



## HOUSE OF REPRESENTATIVES

H. No. 5626

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BY REPRESENTATIVES CAJAYON, MERCADO-REVILLA, CO, BATOCABE,  
GARBIN, ACOP, BONOAN-DAVID, MERCADO (R.), MADRONA, BICHARA,  
PICHAY, GULLAS, TING AND CALIXTO-RUBIANO, PER COMMITTEE  
REPORT NO. 1597

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AN ACT PROVIDING MEASURES TO ENSURE THE SAFETY  
OF CHILDREN ABOARD MOTORCYCLES AND FOR OTHER  
PURPOSES

*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 “Motorcycle  
2 Safety for Children Act of 2012”.

3           SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the  
4 State to maintain at all times the safety and protection of the commuting  
5 public, especially children.

6           Towards this end, it shall pursue a more proactive and preventive  
7 approach to secure the safety of passengers, especially children, at all times by  
8 regulating the operation of motorcycles along roads and highways.

9           SEC. 3. *Prohibition.* – It shall be unlawful for any person to transport  
10 a child below ten (10) years old on a motorcycle along roads and highways:  
11 *Provided, That* a child ten (10) years of age and above may only be transported  
12 aboard a motorcycle if:

1 (a) He or she is wearing a standard protective helmet referred under  
2 Republic Act No. 10054, otherwise known as the "Motorcycle Helmet Act of  
3 2009";

4 (b) The feet of the child can comfortably reach the footrest of the  
5 motorcycle; and

6 (c) The arms of the child can reach around and grasp the waist of the  
7 motorcycle driver.

8 A *motorcycle* shall mean any two (2)-wheeled motor vehicle having  
9 one (1) or two (2) riding saddles.

10 SEC. 4. *Limitation on the Number of Passengers.* – No motorcycle  
11 shall carry more than two (2) passengers, including the driver, while operating  
12 on a road or highway except in remote areas where a child to be transported  
13 requires immediate medical treatment and in an emergency situation.

14 SEC. 5. *Penalties.* – Any person who operates a motorcycle in  
15 violation of Section 3 of this Act shall be fined with an amount not exceeding  
16 Three thousand pesos (P3,000.00) for the first offense; Five thousand pesos  
17 (P5,000.00) for the second offense; and Ten thousand pesos (P10,000.00) for  
18 the third and succeeding offenses.

19 The same penalty shall be imposed upon the driver who operates a  
20 motorcycle in violation of Section 4 hereof: *Provided*, That for the second and  
21 third offense, the driver's license of the offender shall be suspended for a  
22 period of one (1) month.

23 Violation of these provisions beyond the third time shall result to  
24 automatic revocation of offender's driver's license.

25 SEC. 6. *Qualifying Circumstances.* – If, in violation of the provisions  
26 of this Act, death shall have resulted or serious or less serious injuries shall  
27 have been inflicted upon the child or any other person, a penalty of one (1)  
28 year imprisonment shall be imposed upon the driver or operator of the  
29 motorcycle involved in addition to the penalties provided under Republic Act

1 No. 3815, otherwise known as “The Revised Penal Code”, as amended, for the  
2 crime of reckless imprudence or negligence resulting to homicide or physical  
3 injuries of whatever nature.

4 SEC. 7. *Deputation of Traffic Enforcers and Local Government Units*  
5 *(LGUs)*. – To effectively implement the provisions of this Act, the Land  
6 Transportation Office (LTO) is hereby given the authority to deputize  
7 members of the Philippine National Police (PNP), the Metropolitan Manila  
8 Development Authority (MMDA) and the local government units (LGUs) to  
9 carry out enforcement functions and duties.

10 SEC. 8. *Implementing Rules and Regulations (IRR)*. – As the lead  
11 implementor of this Act, the LTO shall formulate the implementing rules and  
12 regulations of this Act within ninety (90) days after its effectivity.

13 SEC. 9. *Public Information Campaign*. – Not later than thirty (30)  
14 days following the promulgation of the IRR of this Act, the LTO, in  
15 coordination with the Philippine Information Agency (PIA), the Department of  
16 Education (DepED) and concerned private organizations and agencies, shall  
17 undertake a nationwide information and education campaign for a period of  
18 three (3) months for the attainment of the objectives of this Act.

19 SEC. 10. *Separability Clause*. – If for any reason any section or  
20 provision of this Act is declared unconstitutional, other provisions hereof  
21 which are not affected thereby shall remain in full force and effect.

22 SEC. 11. *Repealing Clause*. – All laws, decrees, or rules and  
23 regulations, or any provision thereof which are inconsistent with or contrary to  
24 the provisions of this Act are hereby amended or repealed accordingly.

25 SEC. 12. *Effectivity Clause*. – This Act shall take effect upon its  
26 publication in at least two (2) national newspapers of general circulation.

Approved,