

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

17 MAY 10 A10:45

SENATE

RECEIVED BY: *[Signature]*

S.B. No. 1447

Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT
PROVIDING FOR THE SPECIAL PROTECTION OF CHILD
PASSENGERS IN MOTOR VEHICLES AND PROVIDING
APPROPRIATIONS THEREOF

EXPLANATORY NOTE

Road safety is a pervasive public health issue. The World Health Organization (WHO) in 2015 reported that about 1.25 million road traffic deaths occur annually. It is considered as the leading cause of death in the youth bracket of all populations aged 15 to 29 and the sixth leading cause of death among children 5 to 9 years old.

In addition, about 90 percent of the world's road deaths take place in low- and middle-income countries despite having only 50 percent of the world's vehicles. Further in the said report, the WHO estimated that in the Philippines, there are 10,379 fatalities for every 100,000 population resulting in an estimated 2.6 percent of Gross Domestic Product (GDP) being lost due to road traffic crashes. In its Health Policy Notes, the Department of Health (DOH) claimed that among children 0-17 years of age, road crashes is the second leading cause of death (with mortality rate of 5.85/100,000), next to drowning.

The United Nations General Assembly, through several resolutions, expressed continuing alarm over the unacceptably high number of road traffic crashes making it as the leading cause of death and injury around the world. The latest Resolution 70/260 recognized road traffic crashes as a major public health and development problem that has broad social and economic consequences which, if unaddressed, may affect progress towards the achievement of the Sustainable Development Goals.

While we have legislation for the mandatory use of seat belts, the said law only protects adults in the event of road crashes. Seat belts are not adapted to infants and young children. Without a road safety law specifically targeting children and infants, it is expected that more children would become vulnerable to road crashes amid the continuing growth in youth population and the corresponding increase in the demand for cars among Filipino consumers.

Children require special care and protection to avoid threat to life and limb. One of such legislative measures that should be urgently passed to protect children and infants is the use of child restraint systems. Appropriate child restraints are specifically designed to protect infants and young children during a collision or a sudden stop by restraining their movement away from the vehicle structure and distributing the forces of a crash over the strongest parts of the body, with minimum damage to the soft tissues.

Child restraints are also effective in reducing injuries that can occur during non-crash events, such as a sudden stop, a swerving evasive maneuver or opening of door during vehicle movement. When correctly installed and used, they are proven to reduce fatal injuries among infants by approximately 70%, and among children aged 1 to 4 years by 54%.

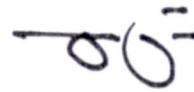
The Philippine Statistics Authority projected the number of children aged 0 to 4 would be 11.48 million in year 2020; 11.36 million in 2025, and 11.04 million. For 0-14 years old, the population is projected to be 33.31 million in 2020; 33.91 million in 2025, and 33.63 million in 2030. Data from the Department of Transportation (DOTr) also show an increasing number of cars in the country with 759,683 in 2010; 788,372 in 2011; 808,968 in 2012, and 830,131 in 2013. Moreover, according to a 2014 Nielsen Survey of Global Automotive Demand, 53 percent Filipino households own a car, while 7 in 10 Filipino households are expected to buy a car from 2014 to 2016. Thus, a passage of such a law requiring child restraint systems potentially has the effect of protecting millions of our children being transported daily in cars alone.

Case studies from developed countries like Germany, USA and Australia heavily supported these findings. Legislation for the mandatory use of a child restraint system in the Philippines should therefore be considered to address the life-saving benefits attributed to the use of this system.

The House of Representatives, through House Resolution No. 651, filed by Rep. Cesar Sarmiento, meanwhile expresses full support to the Westminster Declaration that calls for the reduction of road traffic deaths, injuries and damages.

Thus, there is an urgent need for the passage of this proposed bill to protect infants and children from road crash deaths and injuries through the mandatory use of child restraint systems and the imposition of safety standards in the transportation of children in private motor vehicles, while mandating the concerned government agencies to study and likewise impose similar safety measures in public utility vehicles.

