

RECORD OF THE SENATE

TUESDAY, SEPTEMBER 1, 1998

OPENING OF THE SESSION

At 3:11 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 17th session of the First Regular Session of the Eleventh Congress is hereby called to order.

We shall be led in prayer by Sen. Sergio R. Osmeña III.

Everybody rose for the opening prayer.

Senator Osmeña III.

Almighty Father, be our rock of safety, the stronghold that saves us. For as the prophet Jeremiah said, "Blessed is the man who trusts in the Lord and puts all his confidence in Him. He is like a tree planted by the water's edge: that sends out its roots to the stream and does not fear when summer's heat comes, for its foliage remains green; nor has it any anxiety in the year of drought, for it does not cease to bear fruit."

Father, as we stand on the threshold of a new millennium, guide our footsteps, give us the courage to lead our people through treacherous waters. Bless us with humility of a servant's heart that we may serve the interests of the lowliest of our citizens, rather than bow to powers on earth. Allow us in humble servanthood to become instruments of Your divine justice. Give us the wisdom to discern the truth, so that we might stand steadfast in support of what is right, even if, at times, it may not be popular.

Look with favor upon our people, especially those suffering from deprivation and want: our farmers who this day suffer hunger in the form of the El Niño; the millions unemployed in the backlash of the economic crisis; those who suffer injustice from the crimes and evil that threaten to undo the moral fabric of our society. Heal us of the many divisions among us, that we may build a strong nation, united in loving You and loving one another, and ready to face the future like a new day awakening.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

- Senator Teresa Aquino-Oreta ..... Present
Senator Robert Z. Barbers ..... Present
Senator Rodolfo G. Biazon ..... Present
Senator Renato L. Compañero Cayetano .. Present
Senator Anna Dominique M.L. Coseteng .. Absent
Senator Franklin M. Dilon ..... Present
Senator Juan Ponce Enrile ..... Present
Senator Juan M. Flavies ..... Present
Senator Teofisto T. Guingona Jr. .... Present
Senator Gregorio B. Honasan ..... Present
Senator Robert S. Jaworski ..... Present
Senator Loren B. Legarda-Leviste ..... Present
Senator Ramon B. Magsaysay Jr., ..... Present
Senator Blas F. Ople ..... \*
Senator John Henry R. Osmeña ..... Present
Senator Sergio R. Osmeña III ..... Present
Senator Aquilino Q. Pimentel Jr. .... Present
Senator Ramon B. Revilla ..... Present
Senator Raul S. Roco ..... Present
Senator Miriam Defensor Santiago ..... Present
Senator Vicente C. Sotto III ..... Present
Senator Francisco S. Tatad ..... Absent
The President ..... Present

The President. With 20 senators present, the Chair declares the presence of a quorum.

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

THE JOURNAL

Senator Drilon. Mr. President, I move that we dispense with the reading of the Journal of the previous session and consider it approved.

The President. Is there any objection? [Silence] There being none, the reading of the Journal of the previous session is dispensed with and the same is considered approved.

Senator Tatad. I move that we proceed to the Reference of Business.

The President. Is there any objection? [Silence] There being none, the motion is approved.

The Secretary will please read the Reference of Business.

\* On official mission

run ecozone will be treated differently, here there should be clarity in the distinction between the public and the 101 special economic zones that are private in character.

**Senator Osmeña III.** There is no problem, Mr. President. What is the pleasure of the gentleman?

**Senator Roco.** Subject to style, Mr. President, I hate to do this, but the idea being that an ecozone may contain the following things, but to show a distinction between the ecozone that is public and the special economic zones that are privately run, then the committee will also have no more problem about the industry standards, because the industry standards will refer now to the private special economic zones. I do not have words specifically in mind.

**The President.** In other words, the committee is qualified to refer to both public and private ecozones?

#### SUSPENSION OF SESSION

**Senator Roco.** May I ask for a one-minute suspension of the session, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 3:53 p.m.*

#### RESUMPTION OF SESSION

*At 3:56 p.m., the session was resumed.*

**The President.** The session is resumed. The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1136

**Senator Drilon.** Mr. President, may we move to suspend consideration of Senate Bill No. 1136, under Committee Report No. 2.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved. Consideration of Senate Bill No. 1136 is hereby suspended.

#### SPECIAL ORDERS

**Senator Drilon.** Mr. President, may we move to transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 3 on Senate Bill No. 1137, entitled

AN ACT REQUIRING THE MANDATORY COMPLIANCE BY MOTORISTS OF PRIVATE AND PUBLIC VEHICLES TO USE SEAT BELT DEVICES AND REQUIRING VEHICLE MANUFACTURERS TO INSTALL SEAT BELT DEVICES IN ALL THEIR MANUFACTURED VEHICLES.

**The President.** Is there any objection? *[Silence]* There being none, Senate Bill No. 1137 is hereby transferred to the Calendar for Special Orders.

#### BILL ON SECOND READING S. No. 1137--Use of Seat Belts Act

**Senator Drilon.** Mr. President, I move that we consider on Second Reading, Senate Bill No. 1137, as reported out under Committee Report No. 3.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

Consideration of Senate Bill No. 1137 is now in order. With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

**The Acting Secretary** [Atty. Tolentino]. Senate Bill No. 1137, entitled

AN ACT REQUIRING THE MANDATORY COMPLIANCE BY MOTORISTS OF PRIVATE AND PUBLIC VEHICLES TO USE SEAT BELT DEVICES AND REQUIRING VEHICLE MANUFACTURERS TO INSTALL SEAT BELT DEVICES IN ALL THEIR MANUFACTURED VEHICLES

*The following is the whole text of the bill:*

Senate Bill No. 1137

AN ACT REQUIRING THE MANDATORY COMPLIANCE BY MOTORISTS OF PRIVATE AND PUBLIC VEHICLES TO USE SEAT BELT DEVICES, AND REQUIRING VEHICLE MANUFACTURERS TO INSTALL SEAT BELT DEVICES IN ALL THEIR MANUFACTURED VEHICLES

*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 "Seat Belts Use Act of 1998."

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to secure and safeguard its citizenry, particularly the passengers and drivers of private and public vehicles, from the ruinous and extremely injurious effects of vehicular accidents. Towards this end, the State shall pursue a more proactive and preventive approach in order to secure the safety of the passengers and drivers at all times with the mandatory enforcement of the use of seat belt devices by the drivers and front seat passengers of private and public vehicles.

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

- (a) "*Motorists*" shall refer to the driver and front seat passengers of a motor vehicle.
- (9b) "*Seat Belt Devices*" shall refer to any strap, webbing or similar device in the form of a combined pelvic restraint or lap belt and upper torso restraint or shoulder strap designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt device in a motor vehicle.
- (c) "*Motor Vehicle*" shall refer to both private vehicle and public utility vehicle. The term shall not include tricycle and motorcycle.
- (d) "*Private Vehicle*" shall refer to any vehicle owned privately by individuals and juridical persons.
- (e) "*Public Vehicle*" shall refer to a public utility or a vehicle for hire including taxi, bus and jeepney.

