



SENATE

S. No. 1971

(In substitution of S. Nos. 1447 and 1818
taking into consideration H. No. 6938)

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON PUBLIC SERVICES; AND WOMEN, CHILDREN, FAMILY
RELATIONS AND GENDER EQUALITY WITH SENATORS
EJERCITO, RECTO, POE, VILLANUEVA, GATCHALIAN,
HONTIVEROS, ANGARA, BINAY, SOTTO III, ZUBIRI,
GORDON, DRILON AND TRILLANES IV AS AUTHORS
THEREOF

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

*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
2 the “Child Safety in Motor Vehicles Act”.

3 SEC. 2. *Declaration of Policy.* – The State recognizes
4 the right of children to assistance, including proper care,
5 and special protection from all forms of neglect, abuse and

1 other conditions prejudicial to their development. Pursuant
2 to this, the State shall ensure the safety of children while
3 being transported in any form of motor vehicle.

4 Toward this end, the State shall adopt measures to
5 promote and protect the child's health and welfare,
6 including access to safe, appropriate, quality and
7 affordable child restraint system and other safety
8 measures in preventing traffic-related deaths and injuries
9 among infants and children.

10 SEC. 3. *Definition of Terms.* – For purposes of this
11 Act, the term:

12 (a) *Child* refers to any person twelve (12) years old
13 and below;

14 (b) *Covered vehicle* refers to any private motor
15 vehicle and public motor vehicles upon the determination
16 of the Department of Transportation (DOTr) in accordance
17 with Section 12 of this Act;

18 (c) *Motor vehicle* shall refer to both private and
19 public motor vehicles. The term shall not include the
20 tricycle and motorcycle;

1 (d) *Private motor vehicle* shall refer to any of the
2 following:

3 (1) Any motor vehicle owned by individuals and
4 juridical persons for private use;

5 (2) Any motor vehicle owned by the National
6 Government or any of its agencies, instrumentalities or
7 political subdivisions, including government-owned or
8 -controlled corporations or their subsidiaries for
9 official use; and

10 (3) Any diplomatic vehicle.

11 (e) *Public motor vehicle* shall refer to public utility
12 vehicle or vehicle for hire;

13 (f) *Driver* refers to the individual operating a motor
14 vehicle;

15 (g) *Child Restraint System* refers to a device,
16 approved in accordance with Section 6 of this Act, capable
17 of accommodating a child occupant in a sitting or supine
18 position. It is so designed as to diminish the risk of injury
19 to the wearer, in the event of a collision or of abrupt

1 deceleration of the vehicle, by limiting the mobility of the
2 child's body.

3 SEC. 4. *Mandatory Use of Child Restraint System in*
4 *privately-owned motor vehicles.* – It shall be unlawful for
5 the driver of a covered vehicle not to properly secure at all
6 times a child, in a child restraint system while the engine
7 is running or transporting such child on any road, street or
8 highway unless the child is at least 150 centimeters or 59
9 inches in height and is properly secured using the regular
10 seat belt. The child restraint system shall be appropriate to
11 the child's age, height and weight, and approved in
12 accordance with Section 6 of this Act.

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

- 16 (a) During medical emergencies;
- 17 (b) When the child transported has a medical or
18 developmental condition; or
- 19 (c) Other analogous circumstances prescribed in the
20 implementing rules and regulations (IRR).

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

4 SEC. 5. *Children in Rear Seats.* – No child twelve (12)
5 years and below of age shall be allowed to sit in the front
6 seat of a motor vehicle with a running engine or while such
7 child is being transported on any road, street or highway,
8 unless the child meets the height requirement set forth in
9 Section 4 of this Act and is properly secured using the
10 regular seat belt in the front seat.

11 SEC. 6. *Safety Standards for Child Restraint Systems.*
12 – The Department of Trade and Industry (DTI) shall use
13 standards set forth in United Nations Regulation 44, and
14 United Nations Regulation 129 in the approval or
15 disapproval of child restraint systems that will be
16 manufactured, sold, distributed and used in the
17 Philippines. Such standards shall be periodically updated
18 based on current United Nations Regulations concerning
19 Child Restraint Systems.

1 All manufacturers, importers, distributors and sellers
2 of child restraints systems are required to secure from the
3 Bureau of Product Standards (BPS) a Philippine Standards
4 (PS) mark license or Import Clearance Certificate (ICC)
5 license prior to the marketing, sale and distribution of
6 their products. The BPS shall issue periodically a list of
7 child restraint systems manufacturers, importers and
8 distributors, and the brands which pass its standards to be
9 published in a newspaper of general circulation or in its
10 website.

11 The use of child restraint system acquired prior to the
12 effectivity of this Act shall be allowed: *Provided*, That such
13 device is not expired.

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

1 SEC. 8. *Penalties* – (a) Any driver in violation of
2 Sections 4 and 5 of this Act shall be fined One thousand
3 pesos (P1,000.00) for first offense, Two thousand pesos
4 (P2,000.00) for the second offense, Five thousand pesos
5 (P5,000.00) and the suspension of the driver's license for a
6 period of one (1) year for the third and succeeding offenses.

7 (b) Any manufacturer, distributor, importer, retailer,
8 and seller who violates Section 6 of this Act shall be
9 punished with a fine of not less than Ten thousand pesos
10 (P10,000.00) but not more than Twenty thousand pesos
11 (P20,000.00) for each and every child restraint system
12 product manufactured, distributed, imported and/or sold
13 without prejudice to other penalties imposed in Republic
14 Act No. 7394 or the "Consumer Act of the Philippines".