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



JOSEPH VICTOR EJERCITO



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

- 1 Section 1. *Short Title.* This Act shall be known as the "*Child Safety in Motor*
- 2 *Vehicles Act of 2017*".
- 3
- 4 Sec. 2. *Declaration of Policy.* – It is the policy of the State to ensure the safety of
- 5 children while being transported in any form of motor vehicle.
- 6
- 7 The State recognizes the right of children to assistance, including proper care,
- 8 and special protection from all forms of neglect, abuse and other conditions
- 9 prejudicial to their development.
- 10
- 11 It is the policy of the State to ensure the child's health and welfare, including
- 12 access to safe, appropriate, quality and affordable child restraint system and
- 13 other safety measures in preventing traffic-related deaths and injuries among
- 14 infants and children.
- 15
- 16 In order to guarantee the safety and welfare of infants and children, there is
- 17 thus a need to require, regulate, promote, and inform the public on the use of
- 18 Child Restraints System in motor vehicles through adequate, consistent and
- 19 objective information and appropriate regulation of the marketing and
- 20 distribution of the said System based on international standards accepted by

1 the United Nations. Further, there is also a need to study and determine other
2 safety measures for children being transported in public utility vehicles.

3

4 Sec. 3. *Definition of Terms.* – For purposes of this Act, the term:

5

6 a) "Child" refers to any person age 12 and below.

7

8 d) "Child Restraint System" refers to a device capable of
9 accommodating a child occupant in a sitting or supine position. It is so
10 designed as to diminish the risk of injury to the wearer, in the event of a
11 collision or of abrupt deceleration of the vehicle, by limiting the
12 mobility of the child's body.

13

14 c) "Covered vehicle" refers to any motor vehicle privately-owned by
15 individuals and juridical persons used for the carriage of persons
16 excluding tricycle and motorcycle. The DOTR is hereby empowered to
17 determine and include other motor vehicle including rail transits for the
18 purpose of applying the provisions of this Act.

19

20 d) "Driver" refers to the individual operating a motor vehicle.

21

22 Sec. 4. *Mandatory Use of Child Restraint System in privately-owned motor vehicles.*

23 – It shall be unlawful for the driver of a covered vehicle not to secure at all
24 times a child in a child restraint system while transporting such child on any
25 road, street or highway. The child restraint system shall be appropriate to the
26 child's size, height and weight as prescribed by Section 6 of this Act.

27

28 The requirements of this section shall not apply to circumstances where the
29 child restraint system would put such child in a greater danger, such as:

30

31 (1) During medical emergencies;

32

33 (2) When the child transported has a medical or developmental
34 condition; or

35

36 (3) Other analogous circumstances prescribed in the Implementing
37 Rules and Regulations of this Act.

38

39 Notwithstanding the child being secured in a child restraint system, at no
40 instance shall such child be left unaccompanied by an adult in a motor
41 vehicle.

42

43 Sec. 5. *Children in Rear Seats.* No child 12 years and below of age shall be
44 allowed to sit in a front seat of a motor vehicle.

1
2 Sec. 6. *Mandatory Testing of Child Restraint Systems.* The Department of Trade
3 and Industry (DTI) is mandated to use as benchmark the standards set forth in
4 United Nations (UN) Regulation 44 and UN Regulation 129 in the approval or
5 disapproval of child restraint systems that will be manufactured, sold,
6 distributed and used in the Philippines. It shall conduct a mandatory testing
7 of all manufactured and imported child restraints systems. All manufacturers,
8 importers, distributors and sellers of child restraints systems are required to
9 secure from the Bureau of Product Standards (BPS) a Philippine Standards
10 (PS) mark license and Import Clearance Certificate (ICC) license prior to the
11 marketing, sale and distribution of their products. The BPS shall issue
12 periodically a list of child restraint systems manufacturers, importers and
13 distributors, and the brands which pass its standards to be published in a
14 newspaper of general circulation or in its website.
15

16 Sec. 7. *Prohibition on the Marketing of substandard or expired Child Restraint
System.* It shall be unlawful for any person, company, partnership, sole
17 proprietorship, manufacturer, distributor, and/or importer to manufacture,
18 use, import, sell, distribute, donate, lease, advertise, promote, or otherwise
19 market the use of substandard or child restraint system.
20

21 Sec. 8. *Penalties* – (a) Any driver in violation of Sections 4 and 5 of this Act
22 shall be fined One Thousand Pesos (P1,000.00) for first offense, Two Thousand
23 Pesos (P2,000.00) for the second offense, Five Thousand Pesos (P5,000.00) and
24 the suspension of the driver's license for a period of one (1) year for the third
25 and succeeding offenses.
26

27 (b) Any manufacturer, distributor, importer, retailer, and seller who violates
28 Section 6 of this Act shall be punished with a fine of not less than Ten
29 Thousand pesos (Php10,000.00) but not more than Twenty Thousand pesos
30 (Php20,000.00) for each and every child restraint system product
31 manufactured, distributed, imported and/or sold without prejudice to other
32 penalties imposed in Republic Act No. 7394 or the "Consumer Act of the
33 Philippines.
34