SEC. 4. *Mandatory Use of Seat Belts.* - For the safety of the public, the driver and front seat passengers of a public or private motor vehicle are required to wear or use their seat belt devices at all times, while driving or riding a vehicle.

In the case of public vehicles, the driver shall be required to readily inform and require the front seat passengers upon boarding to wear the prescribed seat belts. Any passenger who refuses to wear seat belts shall not be allowed to board the public vehicle.

Motor vehicles, both public and private, which are

not equipped with the required seat belt devices, are given one year, from the effectivity of this Act and upon issuance of the implementing rules and regulations by the Department of Transportation and Communications (DOTC), to install seat belt devices in their vehicles.

SEC. 5. *Coverage.* - This Act shall apply to drivers and passengers of public and private vehicles, namely taxi cabs, vans, cars, pick-up trucks, trucks, buses, jeepneys and other motor vehicles as may be recommended by the DOTC for inclusion in the interest of public safety.

SEC. 6. *Provisions for Seat Belt.* - This Act further requires car manufacturers, assemblers and distributors to ensure that seat belt devices are installed and lodged in all their manufactured and assembled vehicles before the distribution of the said vehicles to the general public.

SEC. 7. *Type of Seat Belt Devices Required.* - The seat belt devices required to be installed in all motor vehicles shall comply with the standards and specifications established by the Bureau of Product Standards of the Department of Trade and Industry.

SEC. 8. *Registration.* - No motor vehicle shall be allowed to register or renew its registration unless it is equipped with the necessary seat belt devices. For this purpose, the DOTC shall include in the implementing guidelines a system of vehicle registration where compliance with Section 4 hereof shall be made a prerequisite for registration: *Provided*, That the seat belt devices installed in imported second-hand motor vehicles shall be inspected and checked for compliance with the set standards and specifications of the Bureau of Product Standards for purposes of registration.

SEC. 9. *Period of Implementation.* - (a) The DOTC shall be the agency primarily responsible in the enforcement and implementation of this Act. Within sixty (60) days from the effectivity of this Act, the DOTC, in coordination with the Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), Philippine National Police (PNP) and Metro Manila Development Authority (MMDA), shall formulate and issue the necessary implementing rules, regulations and guidelines and shall mobilize available resources to assure the effective implementation of this Act.

(b) The DOTC, in coordination with the LTO, LTFRB, PNP, MMDA and other government agencies,

shall decide on the transitional period for the full implementation of this Act, but in no case longer than two (2) years from the effectivity of this Act.

SEC. 10. *Penalties and Fines.* - In the enforcement of this Act, the DOTC shall include in the implementing guidelines a system of ensuring compliance with the provisions of this Act, particularly through the imposition of fines: (1) on the driver (a) for failure to wear the prescribed seat belt devices; or (b) for failure to inform and require the front seat passengers of a private vehicle, or public utility vehicle, to wear seat belt devices; and (2) on any manufacturer, assembler, importer and distributor for every unit found to be not installed with seat belt devices prior to its distribution to the public.

SEC. 11. *Nationwide Public Information Campaign.*  
- (a) The DOTC, in coordination with the Land Transportation Office (LOT), Philippine Information Agency (PIA), Department of Education, Culture and Sports (DECS) and private agencies and organizations shall undertake a regular nationwide Information, Education and Communication (IEC) campaigns for the attainment of the objectives of this Act. The publicity campaigns shall stress the safety and health value of safety belts to support the active participatory enforcement of the belt law.

- (b) The DOTC, in coordination with the Local Government Units, shall likewise utilize the services of citizen groups and community organizations for the promotion of public safety awareness in observance of this Act.
- (c) The fines that will be collected for the enforcement of this Act shall be used exclusively for the implementation of the provisions of this Act, including the necessary promotion campaigns for the use of seat belt devices.

SEC. 12. *Separability Clause.* - If any provisions, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 13. *Repealing Clause.* - Republic Act No. 4136, Article IV, Section 34 is hereby amended and any law, executive order, decree, issuance, ordinance, rule or regulation or parts thereof contrary or inconsistent with the provisions of this Act is also hereby repealed, modified or amended accordingly.

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

Approved,

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Senator Drilon. Mr. President, to deliver the sponsorship speeches, I ask that the Chair recognize Sens. Vicente Sotto III and Juan Flavie in that order.

The President. Sen. Vicente Sotto III is recognized to deliver the sponsorship speech, to be followed by Sen. Juan Flavie.

#### SPONSORSHIP SPEECH OF SENATOR SOTTO

Senator Sotto. Thank you, Mr. President.

Distinguished colleagues:

It is with pleasure that I rise today to sponsor Senate Bill No. 1137 entitled, "An Act Requiring the Mandatory Compliance by Motorists of Private and Public Vehicles to Use Seat Belt Devices and Requiring Vehicle Manufacturers to Install Seat Belt Devices in All their Manufactured Vehicles," in substitution of Senate Bill Nos. 69, 248, and 695, authored by Senators Flavie, Coseteng, this representation, Osmeña III and Santiago, respectively.

Mr. President, the Committee on Public Services has made it a priority to work on the passage of legislation for the protection and promotion of the interest, safety and well-being of the general public. It is thus with the intent of saving and protecting the lives and health of the riding public that we bring to the floor today this bill seeking the mandatory use of seat belts.

In the United States of America where statistics are available, it has been shown that motor vehicle or vehicular traffic crashes are the leading cause of all injury deaths, the third largest cause of all deaths, and the leading cause of all deaths among people aged 6 to 28.

Figures from the US National Highway Traffic Safety Administration (NHTSA) reveal that from 1982 through 1994, safety belts saved an estimated 65,290 lives of passenger vehicle occupants over the age of 4. In 1994 alone, the number of lives saved is 9,175.

They also estimate that in 1994, if every front seat occupant had buckled up, an additional 9,500 deaths and about 200,000 injuries could have been prevented.

Indeed, numerous research studies indicate that use of

lap-and-shoulder safety belts in passenger cars reduce the risk of fatal or serious injury by a factor of 40 percent to 55 percent.

It is no wonder, therefore, that despite initial resistance to the idea, 49 states in the United States, the District of Columbia and Puerto Rico have already enacted safety belt laws. In addition, all 50 states as well as the D.C. now require young children to be in special safety seats while riding in vehicles. Currently, the U.S. national seatbelt-use rate stands at 69 percent based on 1997 figures. In Europe and Canada, an impressive 95 percent of drivers buckle up.

Mr. President, in our own country, statistics from the PNP Traffic Management Group indicate that in 1997, 2,049 vehicle occupants were instantly killed, 1,140 were seriously injured, and 9,340 were slightly injured in vehicular accidents. Meanwhile, for the first six months of 1998, 358 were already reported as having been killed in traffic accidents, 612 seriously injured and 549 slightly injured.

With the passage of this bill into law, our Senate committee seeks to at least reduce the deaths and serious physical injuries caused by vehicular accidents and prevent slight physical injuries to motorists and passengers alike.

Still there are people who feel that the matter of wearing seat belts is a personal choice or a personal decision that should not be dictated by the state, Mr. President. These are the same skeptics who continue to object to the mandatory use of seat belts and ask: "Why should we wear seat belts?"

