road within a pedestrian or crosswalk when the pedestrian is upon the half of the public road upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the public road as to be in danger.
6. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
7. When a vehicle is stopped at a crosswalk to permit a pedestrian to cross the public road, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
8. A pedestrian may not cross an intersection diagonally except where and when crossing is authorized by official traffic control devices.
9. Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

10. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the public road and, if on a two-way public road, shall walk only on the left side of the road.

B. Pedestrian crossing by visually or mobility impaired pedestrians

1. When a pedestrian is trying to cross a public road or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick, an approaching driver is obliged to bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian.

2. Only a blind person or a mobility impaired person may carry a cane or walking stick in a raised or extended position on a public street or highway.

3. If a mobility-impaired person (using a guide dog or service animal, a walker, a crutch, an orthopedic cane, or a wheelchair), is in the process of crossing a roadway at an intersection, a driver approaching the intersection must stop before arriving at the intersection and take reasonable precautions to avoid injuring such a pedestrian.

Section 5. Penalties. – (A) Persons found guilty in violation of the rights of the Pedestrian as defined in the preceding Section shall be penalized with a fine of not less than One Thousand Pesos (PhP1,000.00) but not more than Five Thousand Pesos (PhP5,000.00) or imprisonment of not less than one (1) month but not more than one (1) year, or both at the discretion of the court.

(B) The penalty contained herein is without prejudice to the award of damages to the aggrieved party, as may be proven during the trial. The institution of a criminal action shall impliedly include the civil action, unless a separate civil action has been filed or a reservation for the filing of such action is made in accordance with the Rules of Court.

Section 6. Duty of LGU and DPWH. It shall be the duty of the LGU concerned and the DPWH to:

- a) Provide sidewalks in public roads within their jurisdiction for the use of the pedestrians. Provided that for public roads which, for reasons of lack of land area, easement or legal right protected by law, sidewalks may not be provided, the appropriate LGU shall designate passing lanes which may be lesser in dimension than regular sidewalks but which shall, in every case, be adequate for safe and convenient pedestrian passage. The LGU and the DPWH shall ensure that such sidewalk is free of any obstruction which may endanger the safety of pedestrians or hamper the free passage on the sidewalk.
- b) Ensure that clearly marked and visible signages are posted and conspicuously placed to indicate on-going construction activities or repair work along public roads or sidewalk;

Failure to observe the above duties shall make the LGU concerned and the DPWH liable for damages should any pedestrian be injured in connection with the above. Administrative and criminal liability may also attach to the officials and employees directly responsible for the omission causing injury to the pedestrian.

Section. 7. *Implementing Rules.* One month after the enactment of this Act, the Department of Transportation and Communications (DOTC) and the Land Transportation Office (LTO), in consultation with concerned Non-Government Organizations and People's Organizations shall promulgate the implementing rules and regulations (IRR) for the effective implementation of this Act.

Section 8. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,