35 (c) Any driver who knowingly allows the use of substandard and/or expired
36 a child restraint system or permits the use of child restraint system that does
37 not bear the PS mark or the ICC sticker and certificate shall be fined with One
38 Thousand Pesos (P1,000.00) for the first offense, Three Thousand pesos
39 (Php3,000.00) for the second offense, and Five Thousand pesos (Php5,000.00)
40 and the suspension of the driver's license for a period of one (1) year for the
41 third and succeeding offenses.
42

43

1 (d) Tampering, alteration, forgery and imitation of the PS mark or the ICC
2 stickers in the child restraint system shall be punished with a fine of not less
3 than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand
4 pesos (Php20,000.00), for each and every child restraint system product,
5 without prejudice to other penalties imposed in Republic Act No. 7394 or the
6 "Consumer Act of the Philippines".

7
8 *Provided*, That the Department of Transportation (DOTr) is hereby empowered
9 to increase or adjust the amounts of fines prescribed in this Section during the
10 periodic review of this Act.

11
12 Sec. 9. *Nationwide Public Information Campaign*. — (a) The DOTr, the Philippine
13 Information Agency (PIA), the Department of Education (DepEd), and private
14 agencies and organizations, shall undertake a regular nationwide Information,
15 Education and Communication (IEC) campaign within six (6) months from
16 the passage of this Act. The IEC campaign shall include information on the
17 proper installation, use and maintenance of the child restraint system.

18
19 (b) The DOTr, may call upon any government agency, including the
20 Philippine National Police, and non-governmental organizations (NGOs) to
21 extend their full support and cooperation for the implementation of this Act.

22
23 Sec. 10. *Certification Training Program*. The DOTr is hereby mandated to
24 formulate and implement a certification training program for product
25 inspectors, law enforcers, manufacturers, distributors, and sellers on the
26 regulation, installation, use, maintenance, and inspection of child safety
27 systems, as prescribed by the IRR.

28
29 Sec. 11. *Implementing Rules and Regulations (IRR) and Guidelines*. The DOTr, in
30 consultation with the DTI, Department of Health (DOH), Department of
31 Interior and Local Government (DILG), Philippine National Police, and other
32 concerned agencies, and stakeholders, shall promulgate the Implementing
33 Rules and Regulations(IRR) on child restraint systems within six (6) months
34 from the effectivity date of this Act.

35
36 The implementing rules and regulations shall cover the following, but not
37 limited to:

- 38 a. Motor vehicles covered under this Act;
39 b. Standards and kinds of child restraint systems based on UN Regulation
40 44 and UN Regulation 129;
41 c. Compatibility of child restraint systems to motor vehicles available in
42 the market;
43 d. Proper installation and positioning of the child restraint system in the
44 vehicle;

- e. Certification training program referred to in Section 10 for law enforcers, product inspectors, employees and agents of manufacturers, distributors, sellers and importers;
- f. Regulation of the manufacture, importation, and distribution of child restraint systems
- g. Authorities responsible for the monitoring and evaluation of the implementation and compliance to the provisions of this Act; and The phases of implementation of this Act;

Sec. 12. *Child Safety in Public Utility Vehicles.* Nothing in this Act shall prohibit the DOTr from issuing rules and regulations requiring the use of child restraint systems in public utility vehicles such as, but not limited to jeepneys, buses, including school buses, taxis, vans, coasters, accredited/affiliated service vehicles of Transportation Network Companies, and all other motor vehicles used for public transport including rail transits. Should the DOTr determine, after study, that child restraint systems are not applicable in certain public utility vehicles, it shall decide and issue other safety measures and/or regulations for the safe and secure transportation of children in such vehicles. Provided, That the study shall be conducted within one (1) year from the effectivity of this Act.

Sec. 13. *Review.* The DOTr shall conduct and submit to Congress a periodic review on the implementation of this Act at the end of the third year from the date of its effectivity and every year thereafter.

Sec. 14. *Appropriations.* The initial amount necessary for the implementation of this Act shall be charged against the current appropriation of the DOTr; *Provided*, That fines and fees collected from the implementation of the Seatbelt Law may be used to augment the initial funding requirement of this Act. *Provided further*, That the fines and fees that may be collected in the enforcement of this Act shall be used exclusively for its implementation. *Provided finally*, That such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Sec. 15. *Separability Clause.* — If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or provision is not otherwise affected shall remain valid and subsisting.

Sec. 16. *Repealing Clause.* --Section 5 of Republic Act No. 8750, and all other laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

1 Sec. 17. *Effectivity.* - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in two (2) national newspapers of
3 general circulation.

4

5 Approved,