Mr. President, our Senate committee's answer is: If a person does not wear a seat belt, there are a number of ways he can be seriously injured or killed in an accident.

First, in a person-to-car collision:

In a crash, unrestrained or unbelted occupants of a vehicle keep moving during the time it takes the vehicle to stop. The law of physics is such that they continue to move forward at their original speed when they slam into the steering wheel, windshield or other parts of the car causing very serious injuries and in most cases, even instant death.

Second, in a person-to-person collision:

Unrestrained occupants can also injure others. Thus, in many collisions, a person can crash into another passenger and force that person out of the car window or door. Heads can clash with fatal force. And if a child is in the car, an unbelted adult can inflict serious, even fatal, injuries on that child.

In truth, children often become the unwilling victims of these accidents. U.S. Federal research reveals that when a driver is not buckled, the children in the vehicle are also unbuckled 70 percent of the time. Now, this is not surprising. In the Philippines, it is the same case since children often imitate adult behavior.

Indeed, head and chest injuries are the most frequent causes of death in collisions, and without seat belts, these injuries can occur even in relatively minor crashes. This is all the more true for children.

So to those who question the policy we have set today of requiring the mandatory use of seat belts, our Senate committee's answer is simple. It is because the three seconds that it takes to fasten a seat belt may save our lives and the lives of those we love.

And so, Mr. President, our Senate committee brings forth for the approval of this Chamber Senate Bill No. 1137 under Committee Report No. 3, requiring motorists, that is, the driver and front seat passenger of private and public vehicles to use seat belt devices while riding the vehicle. Furthermore, the bill requires manufacturers and assemblers to install seat belt devices in all their manufactured vehicles.

As to the existing motor vehicles still without seat belt devices, they shall be given a period of one year within which to install such devices.

The mandatory use of seat belts shall cover all motor vehicles, whether private or public, including taxis, buses, trucks, vans and jeepneys. In the case of jeepneys, the pelvic restraint or lap belt type may be initially installed as substantial compliance with the law.

Also, in the case of public utility vehicles, it shall be the duty of the driver to inform and require his front seat passenger to fasten his seat belt. A passenger who refuses to do so may be refused boarding. The committee feels that although this may cause a bit of delay to the taxi or jeepney driver, it is worth the effort if and when an accident occurs, especially if it involves a bigger vehicle.

The seat belt devices shall conform to the standards and specifications set by the Bureau of Product Standards of the Department of Trade and Industry, in order to ensure that our motoring public will be using good quality seat belts.

To give teeth to this measure, fines will be imposed on violators: First, on the driver, if he or his front seat passenger does not buckle up; and second, on the manufacturer, assembler and distributor for every unit of vehicle found to have not been

installed with seat belt devices before its sale or distribution to the public.

And to further ensure compliance with this requirement, no motor vehicle will be allowed to register or renew its registration unless it is properly equipped with the necessary seat belt devices.

Mr. President, distinguished colleagues: In view of the urgent need to protect motorists, this representation asks their support in the immediate passage of this bill. It is time for the Philippines to "Buckle Up!"

Thank you, Mr. President.

**The President.** Thank you, Senator Sotto. Sen. Juan M. Flavier is recognized for his sponsorship speech.

#### SPONSORSHIP SPEECH OF SENATOR FLAVIER

**Senator Flavier.** Ladies and gentlemen of the Senate:

Exactly a year yesterday, August 31, 1997, an accident in Paris astounded the whole world, Princess Diana of Wales, together with her other copassengers, perished. There was, however, a lone survivor and this man was wearing a seat belt. This event has once again highlighted the importance of mandatory seat belts used to save lives and to reduce injury.

Ladies and gentlemen of the Senate, I stand here today to cosponsor Senate Bill No. 1137, which seeks to require car manufacturers, assemblers and distributors to ensure that seat belt devices are installed in their vehicles before distribution to the public.

According to recent findings, the number of deaths due to vehicular accidents in the Philippines is now in a disturbing upward trend. More than 60 percent of all these accidents caused death or serious injuries. But the damage is not for the victims alone. We all pay for the costs of these accidents since in-patient hospital costs to three crash victims are at least 50 percent or higher than those for belted victims. We all pay for more emergency medical services, more medical treatment and rehabilitation, higher health care and automobile insurance premiums.

On the other hand, employers are especially hit hard with higher taxes to fund emergency and other medical services, increased health insurance costs, higher work compensation costs, lost time and productivity. It is high time that our government takes an action to protect the safety of our people. The use of seat belts will reduce the number of fatalities due to vehicular accidents. This means lesser number of children orphaned by the

untimely demise of their parents. This means lesser expenses for costly emergency care and treatment.

And how much would it cost to save a human life? People would spend hundreds of thousands of pesos to prolong the life of a loved one. Yet, it will only cause from P600 to P1,150 of seat belts to prevent death and fatal injuries to vehicular accidents.

Honorable members of the Senate, I urge the immediate passage of this bill.

Thank you very much, Mr. President.

**The President.** Thank you, Senator Flavier. The Majority Leader is recognized.

**Senator Drilon.** For the interpellation, Mr. President, may we ask the Chair to recognize the Minority Leader, Sen. Teofisto T. Guingona Jr.

**The President.** The Minority Leader is recognized for interpellation.

**Senator Guingona.** Thank you, Mr. President. At the outset, permit us to congratulate the authors of this vital bill which will lead to the safety of a number of passengers.

May I just ask the distinguished senator some questions for clarification?

**Senator Sotto.** Certainly, Mr. President, most willingly.

**Senator Guingona.** How will this apply to jeepneys?

**Senator Sotto.** Mr. President, during the first public hearing that we conducted, we already expected a problem as far as the jeepneys are concerned because of the peculiarity of the jeepneys. So we conducted another public hearing specifically for that purpose, and invited not only representatives from the Philippine Motors Association but also representatives from FEJODAP, jeepney operators and the jeepney drivers. We asked for their comments.

There was a chorus among them that they are in favor of the mandatory use of seat belts. In fact, there are jeepney drivers now who are using seat belts. But they suggest that we confine it to the drivers and the front-seat passengers.

According to them, and this is based on their testimonies, the jeepney passengers at the back would not have the same line of travel on a head-to-head collision, and the front-seat passengers and the drivers are more prone to have accidents. Also, they brought out the point that jeepneys do not really travel that fast.

However, the front-seat passengers and the drivers are the ones who normally will have a problem when an accident happens.

We asked if it is possible to also mandate seat belts for use of passengers at the back of the jeepneys. The answer that we got, Mr. President, is that the costs will be too much. Besides, it is a fact that when jeepneys are loaded, most of the time these are overloaded. There are even passengers standing at the running boards of the jeepneys. So this will cause a lot of problems as far as the implementation and enforcement of this law is concerned.

Candidly, that is really what we gathered.

**Senator Guingona.** The overloading of passengers is usually in the provinces.

**Senator Sotto.** Yes, Mr. President. In fact, in the provinces there are passengers even on top of the jeepneys.

But I would like to point out the fact that if we put on a pelvic restraint or a seat belt on the driver, we already minimize the chances of an accident. Why? Because, according to the Philippine Motors Association's tests that it had conducted, it is not only the wearing of a seat belt that is for safety reasons but also preventive reasons. They explained that when a driver hits either a big pothole or is jerked by a sudden side collision, the driver can be thrown off his seat or just slightly off his seat and if this happens, they said, the driver will lose control of the jeepney or the steering wheel, or probably the brakes or even the handles of the gears.

