



HOUSE OF REPRESENTATIVES

H. No. 6924

BY REPRESENTATIVES VELARDE, COSCOLLUELA, CRISOLOGO, CHIPECO,
SANTIAGO (N.), ARROYO (D.), TIENG, PUENTEVELLA,
MENDOZA (V.), CODILLA, VILLAROSA, TEODORO, ROMUALDO,
GONZALES (N.) AND DE GUZMAN, PER COMMITTEE REPORT NO. 2451

AN ACT MANDATING ALL MOTORCYCLE RIDERS TO WEAR
STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE
DRIVING AND PROVIDING PENALTIES THEREFOR

*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 Helmet Act of 2009”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to secure and safeguard its citizenry, particularly the operators or drivers
5 of motorcycles and their passengers, from the ruinous and extremely injurious
6 effects of fatal or life threatening accidents and crashes. Towards this end, it
7 shall pursue a more proactive and preventive approach to secure the safety of
8 motorists, their passengers and pedestrians at all times through the mandatory
9 enforcement of the use of standard protective motorcycle helmet.

1 SEC. 3. *Mandatory Use of Motorcycle Helmets.* – All motorcycle
2 riders, including drivers and back riders, shall at all times wear standard
3 protective motorcycle helmets while driving, whether long or short drives, in
4 any type of road and highway.

5 Standard protective motorcycle helmets are appropriate types of helmets
6 for motorcycle riders that comply with the specifications issued by the
7 Department of Trade and Industry (DTI).

8 The DTI shall issue guidelines, which should include the specifications
9 regarding standard protective motorcycle helmets.

10 SEC. 4. *Exemption.* – Drivers of tricycles shall be exempted from
11 complying with the mandatory wearing of motorcycle helmets as provided in
12 this Act.

13 SEC. 5. *Provision of Motorcycle Helmets.* – A new motorcycle helmet
14 which bears the Philippine Standard (PS) mark or Import Commodity
15 Clearance (ICC) of the Bureau of Product Standards (BPS) and complies with
16 the standards set by the BPS shall be made available by every seller and/or
17 dealer every time a new motorcycle unit is purchased and which the purchaser
18 may buy at his option. Failure to comply with the requirements provided under
19 this section shall constitute a violation of this Act.

20 SEC. 6. *Implementation.* – The Department of Transportation and
21 Communications (DOTC), with its attached agency, the Land Transportation
22 Office (LTO), is mandated by this Act to issue guidelines necessary to
23 implement the provisions of this Act.

24 The DTI, through the BPS, is mandated to utilize the United Nations
25 Economic Commission for Europe (UNECE) Protocols with regard to the
26 standards that will be applicable to the approval or disapproval of motorcycle
27 helmets that will be sold in the Philippines.

1 The DTI, through the BPS, shall conduct a mandatory testing of all
2 manufactured and imported motorcycle helmets in the Philippines. All
3 manufacturers and importers of standard protective motorcycle helmets are
4 required to secure a PS license or ICC prior to the sale and distribution of their
5 products. The BPS shall issue periodically a list of motorcycle helmet
6 manufacturers and importers and the brands which pass the standards of the
7 BPS to be published in a newspaper of general circulation or in its website.

8 Upon the effectivity of this Act, only those standard protective
9 motorcycle helmets bearing the PS or ICC mark shall be sold in the market.

10 SEC. 7. *Penalties.* – (a) Any person caught not wearing the standard
11 motorcycle protective helmet in violation of this Act shall be punished with a
12 fine of One thousand five hundred pesos (Php1,500.00) for the first offense;
13 Three thousand pesos (Php3,000.00) for the second offense; Five thousand
14 pesos (Php5,000.00) for the third offense; and Ten thousand pesos
15 (Php10,000.00) plus confiscation of the driver’s license for the fourth and
16 succeeding offenses.

17 (b) Any seller and/or dealer who violates Section 5 of this Act shall be
18 punished with a fine of not less than Ten thousand pesos (Php10,000.00) but
19 not more than Twenty thousand pesos (Php20,000.00).

20 (c) Any person who uses, sells and distributes substandard motorcycle
21 helmets or those which do not bear the PS mark or the ICC certificate shall be
22 punished with a fine of not less than Three thousand pesos (Php3,000.00) for
23 the first offense; and Five thousand pesos (Php5,000.00) for the second
24 offense, without prejudice to other penalties imposed in Republic Act No.
25 7394 or the “Consumer Act of the Philippines”.

26 (d) Tampering, alteration, forgery and imitation of the PS mark and the
27 ICC certificates in the helmets shall be punished with a fine of not less than
28 Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos

1 (Php20,000.00), without prejudice to other penalties imposed in Republic Act
2 No. 7394 or the "Consumer Act of the Philippines".

3 SEC. 8. *Nationwide Public Information Campaign.* – The LTO, in
4 coordination with the Philippine Information Agency (PIA), the Department of
5 Education (DepED) and private agencies and organizations, shall undertake a
6 nationwide information, education and communication (IEC) campaign for a
7 period of six (6) months for the attainment of the objectives of this Act.

8 SEC. 9. *Separability Clause.* – If any provision or part hereof is held
9 invalid or unconstitutional, the remainder of this Act or the provisions not
10 otherwise affected shall remain valid and subsisting.

11 SEC. 10. *Repealing Clause.* – All laws, decrees, orders, rules and
12 regulations or parts thereof inconsistent with this Act are hereby repealed or
13 modified accordingly.

14 SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15)
15 days after its publication in at least two (2) newspapers of general circulation.

Approved,

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