S. No. 1971
H. No. 6938

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. **11229**]

AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILD PASSENGERS IN MOTOR VEHICLES AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the "Child Safety in Motor Vehicles Act".

SEC. 2. *Declaration of Policy.* – It is the policy of the State to ensure the safety of children while being transported in any form of motor vehicle. The State recognizes the right of children to assistance, including proper care, and special protection from all forms of neglect, abuse and other conditions prejudicial to their development, including exposure to safety risks while aboard motor vehicles.

In order to guarantee the safety and welfare of infants and children and prevent traffic-related deaths and injuries, there is a need to adequately, consistently and objectively require, regulate, promote, and inform the public on the use of child restraint systems in motor vehicles and provide access to safe, appropriate, quality and affordable child restraint systems, in accordance with international standards accepted by the United Nations.

Furthermore, there is also a need to study and determine appropriate safety measures for children being transported in public utility vehicles.

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

(a) *Adult* refers to any person eighteen (18) years old and above;

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

(c) *Covered vehicle* refers to any private motor vehicle or public motor vehicle upon the determination of the Department of Transportation (DOTr) in accordance with Section 12 of this Act;

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

(e) *Private motor vehicle* shall refer to any of the following:

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

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

(3) Any diplomatic vehicle.

(f) *Public motor vehicle* shall refer to public utility vehicle or vehicle for hire;

(g) *Driver* refers to the individual operating a motor vehicle; and

(h) *Child Restraint System* refers to a device, approved in accordance with Section 6 of this Act, capable of accommodating a child occupant in a sitting or supine position. It is so designed as to diminish the risk of injury to the wearer, in the event of a collision or of abrupt deceleration of the vehicle, by limiting the mobility of the child's body.

SEC. 4. *Mandatory Use of Child Restraint System in Motor Vehicles.* – It shall be unlawful for the driver of a covered vehicle not to properly secure at all times a child, in a child restraint system while the engine is running or transporting such child on any road, street or highway unless the child is at least one hundred fifty (150) centimeters or fifty-nine (59) inches in height and is properly secured using the regular seat belt. The child restraint system shall be appropriate to the child's age, height and weight, and approved in accordance with Section 6 of this Act.

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

(1) During medical emergencies;

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

(3) Other analogous circumstances prescribed under the implementing rules and regulations (IRR).

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

SEC. 5. *Children in Rear Seats.* – No child twelve (12) years and below of age shall be allowed to sit in a front seat of a motor vehicle with a running engine or while such child is being transported on any road, street or highway, unless

the child meets the height requirement set forth in Section 4 of this Act and is properly secured using the regular seat belt in the front seat.

SEC. 6. *Safety Standards for Child Restraint Systems.* – The Department of Trade and Industry (DTI) is mandated to use standards set forth in United Nations Regulation 44 and United Nations Regulation 129 including its evolving standards and other acceptable international standards in the approval or disapproval of child restraint systems that will be manufactured, sold, distributed and used in the Philippines. Such standards shall be periodically updated based on current United Nations Regulations concerning Child Restraint Systems.

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

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

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

SEC. 8. *Certification Training Program.* – The DOTr and the DTI are hereby mandated to formulate and implement a certification training program for product inspectors, law enforcers, manufacturers, distributors, and sellers on the regulation, installation, use, maintenance and inspection of child restraint systems, as prescribed by IRR.

SEC. 9. *Child Safety in Public Utility Vehicles.* – The DOTr shall conduct a study and recommend to Congress the use of child restraint systems in public utility vehicles such as, 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.

Should the DOTr determine, after study, that child restraint systems are not applicable in certain public utility vehicles, it shall recommend to Congress 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. 10. *Penalties.* – (a) Any driver in violation of Sections 4 and 5 of this Act shall be fined One thousand pesos (P1,000.00) for the first offense; Two thousand pesos (P2,000.00) for the second offense; Five thousand pesos (P5,000.00) and suspension of the driver's license for a period of one (1) year for the third and succeeding offenses.

(b) Any manufacturer, distributor, importer, retailer, and seller who violates Sections 6 and 7 of this Act shall be punished with a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) for each and every child restraint system product manufactured, distributed, imported and/or sold, without prejudice to other penalties imposed under Republic Act No. 7394 or the "Consumer Act of the Philippines".

(c) Any driver who allows the use of substandard and/or expired child restraint system or permits the use of child restraint system that does not bear the PS mark or the ICC sticker and certificate, shall be fined One thousand pesos (P1,000.00) for the first offense; Three thousand pesos (P3,000.00) for the second offense; and Five thousand pesos (P5,000.00) and the suspension of the driver's license for a period of one (1) year for the third and succeeding offenses.

(d) Tampering, alteration, forgery and imitation of the PS mark or the ICC stickers in the child restraint system shall be punished with a fine of not less than Fifty thousand pesos

(P50,000.00) but not more than One hundred thousand pesos (P100,000.00), for each and every child restraint system product, without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines": *Provided,* That the DOTr is hereby empowered, after publication, to increase or adjust the amounts of the fines prescribed in this section once every five (5) years in the amount not exceeding ten *per centum* (10%) of existing rates.

SEC. 11. *Nationwide Public Information Campaign.* – (a) The DOTr, the Philippine Information Agency (PIA), the Department of Health (DOH), the Department of Education (DepEd), and private agencies and organizations, shall undertake regular nationwide Information, Education and Communication (IEC) campaign within six (6) months from the passage of this Act. The IEC campaign shall include information on the proper installation, use, and maintenance of the child restraint system.

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

SEC. 12. *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. 13. *Implementing Rules and Regulations.* – The DOTr, in consultation with the DTI, DOH, Department of the Interior and Local Government (DILG), Philippine National Police-Highway Patrol Group (PNP-HPG), Metro Manila Development Authority (MMDA), Council for the Welfare of Children (CWC) and other concerned agencies and stakeholders, shall promulgate the IRR on child restraint systems within six (6) months from the effectivity of this Act.

The IRR shall cover among others the following:

(a) Motor vehicles covered under this Act;

(b) Standards and kinds of child restraint systems based on UN Regulations 44 and 129;

(c) Compatibility of child restraint systems to motor vehicles available in the market;

(d) Proper installation and positioning of the child restraint system in the vehicle;

(e) Certification training program referred to in Section 8 of this Act 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

(h) Phases of implementation.

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 Seat Belt 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. *Transitory Clause.* – Mandatory compliance of this Act shall be enforced only one (1) year after the effectivity of the IRR of this Act.

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

SEC. 17. *Repealing Clause.* – Section 5 on the age of children prohibited to sit in front seat of Republic Act No. 8750 and Section 11 thereof on the use of special car seats are hereby amended. All other laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,

GLORIA MACAPAGAL-ARROYO
Speaker of the House of Representatives

VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1971 and House Bill No. 6938 was passed by the Senate and the House of Representatives on December 11, 2018.

DANTE ROBERTO P. MALING
Acting Secretary General
House of Representatives

MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: FEB 22 2019

RODRIGO ROA DUTERTE
President of the Philippines

REPUBLIC OF THE PHILIPPINES

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