

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL **1319**

HOUSE OF REPRESENTATIVES

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Introduced by Representative Mariano Michael M. Velarde Jr. (BUHAY Party List)

EXPLANATORY NOTE

Under Article 2, Section 5 of the Constitution mandates the State to provide for the protection of life, liberty, and property, and promotion of the general welfare of the people.

Road accidents and road traffic crashes is the second leading cause of injury or death with a mortality rate of 8.2 per 100,000 population in 2007 and 7.7 per 100,000 population in 2008. In 2006, it was reported that 1,185 deaths and 5,870 non-fatal injuries happened along national roads and highways.

Republic Act No. 8750 or the Philippine Seat-belt Law mandates the installation of seat belts in front and rear seats of private vehicles. Likewise, it prohibits children below six (6) years of age to occupy the front seat of any running motor vehicle. On the other hand the said law does not require the use of child restraints or child restraint devices for young children on board. This bill is addressing that problem by requiring owners of private motor vehicles to provide for the installation and use of age-appropriate child restraint device/s for young children riding in running motor vehicles.

Again, for the protection of children on board, BUAHAY Party List again is proposing this measure and we hope for its immediate passage.



Hon. Mariano Michael M. Velarde Jr.

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HOUSE BILE **1319**

Introduced by Representative Mariano Michael M. Velarde Jr. (BUHAY Party List)

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

AN ACT
REQUIRING THE USE OF CHILD RESTRAINT (SAFETY CAR SEAT) DEVICE
OR SYSTEM FOR CHILDREN RIDING IN RUNNING MOTOR VEHICLES

SECTION 1. *Short Title.* – This Act shall be known as the “Child Restraint Act”.

SECTION 2. Declaration of Policy. – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, and emphasizing that safe driving practices and proper use of safety devices remain the best way to protect children from traffic crashes and injuries resulting from vehicular accidents, this Act seeks to penalize any driver of a motor vehicle to travel with children on board without providing for a safety device for such children.

SECTION 3. *Definition of Terms.* –

- (a) “Adult” means any person eighteen (18) years old and above.
- (b) “Child” or “children” means any person or persons twelve (12) years and below
- (c) “Motor vehicle” means every vehicle operate or driven upon a public road, street or highway which is propelled by any power other than muscular power and is being used in any way to carry any child from one place to another.
- (d) “Child restraint (CR), a child restraint system (CRS), a child restraint device (CRD), or a car seat safety device: An age-appropriate crash-tested seat, device or system that is specially designed to provide child crash protection. General terms for these systems include child safety seats, car seats, boosters or booster seats, vests or car beds, and those items approved by the Land Transportation Office to ensure the safety of a child or children riding in motor vehicles.

SECTION 4. *Prohibited Acts and Penalties for Violation thereof.* – It shall be unlawful for any driver of a motor vehicle to travel which children on board without providing a safety device for such children. Any driver in violation of this provision shall be punished by a fine of Five Thousand Pesos (P 5,000.00) or imprisonment of not more than thirty (30) days, or both at the discretion of the court, taking into consideration all attending circumstances. The license of such driver shall also be revoked upon final conviction for two (2) violations of this provision. Such revocation shall prohibit the grant of a new driver’s license for the twelve (12) months from the date of the conviction.

It shall also be unlawful for any adult accompanying any child or to allow such child to travel on a motor vehicle which does not have car seat or child restraint device for children unless such adult provides one for the child's own use. Any person in violation of this provision shall be punished by a fine of Two Thousand Pesos (P 2,000.00) or imprisonment of not more than thirty (30) days, or both at the discretion of the court, taking into consideration all attending circumstances.

SECTION 5. *Exceptions.* – The provisions of this Act shall not apply to public utility vehicles such as, but not limited to, jeepneys and buses, as well as to emergency vehicles. Likewise, it shall not apply to medical emergencies or when, because of the circumstance of the situation, riding in a motor vehicle without a car seat or safety device removes such child from an even greater or more imminent danger.

SECTION 6. *Implementing Agency.* – The Land transportation office shall be the primary implementing and supervising agency for the implementation of this Act. It shall formulate the necessary implementing rules and regulations immediately upon the approval of this Act which it shall promulgate not more than sixty (60) days after the approval.

It shall likewise formulate a procedure and standard for the approval of the car seat safety device or car restraining device for use by children in motor vehicles and to publish a list of such approved devices not more than ninety (90) days after the approval of this Act.

SECTION 7. *Separability Clause.* – If any provision or part thereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* – All laws, decrees, orders, proclamation, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect thirty (30) days after its publication in at least two (2) newspapers of general circulation.

Approved/

Hon. Mariano Michael M. Velarde Jr.