AN ACT ENHANCING THE SAFETY OF PEDESTRIANS, FURTHER AMENDING REPUBLIC ACT NO. 4136, AS AMENDED, OTHERWISE KNOWN AS LAND TRANSPORTATION AND TRAFFIC CODE AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The current crisis faced by the Philippines in the realm of public transportation involves a wide array of stakeholders, and an even wider array of concerns. Specifically, the government must pay particular concern to the majority of the Filipino population that are directly affected by the use of roads and traffic routes: the pedestrian.

Indeed, protection of Filipino pedestrians should be of paramount concern. In 2018, the World Health Organization (WHO) released its Global Status Report on Road Safety, which found that incidents of road traffic deaths continue to rise in the Philippines. The WHO found that 12,690 road traffic deaths occurred in the country in 2016, and that about half of these road traffic deaths involved vulnerable road users such as motorcyclists, cyclists and pedestrians.¹

In addition to establishing sufficient infrastructure, systems and programs to alleviate traffic, institutionalizing “right-of-way” culture in the use of roads, walkways and other means for pedestrian access will greatly help in lessening the number of road traffic deaths. This bill seeks to enhance the country’s traffic laws by (a)

respecting the rights of pedestrians, (b) clarifying the rules on when a pedestrian should yield to a driver, or vice versa, (c) penalizing any person who violates the right-of-way of pedestrians; and (d) mandating the training of erring drivers and pedestrians.

The passage of this measure will not only ensure safety of our pedestrians, it will also provide a comprehensive solution to the country's persistent traffic problems, especially in Metro areas, by mandating a system of behavior and accountability for the commuting public, including both drivers and pedestrians.

The immediate passage of this bill is earnestly sought.

HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

HON. DOMINGO C. RIVERA
Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
First Regular Session  

House Bill No. 6008  

Introduced by CIBAC Party-List Representatives  
Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera  

AN ACT ENHANCING THE SAFETY OF PEDESTRIANS, FURTHER AMENDING REPUBLIC ACT NO. 4136, AS AMENDED, OTHERWISE KNOWN AS LAND TRANSPORTATION AND TRAFFIC CODE AND FOR OTHER PURPOSES  

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

SECTION 1. Title. – This Act shall be known as the "Pedestrian Safety Act."  

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to provide and ensure safe and convenient pedestrian travel and access, whether by foot, wheelchair, walker, stroller or any other means. To this end, the State shall provide convenient and safe passage for pedestrians on and across all streets and highways, increase levels of walking and pedestrian travel, and reduce pedestrian fatalities and injuries.  

SECTION 3. Definition of Terms. – For the purposes of this Act, the following terms shall be defined as follows:  

(a) Crosswalk is the part of the roadway set aside for pedestrian traffic;  

(b) Intersection is any place where one line of roadway meets another roadway. Intersections include cross streets, side streets, alleys, freeway entrances, and any other location where vehicles traveling on different highways or roads join each other;
(c) Pedestrian is a person on foot or who uses a conveyance such as roller skates, skateboard, etc., other than a bicycle. A pedestrian can also be a person with a disability using a tricycle, quadricycle, or wheelchair for transportation.

SECTION 4. Repeal of Certain Provisions. – Section 42(c) of Republic Act No. 4136, otherwise known as Land Transportation and Traffic Code, as amended, is hereby repealed.

SECTION 5. Right of Way of Pedestrians. – A new Article III-A of the Land Transportation and Traffic Code, as amended, is hereby provided to read as follows:

ARTICLE III-A
RIGHTS OF WAY OF PEDESTRIANS

SECTION 44-A. RIGHT OF WAY OF PEDESTRIANS. –

(a) THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(b) THE DRIVER OF A VEHICLE APPROACHING A PEDESTRIAN WITHIN ANY MARKED OR UNMARKED CROSSWALK SHALL EXERCISE ALL DUE CARE AND SHALL REDUCE THE SPEED OF THE VEHICLE OR TAKE ANY OTHER ACTION RELATING TO THE OPERATION OF THE VEHICLE AS NECESSARY TO SAFEGUARD THE SAFETY OF THE PEDESTRIAN.