According to their reports, graver accidents happen when the driver loses control of the jeepney.

In other words, we think, Mr. President, that the seat belt is only necessary when one is hit by another vehicle or during an impact. But I understand that most of the graver accidents happen after the first impact, when the driver loses control of the vehicle and the vehicle careens to other areas or probably slides to another area or hits other vehicles.

Based on the information we gathered, that is the reason they are in favor of putting a seat belt on the jeepney driver seat and even on the front seat passenger, Mr. President.

**Senator Guingona.** Thank you for that, Mr. President. May I know whether we are delegating the power to impose fines on the DOTC for possible violations?

**Senator Sotto.** We will be allowing them to impose the penalties or the fines. Yes, directly, the answer is yes. Although we impose or we mandate that they put fines.

**Senator Guingona.** Should we not ourselves impose the fine in the law itself? Otherwise, we should set the standards to guide them because we are delegating the power to impose fines.

**Senator Sotto.** I have to say that the Minority Leader, Mr. President, has a very incisive query, especially on these points. One of the bills in this consolidated version, the bill of Sen. Miriam Santiago, had specific fines provided in its version. But during the discussions of the committee and in the public hearings, we thought or the sentiment is that later on we might have to enact a bill if we have to amend the fine. If we will mandate the fine now let us say at P300 or P500, about five years from now, P300 and P500 might be too stiff for it might be too small an amount.

Therefore, we will have to enact again another law just to be able to change that. I do not really know, Mr. President, what the Minority Leader has in mind. Probably, he would like to put a maximum provision on this. If so, then the committee, I am sure, will not object to that if that is the point.

**Senator Guingona.** Thank you, Mr. President. There is a provision here which would punish the manufacturer. Does this refer to the manufacturer of the vehicle?

**Senator Sotto.** Yes, the local manufacturer of vehicles, if they do not install seat belts, Mr. President.

The good news is 90 percent of the manufacturers or assemblers are now installing seat belts. In fact, all the taxicabs now have seat belts. The Sarao Motors and the Francisco Motors, the jeepney assemblers, were there during the public hearings and they said they can install seat belts. In fact, according to them, they have been installing seat belts now, if requested by the owner or by the drivers themselves. We do refer to the local manufacturers, assemblers, distributors of these vehicles.

**Senator Guingona.** So that the cost is already inputted into the price of the vehicle itself.

**Senator Sotto.** Yes, Mr. President. In fact, during the public hearing, Senator Barbers pointed out that there is one manufacturer of a certain car that has not installed a seat belt up to the present. However, said manufacturer stated and assured us that if the law is passed, they will definitely follow and put a seat belt in that particular model of vehicle. They said they will input the price or the cost of the seat belt into the vehicle itself. The same is true with the jeepney assemblers.

**Senator Guingona.** May we know what is this Bureau of Products Standards? Is this under the DOTC?

**Senator Sotto.** It is under the Department of Trade and Industry, Mr. President.

**Senator Guingona.** Is there already a set of standards and specifications?

**Senator Sotto.** Yes, Mr. President. They testified during the public hearing that they do some tests on the seat belts being installed in the current vehicles that are being sold by the manufacturers.

**Senator Guingona.** So that the registration will not really entail an additional burden on the registrants.

**Senator Sotto.** No, Mr. President.

**Senator Guingona.** Nor will it be a ground for an additional opening up of bribes or *lagay*?

**Senator Sotto.** No, Mr. President. They do not think so. It is already part of their work even before the car assemblers release the vehicles.

**Senator Guingona.** What I mean is that there is a set of standards already.

**Senator Sotto.** Yes, Mr. President.

**Senator Guingona.** As long as they comply, it is the ministerial duty of the bureau to approve.

**Senator Sotto.** Yes, Mr. President.

**Senator Guingona.** Thank you, Mr. President.

**Senator Drilon.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Drilon.** Mr. President, the following senators have reserved the right to interpellate. May I ask the Chair to recognize them in the following order: Senators Cayetano, Biazon, Barbers, Legarda-Leviste, Aquino-Oreta, Pimentel and Santiago.

**The President.** Sen. Renato *Compañero* Cayetano is recognized.

**Senator Cayetano.** Thank you, Mr. President. Will the gentleman yield for some questions?

**Senator Sotto.** Yes, Mr. President, as long as I have the assurance from the other cosponsors that they will help out in the interpellations which, I just heard, number about 10 or 11. I hope we will finish with this by December, Mr. President. *[Laughter]*

**Senator Cayetano.** Thank you very much, Mr. President. First of all, let me congratulate the authors as well as the two cosponsors of this Senate Bill No. 1137. I join them in saying that this requirement of having seat belts is long overdue and certainly this is a good time as any to have this bill passed. Nevertheless, I just wish some clarifications to be answered by the good gentleman.

Mr. President, in the Definition of Terms, Section 3 (b) of "Seat Belt Devices," it would seem to me that wearing of the seat belt or the type of seat belt would mean having a "strap webbing or similar device in the form of a combined pelvic restraint or lap belt and upper torso restraint or shoulder strap designed to secure a person in a motor vehicle, et cetera."

If I am not mistaken, Mr. President, the most modern type of seat belt now is the so-called shoulder strap. So much so that if we do not change the definition of the term "seat belt" as defined in this Senate bill, it may be that the car manufacturer, distributor will put a seat belt not of the most modern quality.

**Senator Sotto.** Mr. President, we hope not because this definition is the definition we got of the typical seat belt device. In fact, this was contained in Senator Santiago's bill and contained in other definitive literatures that we gathered.

To make sure that the apprehension of the distinguished gentleman does not happen, we have Section 7 which specifically states that the Bureau of Product Standards of the Department of Trade and Industry (DTI) shall make sure that the standards and specifications of the seat belts are complied with and are of good quality.

**Senator Cayetano.** Thank you, Mr. President. So do I gather from the good gentleman that the type of seat belt that will be required to be installed will have to be determined by the standards in accordance with Section 7 of the proposed bill? Meaning, to be established by the Bureau of Product Standards of the Department of Trade and Industry. Is that correct?

**Senator Sotto.** Well, not exactly, Mr. President. It will not be determined by the Bureau of Product Standards because, as Senator Guingona has pointed out, its work would be ministerial. It would just make sure that the seat belts installed comply with its standards and specifications.

Now, on the quality and standards of seat belts, Mr. President, I am very positive that as far as the car assemblers, manufacturers and the distributors of these vehicles are concerned, they do comply with certain international standards. Therefore, we are quite optimistic about this.

Going back to the definition that the distinguished gentleman mentioned, particularly on the lap belt. If the gentleman will notice, we specifically included lap belt because it is the only possible seat belt device that can be used in jeepneys. Again, we will be the only country in the world that will have a specific seat belt for jeepneys because the Philippines is the only one that uses the jeepneys, Mr. President.