15 (c) Any driver who allows the use of substandard
16 and/or expired a child restraint system or permits the use
17 of child restraint system that does not bear the PS mark or
18 the ICC sticker and certificate shall be fined with One
19 thousand pesos (P1,000.00) for the first offense, Three
20 thousand pesos (P3,000.00) for the second offense, and Five

1 thousand pesos (P5,000.00) and the suspension of the
2 driver's license for a period of one (1) year for the third and
3 succeeding offenses.

4 (d) Tampering, alteration, forgery and imitation of
5 the PS mark or the ICC stickers in the child restraint
6 system shall be punished with a fine of not less than Ten
7 thousand pesos (P10,000.00) but not more than Twenty
8 thousand pesos (P20,000.00), for each and every child
9 restraint system product, without prejudice to other
10 penalties imposed in Republic Act No. 7394 or the
11 "Consumer Act of the Philippines":

12 *Provided*, That the DOTr is hereby empowered to
13 increase or adjust the amounts of fines prescribed in this
14 section during the periodic review of this Act.

15 SEC. 9. *Nationwide Public Information Campaign.* –

16 (a) The DOTr, the Philippine Information Agency (PIA),
17 the Department of Health (DOH), the Department of
18 Education (DepEd), and private agencies and
19 organizations, shall undertake a regular nationwide
20 Information, Education and Communication (IEC)

1 campaign within six (6) months from the passage of this
2 Act. The IEC campaign shall include information on the
3 proper installation, use and maintenance of the child
4 restraint system.

5 (b) The DOTr, may call upon the assistance of any
6 government agency, including the Philippine National
7 Police (PNP), and nongovernmental organizations (NGOs)
8 to extend their full support and cooperation for the
9 implementation of this Act.

10 SEC. 10. *Certification Training Program.* – The DOTr
11 is hereby mandated to formulate and implement a
12 certification training program for product inspectors, law
13 enforcers, manufacturers, distributors, and sellers on the
14 regulation, installation, use, maintenance, and inspection
15 of child safety systems, as prescribed by the IRR.

16 SEC. 11. *Implementing Rules and Regulations (IRR)*
17 *and Guidelines.* – The DOTr, in consultation with the DTI,
18 DOH, Department of Interior and Local Government
19 (DILG), PNP, Metro Manila Development Authority
20 (MMDA), Council for Welfare of Children (CWC), and other

1 concerned agencies, and stakeholders, shall promulgate
2 the IRR on child restraint systems within six (6) months
3 from the effectivity date of this Act.

4 The IRR shall cover the following, but not limited to:

5 (a) Motor vehicles covered under this Act;

6 (b) Standards and kinds of child restraint systems
7 based on UN Regulation 44, UN Regulation 129 and/or
8 subsequent UN Regulations;

9 (c) Proper installation and positioning of the child
10 restraint system in the vehicle;

11 (d) Certification training program referred to in
12 Section 10 for law enforcers, product inspectors, employees
13 and agents of manufacturers, distributors, sellers and
14 importers;

15 (e) Regulation of the manufacture, importation, and
16 distribution of child restraint systems;

17 (f) Authorities responsible for the monitoring and
18 evaluation of the implementation and compliance to the
19 provisions of this Act; and

20 (g) Phases of implementation of this Act.

1 SEC. 12. *Child Safety in Public Utility Vehicles.* –
2 Nothing in this Act shall prohibit the DOTr from
3 prescribing safety measures that will prevent traffic-
4 related deaths and injuries among infants and children
5 transported in public motor vehicles such as, but not
6 limited to, jeepneys, buses, including school buses, taxis,
7 vans, coasters, accredited/affiliated service vehicles of
8 Transportation Network Companies, and all other motor
9 vehicles used for public transport. The DOTr shall
10 determine, promote and adopt evidence-based measures for
11 the safe and secure transportation of children in public
12 motor vehicles within one (1) year from the effectivity of
13 this Act.

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

18 SEC. 14. *Appropriations.* – The initial amount
19 necessary for the implementation of this Act shall be
20 charged against the current appropriation of the DOTr:

1 *Provided*, That fines and fees collected from the
2 implementation of the Seatbelt Law may be used to
3 augment the initial funding requirement of this Act:
4 *Provided, further*, That the fines and fees that may be
5 collected in the enforcement of this Act shall be used
6 exclusively for its implementation: *Provided, finally*, That
7 such sums as may be necessary for the continued
8 implementation of this Act shall be included in the annual
9 General Appropriations Act.

10 SEC. 15. *Transitory clause.* – Mandatory compliance
11 with the requirements of this Act shall be enforced only
12 one (1) year after the effectivity of the IRR of this Act.

13 SEC. 16. *Separability Clause.* – If any provision, or
14 part hereof, is held invalid or unconstitutional, the
15 remainder of the law or provision is not otherwise affected
16 shall remain valid and subsisting.

17 SEC. 17. *Repealing Clause.* – Section 5 of Republic Act
18 No. 8750, and all other laws, decrees, executive orders,
19 rules and regulations, issuances or parts thereof

1 inconsistent with this Act are hereby repealed or amended
2 accordingly.

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

Approved,