(c) NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS SECTION SHALL NOT RELIEVE:

(1) A PEDESTRIAN FROM THE DUTY OF USING DUE CARE FOR HIS OR HER SAFETY. NO PEDESTRIAN SHALL SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND WALK OR RUN INTO THE PATH OF A VEHICLE THAT IS SO CLOSE AS TO CONSTITUTE AN IMMEDIATE HAZARD. NO PEDESTRIAN SHALL ALSO UNNECESSARILY STOP OR DELAY TRAFFIC WHILE IN A MARKED OR UNMARKED CROSSWALK; AND

(2) A DRIVER OF A VEHICLE FROM THE DUTY OF EXERCISING DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION.

SECTION 44-B. REMOVAL OF CROSSWALKS. –

(a) AN EXISTING MARKED CROSSWALK MAY NOT BE REMOVED UNLESS NOTICE AND OPPORTUNITY TO BE HEARD IS PROVIDED TO THE PUBLIC NOT LESS THAN 30 DAYS PRIOR TO THE SCHEDULED DATE
OF REMOVAL. IN ADDITION TO ANY OTHER PUBLIC NOTICE
REQUIREMENTS, THE NOTICE OF PROPOSED REMOVAL SHALL BE
POSTED AT THE CROSSWALK IDENTIFIED FOR REMOVAL.

(b) THE NOTICE REQUIRED BY SUBSECTION (A) ABOVE SHALL INCLUDE,
BUT NOT BE LIMITED TO, NOTIFICATION TO THE PUBLIC OF THE
FOLLOWING:

(1) THAT THE PUBLIC MAY PROVIDE INPUT RELATING TO THE
SCHEDULED REMOVAL; AND

(2) THE FORM AND METHOD OF PROVIDING THE INPUT
AUTHORIZED UNDER PARAGRAPH (1) ABOVE.

SECTION 44-C. NO OVERTAKING AT INTERSECTIONS. – WHENEVER ANY
VEHICLE HAS STOPPED AT A MARKED CROSSWALK OR AT ANY UNMARKED
CROSSWALK AT AN INTERSECTION TO PERMIT A PEDESTRIAN TO CROSS
THE ROADWAY, THE DRIVER OF ANY OTHER VEHICLE APPROACHING FROM
THE REAR SHALL NOT OVERTAKE AND PASS THE STOPPED VEHICLE.

SECTION 44-D. SIDEWALKS. – THE DRIVER OF ANY MOTOR VEHICLE, PRIOR
TO DRIVING OVER OR UPON ANY SIDEWALK, SHALL YIELD THE RIGHT-OF-
WAY TO ANY PEDESTRIAN APPROACHING THEREON.

SECTION 44-E. UNDERPASS AND OVERPASS. – WHENEVER ANY
PEDESTRIAN CROSSES A ROADWAY OTHER THAN BY MEANS OF A
PEDESTRIAN TUNNEL OR OVERHEAD PEDESTRIAN CROSSING, IF A
PEDESTRIAN TUNNEL OR OVERHEAD CROSSING SERVES THE PLACE
WHERE THE PEDESTRIAN IS CROSSING THE ROADWAY, SUCH PEDESTRIAN
SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES ON THE HIGHWAY SO
NEAR AS TO CONSTITUTE AN IMMEDIATE HAZARD.

NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS SECTION SHALL
NOT BE TAKEN AS A PROHIBITION AGAINST THE INSTALLATION OF
CROSSWALKS WHERE A PEDESTRIAN TUNNEL OR OVERHEAD CROSSING
EXISTS, SHOULD PUBLIC NECESSITY AND SAFETY DictATE.