According to the assemblers or manufacturers of the jeepneys, they cannot install a shoulder device on jeepneys because there will be no anchorage. To them, the important thing in putting a seat belt is not the type of seat belt but the anchorage of the seat belt. Therefore, in jeepneys, the best seat belt to restrain the driver and the front-seat passenger would be to put a lap belt so that it will have anchorage. Unlike the shoulder belt, there is no way they can find a very good and sturdy anchorage in the jeepneys. That is why we included that also in the definition.

**Senator Cayetano.** I thank the gentleman, Mr. President, for that very clear explanation and justification. Surely, with that explanation we now see the difference why there is a wide coverage of the definition of what a seat belt device is.

Mr. President, the coverage speaks of public vehicles, including taxi, bus and jeepney, would this also include government vehicles such as the police vehicles?

**Senator Sotto.** Yes, all vehicles, Mr. President.

**Senator Cayetano.** That would also mean vehicles being driven by no less than our incumbent President who is very fond of driving?

**Senator Sotto.** Yes, Mr. President. He will have to be belted if he wants to drive.

**Senator Cayetano.** I am sure, as soon as we pass this bill, the President would comply with this.

In Section 4, line 20, it says there, "In the case of public vehicles, the driver shall be required to readily inform and require the front seat passengers upon boarding to wear the prescribed seat belts. Any passenger who refuses to wear seat belts shall not be allowed to board the public vehicle."

I think this is a very laudable provision, Mr. President. But suppose a person who rides in a taxi sits on the front seat and refuses to wear the seat belt in spite of the warning being given by the driver, what would be the situation there? Would the driver stop before a police station, or throw the passenger out of the taxi, or what?

**Senator Sotto.** Mr. President, in my opinion, he should stop and ask the passenger to step down because he is the one who will be fined. He can explain that to the passenger: "I will be the one to be fined if you do not put on your seat belt."

I have had experiences abroad. Here in Asia, particularly Hong Kong and Singapore, when one rides in a taxi, sits on the front seat and he does not wear seat belt, the taxi driver shouts at him. Of course, it is a good thing that I do not understand his language when he shouts at me. But I readily put on the seat belt because I would like to take the ride.

**Senator Cayetano.** I would like to affirm that statement, Mr. President. Like the gentleman, I do not understand Chinese language, too. But indeed, Chinese drivers are very strict in requiring the passengers to wear the seat belt.

Let me go to another point, Mr. President. This paragraph speaks of a public vehicle. How about a private vehicle where one's guest—I am not talking about members of the family—is seated on the front seat? What happens if one's guest who sits on the front seat does not wear a seat belt? What is the right of the driver of a private vehicle?

**Senator Sotto.** It is his own lookout, Mr. President. He will then suffer the consequences. He will be subject to a fine if he is caught. Not only that. It is everyone's safety that we are talking about here. We have already created the awareness. We have already opened the doors for possible prevention. It is already their own lookout if the passengers insist on not wearing the seat belt even if the driver tells them to.

**Senator Cayetano.** Actually, the gentleman is correct, Mr. President. In fact, since the gentleman has also traveled abroad, I am sure he probably has noticed that when one rides in a friend's passenger car, the first thing that his friend will tell him is to wear the seat belt. In fact, his friend will probably also throw him out in case he will not wear the seat belt because his friend will be the one to be fined.

Just a couple of clarificatory questions more, Mr. President. This has been alluded to by the Minority Leader, and this has something to do with the imposition of fine in Section 10, page 4.

Without the particular amount of fine, I believe this bill may be questioned as to its constitutionality because it may amount to undue delegation of power without specific or definitive standards by any one who would be penalized by fine. I was wondering if we may, at the proper time, put an amount there, at the same time giving an opportunity for the DOTC on whether it should impose the maximum or the minimum fine.

**Senator Sotto.** Mr. President, as I said earlier, the reason we did not incorporate Section 10 of Senator Santiago's version and we used Section 10 of Senator Flavio's and Senator Osmeña III's version was that we thought that there will be a very big fluctuation as far as the amount is concerned. Definitely, we do not foresee a very stable peso. It has been the problem in the last so many years and we do not expect it to stabilize in the future also. That is the reason we did not include it here.

But if the gentleman feels, as the Minority Leader does, that we should place a maximum fine in this bill, then, as I said, I do not think the committee will object to this when the period of amendments comes, Mr. President.

**Senator Cayetano.** Thank you, Mr. President. As far as the imposition of fine, it is only being imposed on the driver. Why not on the passenger who refuses upon being notified or advised by the driver? Why not impose a penalty or fine on the passenger too?

**Senator Sotto.** Mr. President, it is the driver who controls the car. Just like a ship, he is the captain of the ship. I think it would be quite difficult to impose fines on the passengers.

This was brought out during the public hearings. There was somebody who asked, "What if the employer sits in front and does not want to buckle up? His driver tells him to, 'Boss, please buckle up because I will be fined'." And the employer says that he does not want to.

They asked me whether we should fine the employer. As I said, the general sentiment was, since the driver was the one in control, he should be fined. The passenger, whether he is the employer or not, if he does not want to wear a seat belt, in case he is not caught and he is not fined, or the driver is not fined, and he meets an accident, then the possibility of his death is greater or he might suffer serious injury.

**Senator Cayetano.** Finally, Mr. President, would failure to wear a seat belt be considered an evidence of reckless imprudence or simple negligence in the case where death or injury is suffered by a passenger as far as the Penal Code is concerned, if the gentleman knows?

**Senator Sotto.** The distinguished gentleman is an expert on law, Mr. President. I can only guess. I think it could probably be considered contributory negligence. I am not sure. I would rather leave that to the legal practitioners in the House.

**Senator Cayetano.** As I said, this is a very important legislation whose time has come. Indeed, I am sure that as the cosponsor has said, this would save a lot of lives, broken ribs and limbs.

Thank you, Mr. President. Once again, I congratulate the cosponsor of this bill.

**Senator Sotto.** Thank you very much, Mr. President.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1137

**Senator Drilon.** Mr. President, I move for the suspension of consideration of Senate Bill No. 1137, as reported out under Committee Report No. 3.

**The President.** Is there any objection? [*Silence*] There being none, consideration of Senate Bill No. 1137 is hereby suspended.

#### SUSPENSION OF CONSIDERATION OF S. NO. 763

**Senator Drilon.** Also, may we indicate on the *Record* that consideration of Senate Bill No. 763, as reported out under Committee Report No. 1, has been suspended. I failed to manifest that earlier, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, consideration of Senate Bill No. 763 is likewise suspended.

#### BILL ON SECOND READING

#### S. No. 1136--Establishment of Ecozones (Continuation)

**Senator Drilon.** Mr. President, with the permission of the Chamber, may we resume consideration of Senate Bill No. 1136 as reported out under Committee Report No. 2.

**The President.** Is there any objection? [*Silence*] There being none, resumption of consideration of Senate Bill No. 1136 under Committee Report No. 2 is hereby resumed.

**Senator Drilon.** We are now in the period of committee amendments. May I ask the Chair to recognize Sen. Sergio Osmeña III for the committee amendments.

