



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City

Eighteenth Congress
First Regular Session

5592

HOUSE BILL NO. _____



Introduced by Representative Florencio Gabriel "Bem" G. Noel

EXPLANATORY NOTE

Article XV, Section 3 (2) of the 1987 Constitution states:

"The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."

Leaving a child alone in a car can be considered a form of neglect. Based on studies, every year, there are a lot of children who die from heat stroke and hyperthermia because they have been left unattended in closed automobiles. These fatalities have been slightly augmented in the past decade, however, the circumstances surrounding these unfortunate incidents have not yet been determined.

In the Philippines, different cases of death of children were reported due to suffocation inside motor vehicles in 2017.¹ In the first quarter of 2019, three young girls were found dead after accidentally locking themselves in a car where they suffocated.² Thus, there is an urgent call for a law to call forth public awareness about the dangers of leaving unattended children inside motor vehicles, especially in periods of extreme weather conditions. Moreover, a study found that a motor vehicle left for an hour in

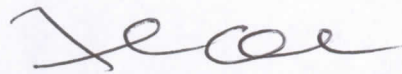
¹ <https://www.gmanetwork.com/news/news/metro/594695/8-year-old-girl-left-inside-car-dies-of-suffocation/story/>;
<https://www.manilatimes.net/2017/01/10/business/health-industry/doh-warns-suffocation-risk-cars/306073/306073/>; <https://news.abs-cbn.com/news/01/19/17/child-suffocates-inside-parked-car-in-davao>

² 2019. May 17 Three child cousins are found dead after accidentally locking themselves in a car in 35C heat for four hours in the Philippines. Pleasance, Chris. Daily Mail Online Retrieved from: <https://www.dailymail.co.uk/news/article-7040565/Three-child-cousins-die-getting-locked-car-35C-heat-Philippines.html>

the sun may heat up to 116 degrees Fahrenheit, a temperature that may cause organ failure, brain damage and death to toddlers.

This bill seeks to heed the urgent call instilling public awareness about the dangers of leaving children unattended inside motor vehicles. Through legislation and education, occurrence of death, or injury, to unsupervised children under nine (9) years old inside motor vehicles, when there are conditions that present a significant risk to the child's health and safety, or when the vehicle's engine is running or the vehicle's keys are in the ignition, or both can be prevented.

In light of the foregoing, the immediate passage of this bill is highly encouraged.



FLORENCIO GABRIEL "BEM" G. NOEL
An Waray Party-list Representative



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HOUSE BILL NO. 5592

Introduced by Representative Florencio Gabriel “Bem” G. Noel

AN ACT PROTECTING UNATTENDED CHILDREN IN MOTOR
VEHICLES

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

SECTION 1. *Title.* - This Act shall be known as the “*Unattended Child in Motor Vehicles Act.*”

SEC. 2. *Declaration of Policy.* - It is hereby the policy of the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. To this end, the State shall adopt a more proactive and preventive approach to secure the safety of passengers, especially children, by regulating the operation of vehicle and penalizing persons who leave children unattended inside a motor vehicle. The State shall also inculcate the standards of safe use of motor vehicles and the benefits that may be derived from it through institutional programs and appropriate public information strategies.

SEC. 3. *Unattended Child in Motor Vehicles.* - It shall be unlawful for a person to intentionally, recklessly, knowingly or negligently cause or permit to leave a child under nine (9) years of age inside a motor vehicle without being subject to the supervision of a person who is fifteen (15) years old or above, under any of the following circumstances:

- a) When there are conditions that present a significant risk to the child’s health or safety; or

- b) When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

For the purposes of this Act, the term "*motor vehicle*" refers to any land transportation vehicle propelled by any power, other than muscular power, excluding tricycle, motorcycle and jeepney.

SEC. 4. *Penalty.* - Any person who violates the provisions of this Act shall be liable for an administrative fine in the amount of Ten Thousand Pesos (Php10,000.00) for the first offense; Twenty Thousand Pesos (Php20,000.00) for the second offense; and Fifty Thousand Pesos (Php50,000.00) for the third and succeeding offenses.

If, as a result of such violation, less serious or serious injuries result, the offender shall additionally be punished with a penalty of imprisonment of one (1) year. If death occurs as a result thereof, a penalty of imprisonment ranging from two (2) years to six (6) years shall be additionally imposed on the offender.

Nothing herein shall preclude the filing of charges for violation of Act No. 3815, otherwise known as "The Revised Penal Code of the Philippines," as amended, and other special laws.

All persons in violation of this Act shall also be required to undergo driver education seminars with the Land Transportation Office (LTO), which shall include education on the dangers of leaving young children unattended in motor vehicles.

SEC. 5. *Lead Agency.* - The Land Transport Office (LTO) shall take the lead in implementing the provisions of this Act. The LTO shall have the authority to deputize members of the Philippine National Police (PNP), the Metropolitan Manila Development Authority (MMDA), other metropolitan councils and the responsible officer of local government units (LGUs) to enforce the provisions of this Act.

The LTO shall also be empowered to adjust the amount of fines herein imposed: Provided, That:

- a) The adjustment shall be made only once every three (3) years, and after public consultation;
- b) The amount of adjustment shall not exceed twenty percent (20%) of the amount sought to be adjusted;
- c) A thorough study shall have been conducted indicating that the existing amounts are no longer an effective deterrent; and

- d) Current relevant economic indices, such as the Consumer Price Index (CPI), have been considered in the determination of the adjusted amount.

SEC 6. *Public Information Campaign.* - The LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd), Department of Health (DOH), and other relevant stakeholders, shall regularly undertake a nationwide information and education campaign regarding the provisions of this Act.

SEC. 7. *Implementing Rules and Regulations.* - The LTO, in coordination with the Department of Transportation (DOTr), Department of Interior and Local Government (DILG) and other relevant government agencies, in consultation with relevant stakeholders, shall issue the implementing rules and regulations for the effective implementation of this Act within sixty (60) days after the effectivity of this Act.

SEC 8. *Separability Clause.* - If, for any reason, any section or provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC 9. *Repealing Clause.* - All laws, decrees, or rules and regulations, which are inconsistent with or contrary to the provisions of this Act, are hereby amended or repealed.

SEC 10. *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.

Approved,