



## HOUSE OF REPRESENTATIVES

H. No. 4462

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BY REPRESENTATIVES YAP (S.), MERCADO-REVILLA, ACOP, SARMIENTO (C.),  
LEONARDIA, TAMBUNTING, TOLENTINO, VELASCO, ANTONINO-NADRES,  
ROMUALDO, PANCHO AND ALIPING, PER COMMITTEE REPORT NO. 226

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### AN ACT PROVIDING MEASURES TO ENSURE THE SAFETY OF CHILDREN ABOARD MOTORCYCLES

*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”.

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, the State shall pursue a more proactive and preventive  
7 approach to secure the safety of passengers, especially children, by regulating  
8 the operation of motorcycles along roads and highways.

9           SEC. 3. *Definition of Terms.* – As used in this Act:

10           (a) *Motorcycle* refers to any two (2)-wheeled motor vehicle having one  
11 (1) or two (2) riding saddles;

12           (b) *Rider* refers to the driver of a motorcycle; and

13           (c) *Remote areas* refer to localities where the predominant or only  
14 means of transportation available or feasible is the motorcycle.

1           SEC. 4. *Prohibition.* – It shall be unlawful for any person to transport  
2 a child below ten (10) years old on a motorcycle along roads and highways.  
3 However, a child, ten (10) years of age and above, may only be transported  
4 aboard a motorcycle if:

5           (a) Such child is wearing a standard protective helmet referred under  
6 Republic Act No. 10054, otherwise known as the “Motorcycle Helmet Act of  
7 2009”;

8           (b) The feet of the child can comfortably reach the standard footrest of  
9 the motorcycle; and

10          (c) The child’s arms can reach around and grasp the waist of the  
11 motorcycle rider.

12           SEC. 5. *Limitation on the Number of Passengers.* – No motorcycle  
13 shall carry more than two (2) passengers, including the rider, while operating  
14 on a road or highway except in remote areas where a child or the third person  
15 to be transported requires immediate medical treatment and is in an emergency  
16 situation.

17           SEC. 6 *Penalties.* – Any person who operates a motorcycle in  
18 violation of Section 4 of this Act shall be fined with an amount of three  
19 thousand pesos (P3,000.00) for the first offense; five thousand pesos  
20 (P5,000.00) for the second offense; and ten thousand pesos (P10,000.00) for  
21 the third and succeeding offenses.

22           The same penalty shall be imposed upon the rider who operates a  
23 motorcycle in violation of Section 5 hereof: *Provided*, That for the second and  
24 third offense, the driver’s license of the offender shall be suspended for a  
25 period of one (1) month.

26           Violation of these provisions beyond the third time shall result to  
27 automatic revocation of the offender’s driver’s license.

1           **SEC. 7. *Review of Penalties.*** – The Land Transportation Office (LTO)  
2 is hereby empowered to increase or adjust the amounts of fines herein  
3 imposed: *Provided, That:*

4           (a) The increase or adjustment is made after public consultation once  
5 every three (3) years from the effectivity of this Act and in the amount not  
6 exceeding twenty percent (20%) of the amounts sought to be increased or  
7 adjusted;

8           (b) A thorough study has been conducted indicating that the existing  
9 amounts are no longer an effective deterrent;

10           (c) Current relevant economic indices, such as the Consumer Price  
11 Index (CPI), have been considered in the determination of the increase or  
12 adjustment; and

13           (d) The increases or adjustment shall only become effective fifteen (15)  
14 days after its publication in two (2) newspapers of general circulation.

15           **SEC. 8. *Qualifying Circumstances.*** – If, in violation of the provisions  
16 of this Act, death shall have resulted or serious or less serious injuries shall  
17 have been inflicted upon the child or any other person, a penalty of one (1)  
18 year imprisonment shall be imposed upon the motorcycle rider or operator of  
19 the motorcycle involved without prejudice to the penalties provided under Act  
20 No. 3815, otherwise known as “The Revised Penal Code of the Philippines”,  
21 as amended, for the crime of reckless imprudence or negligence resulting to  
22 homicide or physical injuries.

23           **SEC. 9. *Authority to Deputize Traffic Enforcers and Local Government***  
24 ***Units (LGUs).*** – To effectively implement the provisions of this Act, the LTO  
25 is hereby given the authority to deputize members of the Philippine National  
26 Police (PNP), the Metropolitan Manila Development Authority (MMDA) and  
27 the LGUs to carry out enforcement functions and duties.

1           SEC. 10. *Implementing Rules and Regulations (IRR)*. – As the lead  
2 implementor of this Act, the LTO shall issue the IRR of this Act within sixty  
3 (60) days after its effectivity.

4           SEC. 11. *Public Information Campaign*. – Not later than thirty (30)  
5 days following the promulgation of the IRR of this Act, the LTO, in  
6 coordination with the Philippine Information Agency (PIA), the Department of  
7 Education (DepED) and concerned private organizations and agencies, shall  
8 undertake a nationwide information and education campaign for a period of  
9 three (3) months on the important provisions of this Act and its IRR.

10          SEC. 12. *Separability Clause*. – If, for any reason, any part or  
11 provision of this Act shall be held unconstitutional or invalid, other parts or  
12 provisions hereof which are not affected thereby shall continue to be in full  
13 force and effect.

14          SEC. 13. *Repealing Clause*. – All laws, presidential decrees, executive  
15 orders, rules and regulations or parts thereof inconsistent with the provisions of  
16 this Act are hereby repealed or modified accordingly.

17          SEC. 14. *Effectivity*. – This Act shall take effect fifteen (15) days after  
18 its publication in the *Official Gazette* or in two (2) national newspapers of  
19 general circulation.

Approved,

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