#### COMMITTEE AMENDMENTS

**The President.** Sen. Sergio Osmeña III is recognized for the committee amendments.

**Senator Osmeña III.** Thank you, Mr. President. Our first amendment to the bill is on page 1, line 11. After the word "ecozone", we move to insert the phrase MAY BE PUBLICLY OR PRIVATELY OWNED AND.

**Senator Drilon.** I move to approve the amendment of the committee.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Osmeña III.** My next amendment is on page 4, between lines 20 and 21, insert the following phrase: PROVIDED, HOWEVER, THAT THE PEZA SHALL NOT EXERCISE THE POWER OF EMINENT DOMAIN ON BEHALF OF PRIVATELY OWNED ECOZONES.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Osmeña III.** And the last amendment, Mr. President, is on page 4, line 23, where the committee moves to delete the entire Section 51, otherwise known as the *Ipsa Facto* Clause.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Osmeña III.** That completes the committee amendments, Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Drilon.** I move that we close the period of committee amendments, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the period of committee amendments is closed.

SUSPENSION OF CONSIDERATION OF S. NO. 1136

**Senator Drilon.** Mr. President, I move that we suspend consideration of Senate Bill No. 1136.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

SUSPENSION OF SESSION

**Senator Drilon.** May we ask for a one-minute suspension of the session, Mr. President?

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 4:53 p.m.*

RESUMPTION OF SESSION

*At 4:54 p.m., the session was resumed.*

**The President.** The session is resumed.

BILL ON SECOND READING  
S. No. 1137--Use of Seat Belts Act  
*(Continuation)*

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 1137, as reported out under Committee Report No. 3.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1137 is now in order.

**Senator Drilon.** May we ask the Chair to recognize Senator Sotto for the continuation of the period of interpellations.

May we also ask the Chair to recognize Sen. Rodolfo Biazon.

**The President.** Sen. Rodolfo Biazon is recognized. He is the second one to interpellate.

**Senator Sotto.** The third, Mr. President.

**Senator Biazon.** Thank you, Mr. President. May I first congratulate the principal sponsor of this bill.

**Senator Sotto.** Thank you, Mr. President.

**Senator Blazon.** Mr. President, in lines 23 to 24, page 2, it says that any passenger who refuses to wear seat belts shall not be allowed to board the public vehicle.

In California, there is a law that fines not the driver but the passenger who refuses to wear the safety belt. As pointed out probably in the hearings, it will be very difficult for a driver to require his employer to wear the seat belt, and probably, instead of the employer getting off the vehicle, it will be the driver who will be asked to get off the vehicle.

What is the special objection to subjecting a passenger who refuses to wear the seat belts against any penalty?

**Senator Sotto.** Mr. President, there are a number of reasons. Actually, one of the reasons is that it is very difficult to fine the passenger. The easiest way of doing it is again through the driver.

Let me ask the distinguished gentleman from Ilocos Norte, Pasay and Mindanao to imagine a vehicle wherein the policeman or the traffic enforcer is going to fine or initiate a fine on a vehicle because the passenger is not wearing a seat belt. Still, it will be

very difficult to do so because he will probably have to drag the person to the LTO or to the MMDA. Because unlike a driver wherein it is only the license that he has to secure, *eh nagkatalo na. Sa passenger po, medyo may kahirapang i-fine.*

We do not see how the procedure can be done, unless...this was brought out earlier by Senator Cayetano. As we mentioned also, the driver is the one in control. *Nasa kaniya ang sisi* if he allows a passenger not to wear a seat belt, if he is a front-seat passenger.

**Senator Biazon.** Mr. President, I would agree to the proposition that the driver should be in control, whether it is public vehicle or private vehicle. I would agree to that proposition if there is reference to a minor as a passenger. But if we have an adult, like if I am driving my car and my wife is a passenger in the front seat and she refuses to wear the seat belt, why should I be penalized for that? I think it should be my wife who should be made to pay the fine.

**Senator Sotto.** Mr. President, the gentleman is talking of a worst case scenario. I think this would be an exception to the rule.

**Senator Biazon.** Would the gentleman agree whether there is a distinction between control by the driver over a minor or an adult in this issue?

**Senator Sotto.** Definitely, he should have control over the minor.

**Senator Biazon.** Definitely. But over an adult, it would be very difficult.

**Senator Sotto.** But he is in control of the vehicle, Mr. President, and the passenger is part of the vehicle that he is in control of.

**Senator Biazon.** Yes. But, Mr. President, if we look at the employer-employee relationship between the driver and the passenger, it could probably cost the employee his job if this is not provided for by this law.

**Senator Sotto.** Mr. President, the distinguished gentleman has really brought up a very sensitive issue. As I said, it has also been brought up by Senator Cayetano.

It is my opinion—and, of course, I will consult the authors of this bill—that we should confine it to the driver. I will leave it at this point to the members of the House of Representatives. I will leave it to the Chamber whether we should include the passenger or not.

I just would like to remind our colleagues that in the United

States, they have been imposing the use of seat belts for the last 14 years. They have never imposed a fine on passengers. I am really in a quandary why they do not, if the reasons I have stated are not acceptable.

**Senator Biazon.** Mr. President, I was just informed by a security guard from California who was my visitor. I asked him about this point, and he said that there is a law in California which fines or penalizes the passenger who refuses to wear the belt and not the driver.

**Senator Sotto.** Probably in some states but not all the states, Mr. President. I am not aware of that.

**Senator Biazon.** Anyway, Mr. President, I will leave it this way at this point. But indeed, my response to this bill might be dependent on whether my concern is addressed.

The second point is: On the issue of the jeepney, if everyone of us will look at the configuration of the jeepney, a front-seat passenger is so close to the windshield that if there is no belt restraining him at the moment of impact, he is going to bang his head on the windshield and probably on the frame.

If the issue is the design of the jeepney, probably a hold bar that could serve as an anchor might be required of the jeepney. So, as far as the front-seat passenger is concerned, I think a specification of the safety belt to include a shoulder strap or torso-restraining strap to prevent an impact could very well be a point.

**Senator Sotto.** As we mentioned earlier, Mr. President, in installing a seat belt, a major factor is the anchorage. It has been expressed by the experts on jeep-building that it is very difficult to find anchorage for shoulder belts in the jeepneys they construct.

There is a possibility of doing that, Mr. President, if they will put only two seats in front—one for the driver and one for the passenger. It is a single-type seat and not the bench-type that is commonly used by jeepneys.

But we have to consider the fact that the jeepney drivers are trying to make the most of it. They would rather have an additional passenger beside them or in the middle. That is why, they normally accommodate two passengers in the front seat.

That was the compromise we agreed upon with the FEJODAP and the other jeepney operators. They are most willing to accept and support this bill, but that we consider a lap belt only. As far as the costing is concerned, *ang laki ng mura ng lap belt kaysa sa shoulder belt para sa kanila.* So those jeepneys numbering in the hundreds or in the thousands that will have to

install the seat belts, *malaki ang mura kung lap belt ang ikakabit nila*. To them, they feel that it is already safe enough.

As the gentleman pointed out, instead if a roll bar, jeepneys have a handle in front where the passenger can hold on. That might not be enough, yes, if he is not restrained, he is not buckled up. But if his pelvic area is definitely restrained, he will have a safer stand, especially if he is holding on to the bar.