SECTION 44-F. INSTANCES WHERE PEDESTRIANS SHALL YIELD TO
VEHICLES. – EVERY PEDESTRIAN UPON A ROADWAY AT ANY POINT OTHER
THAN WITHIN A MARKED CROSSWALK OR WITHIN AN UNMARKED
CROSSWALK AT AN INTERSECTION SHALL YIELD THE RIGHT-OF-WAY TO
ALL VEHICLES UPON THE ROADWAY SO NEAR AS TO CONSTITUTE AN
IMMEDIATE HAZARD, PROVIDED THAT, THE DRIVER OF A VEHICLE SHALL
CONTINUE TO EXERCISE DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN
UPON A ROADWAY.

SECTION 44-G. CROSSING ON CROSSWALKS. – BETWEEN ADJACENT
INTERSECTIONS CONTROLLED BY TRAFFIC CONTROL SIGNAL DEVICES OR
BY POLICE OFFICERS, PEDESTRIANS SHALL NOT CROSS THE ROADWAY AT
ANY PLACE EXCEPT IN A CROSSWALK.
SECTION 44-H. ROADWAYS. –

(a) NO PEDESTRIAN MAY WALK UPON ANY ROADWAY OUTSIDE OF A BUSINESS OR RESIDENTIAL DISTRICT OTHERWISE THAN CLOSE TO HIS OR HER LEFT-HAND EDGE OF THE ROADWAY.

(b) A PEDESTRIAN MAY WALK CLOSE TO HIS OR HER RIGHT-HAND EDGE OF THE ROADWAY IF A CROSSWALK OR OTHER MEANS OF SAFELY CROSSING THE ROADWAY IS NOT AVAILABLE OR IF EXISTING TRAFFIC OR OTHER CONDITIONS WOULD COMPROMISE THE SAFETY OF A PEDESTRIAN ATTEMPTING TO CROSS THE ROAD.

SECTION 44-I. SOLICITATION OF RIDES. – NO PERSON SHALL STAND IN A ROADWAY WHICH IS NOT AN AUTHORIZED LOADING AND UNLOADING ZONE FOR THE PURPOSE OF SOLICITING A RIDE FROM THE DRIVER OF ANY VEHICLE.

SECTION 44-J. PENALTY. –

(a) THE DRIVER OF A VEHICLE THAT VIOLATES THE PROVISIONS OF THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM PHP2,000.00 TO PHP20,000.00;

(b) A PEDESTRIAN FOUND TO BE VIOLATING THE PROVISIONS OF THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM PHP1,000.00 TO PHP10,000.00.

THE FINES IMPOSED HEREIN SHALL BE WITHOUT PREJUDICE TO ANY OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE CASE THAT MAY BE FILED AGAINST THE OFFENDER.

SECTION 44-K. TRAINING WITH TESDA. – ANY PERSON WHO HAVE VIOLATED THE PROVISIONS OF THIS ACT SHALL BE REQUIRED TO UNDERGO THE APPROPRIATE TRAINING OR REFRESHER COURSE WITH THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA).

SECTION 6. Information Campaign. – The Department of Transportation shall conduct sustained information and education drives aimed at enhancing pedestrian and driver education.

The Department of Transportation and the Land Transportation Office shall also closely coordinate with TESDA for the establishment of a training program for drivers and motorists consistent with the provisions of this Act.

SECTION 7. Implementing Rules and Regulations and Standard Forms. – Within sixty (60) days from the approval of this Act, the Department of Transportation, in consultation with the appropriate stakeholders and in coordination with different government agencies that regulate traffic, shall promulgate the implementing rules and regulations of this Act.
SECTION 8. Funding – Congress shall allocate adequate funding for the proper implementation of this Act. In addition, 10% of the Special Road Support Fund created under Republic Act No. 8794 shall be allocated for the programs, activities and projects of the Department of Transportation geared towards pedestrian safety and driver education.

SECTION 9. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

SECTION 10. Repealing Clause. – All laws, proclamations, executive orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed, modified or amended accordingly.

SECTION 11. Effectivity Clause. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,