Really, Mr. President, this is quite difficult to address. But as I said, we are the only country in the world that has the jeepney and we will just have to adjust on this matter.

**Senator Biazon.** Mr. President, I do believe that if the law requires the jeepney designers or manufacturers to put in some safety belts, that will ensure the safety of the front passengers. Because if we put in the present configuration of the jeepney an impact test, even probably using a dummy, we are certain that without that torso-restraining belt, the result would probably be fatal if we have only the lap belt. I am certain that if we make this a requirement, the jeepney manufacturers will find a way on how to put in that torso-restraining safety belt. Anyway, I am willing to leave this as it is now.

May I just ask certain clarificatory questions, Mr. President, of the gentleman from Quezon City, Cebu and Nueva Ecija. Do we have statistics to segregate the number of fatalities as to those sitting in the front of the jeepney and those who died because the jeepney was overloaded?

**Senator Sotto.** Unfortunately, Mr. President, we do not have these. What we have are merely summaries of traffic accidents and the number of persons killed. The Traffic Management has only statistics on the type of vehicles. That is all. They lumped the jeepneys under utility vehicles. So it is very difficult to get that.

Speaking of statistics, let me just breeze through a very important point that the gentleman has touched because of that question. In 1997, there were 24,560 traffic accidents of which 2,049 persons were killed instantly. There were 1,140 seriously injured but they do not have a data on how many died or how many recovered of those seriously injured.

According to the Traffic Management head, Sr. Supt. Maralit, they are positive that out of the 2,048 persons who died, none was wearing a seat belt.

**Senator Biazon.** Mr. President, maybe they are not wearing seat belts because they are on the roof of the jeepney.

**Senator Sotto.** The traffic incidence involved are not only

jeepneys, Mr. President. *Hindi lang sa jeepneys. Sa katunayan, mas marami ang mga private vehicles.*

**Senator Biazon.** Does the gentleman have the statistics to support this allegation, Mr. President?

**Senator Sotto.** These are merely statements that we gathered, Mr. President. We do not have the statistics to back it up.

**Senator Biazon.** Because the number of accidents where private vehicles are involved may be more, but we must remember that, most of the time, the passengers of these cars—if we are referring to the cars—are only four or five at most, or even two. Whereas, if we are talking of one jeepney load of people including those who are on the roof, we are talking of about 30 to 35 persons. And one jeepney accident could be equal to, probably, 10 car accidents in terms of fatalities and injuries.

**Senator Sotto.** Yes, that is true, Mr. President.

**Senator Biazon.** The point that I am trying to bring out here is this. By law and through enforcement of the use of safety belt, I agree that we can reduce the number of fatalities or injuries in accidents. But I would like to point out that, probably, together with the enforcement of this law, there should be the consideration of how do we enforce the law or regulations related to overloading of passengers in vehicles. Because this is common practice.

For example, when I go home from here to BF Homes in Parañaque, I see schoolchildren *na nakabitin sa sides at sa likod ng jeep*. If we are going to enforce this law, I would say that there is no need for us to enforce the law on proper loading of passengers in vehicles. This is the point I am raising, Mr. President.

**Senator Sotto.** Mr. President, there are measures that address that concern of the gentleman. We can only hope that with the passage of this law, we will encourage a better implementation of the other laws that affect this bill.

**Senator Biazon.** Yes, Mr. President. I just wanted to point this out. I do not have the statistics but according to news report, the greater number of fatalities of traffic accidents are not caused by the lack of safety belt but because of certain practices. Probably, even the design of the jeepney itself is an invitation to fatalities during traffic accidents. If and when we pass this law, I would like to encourage the law enforcers to look at the other measures that can reduce fatalities in traffic accidents.

Thank you, Mr. President.

**Senator Sotto.** I would like to also thank the gentleman, Mr. President, and we would like to make on record that yes, indeed, we agree that there are a number of other reasons why accidents happen. But the nonwearing of seat belts does not cause accident, it causes death.

**Senator Drilon.** May we ask the Chair to recognize Senator Barbers.

**The President.** Senator Barbers is recognized.

**Senator Barbers.** Thank you, Mr. President. At the outset, I would like to congratulate the honorable Sen. Tito Sotto, and of course, my partymate and my mentor, Sen. Johnny Flavio for a very efficient dissertation on the mandatory compliance of using seat belts in private and public vehicles.

May I know, Mr. President, if Senator Sotto would yield for some clarificatory questions?

**Senator Sotto.** Yes, Mr. President, most willingly to, the original traffic enforcer in Manila, way back in the '50s or '60s. I am not sure, Mr. President.

**Senator Barbers.** Eighties, Mr. President.

**Senator Sotto.** I stand corrected, Mr. President.

**Senator Barbers.** Thank you very much, Mr. President. As I skim through the pages of the bill, I observed that what is being proposed is the mandatory use of seat belts only in the front seats. If the objective is for the safety of the passengers, I do not see any reasons we must not also require the passengers to install seat belts at the back portion of the vehicle. May I know the rationale behind why only the front seat is being required?

**Senator Sotto.** Mr. President, it is not that we have a colonial mentality, but during the first few years of enforcement in the other parts of the world and particularly, in the United States, the original intention was to enforce or mandate the use of seat belts in all sitting areas—the front and the back. But then, I think the debate died somewhere along the way, as I read it in my Internet information. According to the debate, it is the front seat passengers and the drivers who are more likely to incur serious injuries through accidents if they are not belted rather than the backseat passengers.

We can only surmise, Mr. President, that the backseat passenger first will be hitting a cushion portion of the vehicle, I am talking of the private vehicles. Definitely, the committee has submitted the fact that we cannot mandate seat belts in the backseats of the jeepneys, as well as the backseat passengers of cars, private vehicles and taxis.

According to statistics, the passengers at the back would first hit the cushion and the seat in front and if the front seat passenger is not belted, then it compounds the problem. But if the front seat passenger is belted, a greater possibility that the backseat passenger will stop once he hits the front seat will happen.

In fact, we know of an accident that happened in Nueva Ecija involving a relative of mine who was seated at the back. There were two ladies seated at the back and the driver was wearing a seat belt; the passenger on the right was not wearing a seat belt when they met an accident. The backseat passenger and the front seat passenger both died. But the backseat passenger who was at the back of the driver survived and did not have very serious injuries.

Mr. President, because the passenger in front of him or the driver in front of him was wearing a seat belt, he was not thrown off.

I really do not know what happens when an incident like that occurs, but we feel that a possibility of enforcing or mandating the use of seat belts for backseat passengers can only be achieved or can only be done with private vehicles. I do not know if it will take time to do so but in the United States it was only about two years ago when they started enforcing that backseat passengers wear seat belts also. I am not sure if it was two or three years ago, but from 1984 onwards, they did not enforce the use of seat belts at the back.

**Senator Barbers.** Thank you, Mr. President. I think the gentleman will agree with me if I say that the life of a passenger sitting at the back is as important as the life of a passenger sitting at the front. Does the gentleman agree with me?

**Senator Sotto.** Yes, Mr. President. In fact, a single life is very important. If we will save a life—just a single life—by the passage of this bill, we have already done a very good job, Mr. President.

**Senator Barbers.** Will the gentleman agree with me also if at the proper time I will propose that we include the mandatory use of seat belts at the back seat for safety purposes?

**Senator Sotto.** If the proposal of the gentleman will be for private vehicles or for cars particularly, this representation will have no objection. As Senator Pimentel said, it is subject to style.

**Senator Barbers.** For private vehicles, Mr. President.

**Senator Sotto.** Yes, Mr. President. I will agree. Of course, if we have enough time, I will consult all the authors of this bill.

**Senator Barbers.** In the committee hearing that we conducted where the gentleman was the chairman, if my memory will serve me right, there was an admission on the part of the manufacturer of Kia cars that their variety which they call "the people's car" has no seat belts. When they built these cars, they disregarded the provision of a seat belt.

In the event that this will become a law, Mr. President, naturally they will have to comply with the provisions of the law. If they will not comply or deliberately will not install seat belts in their cars for the reason that it will entail more expenses on the part of the manufacturer, do we have any sanction against this assembler or this manufacturer?

**Senator Sotto.** Yes, Mr. President. A penalty or fines will be imposed on the manufacturers or assemblers of vehicles who do not install seat belts in their vehicles.

As far as the fines are concerned, we leave it to the Chamber later on as manifested by the Minority Leader, Senator Guingona. There is a possibility that we will be accepting a proposal to that effect.

**Senator Barbers.** Are we made to understand, Mr. President, that at present we do not have the proposed penalties yet or proposed fines?

**Senator Sotto.** With respect to the amount of fines or penalties, no, Mr. President. We did not include the amounts for reasons I mentioned earlier.

**Senator Barbers.** Will the gentleman agree with me that if in the event a driver of a private vehicle or a taxicab driver, excluding jeepney drivers, for example, commit violations of this particular law—if this becomes a law—that in addition to the proposed fines that we will impose on these erring drivers, we will also suspend or revoke their license at the same time on a graduated scale, then on another violation, we can impose a penalty of imprisonment?

**Senator Sotto.** On a graduated scale, I agree, Mr. President. I will agree with the proposal of the expert traffic enforcer.

In fact, I am waiting for the day that the LTO or the MMDA will change its style of imposing fines. I think we are still following the same old system of confiscating the license of the driver and asking him to secure it from the MMDA or LTO. *Doon po nag-uumpisa ang lagayan.*

If we can only change that process by merely issuing a ticket to the driver and, of course, a copy of the ticket is submitted to the LTO or MMDA. If the driver does not attend the summons in view

of the issuance of a ticket on a particular date, that the MMDA or the LTO will mandate, then he will be subject to imprisonment or to other sanctions that can be imposed.

We hope that later on the distinguished gentleman from Mindanao would be able to propose a legislation or a measure that will address that particular issue, Mr. President.

**Senator Barbers.** Thank you, Mr. President. In case of private vehicles, should we not also include a provision in the proposed bill where we will require that private, as well as public, vehicles to also install a child safety belt like that in the United States of America for children of a certain age, let us say, for example, children below five years old?

**Senator Sotto.** Yes, Mr. President. We know that special seat belts in vehicles for riding children are very effective but are very expensive. That is the problem.

**Senator Barbers.** Yes. But even how expensive it is, Mr. President, I think we should not compromise human lives with the high cost of installing seats for children or safety belts.

**Senator Sotto.** Mr. President, to be very candid about it, I do agree. Probably, that would be our ultimate goal.

Initially, we could probably start with this bill and create awareness, make sure that there is a very strong information campaign and that the Department of Education, Culture and Sports will also coordinate with the Department of Transportation and Communications. Then probably, later on, upgrade it so that they include seat belts or car seats for children, and later on all the other proposed amendments.

I think this will all be too much if we include this in this bill right now. *Iyon pong tinatawag natin sa Pilipino na baka magkabiglaan.*

**Senator Barbers.** Do I understand from the gentleman that he is willing to accept this proposal in the future when we will be proposing more legislation on the use of safety belts?

**Senator Sotto.** Yes, Mr. President.

**Senator Barbers.** One last item, Mr. President. I observed that in the definition of motor vehicles, tricycles and motorcycles are not included. Am I correct?

**Senator Sotto.** Yes, Mr. President, tricycles and motorcycles are not included.

**Senator Barbers.** May I just know what is the rationale behind this definition "excluding tricycles and motorcycles"?

In the provinces, several accidents in highways involve tricycles and motorcycles. I have witnessed several accidents in my own province where almost always the passengers of the tricycles are thrown out and got killed in the process. Even in motorcycles, almost always the driver or the one riding in tandem are thrown out and are killed.

May I know the rationale behind this definition? Because if my memory will serve me right, the LTO has classified the motorcycles and even tricycles as motor vehicles.

**Senator Sotto.** Mr. President, this is a perfect scenario wherein we are caught between the devil and the deep blue sea.

As far as the motorcycles and tricycles are concerned, it is safer for them to jump out of the vehicle in case of an accident. We can ask the motorcycle riders. For safety, they would rather not be restrained. On the other hand, in the case of vehicles, the issue of entrapment, which has been raised by some skeptics, is completely a fallacy.

It is a million-to-one that there are cars that explode. It is only found in television shows and the movies. It really seldom happens in an accident, no matter how hard, how big or how tragic the accident is. Therefore, belted drivers have a very good escape record than those who do not wear seat belts.

On that same line, if a driver is thrown out of his vehicle, there is a greater possibility of injury or death. Unlike in a motorcycle or tricycle where the driver or the passenger is better off jumping away from the vehicle if he is going to meet an accident or a collision.

That is the problem. That is why I said that this is a perfect scenario of the statement "caught between the devil and the deep blue sea." It is really very difficult to impose this on motorcycles and tricycles.

**Senator Barbers.** Does the gentleman have statistics to that effect, Mr. President?

**Senator Sotto.** We have statistics, as far as the Department of Public Safety of—I have to say this—the United States is concerned. Unfortunately, we do not have statistics as far as the Philippines is concerned.

**Senator Barbers.** This is all for now, Mr. President. I wish to extend my gratitude to my idol, my favorite actor, my favorite TV host and my favorite golfer at the same time.

Thank you very much, Mr. President.

MANIFESTATION OF SENATOR SOTTO  
(Senators Cayetano and Barbers as  
Coauthors of S. No. 1137)

**Senator Sotto.** Mr. President, may I also manifest that Senator Cayetano and Senator Barbers are made coauthors of this bill with the concurrence of the principal authors headed by Senator Flavier.

**The President.** It is duly recorded.

SUSPENSION OF CONSIDERATION OF S. NO. 1137

**Senator Drilon.** Mr. President, I move to suspend consideration of Senate Bill No. 1137.

**The President.** Is there any objection? [*Silence*] There being none, consideration of Senate Bill No. 1137 is hereby suspended.

BILL ON SECOND READING  
S. No. 1136 - Amending Certain Sections of  
RA No. 7916 or Special Economic Zone of 1995  
(Continuation)

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 1136, as reported out under Committee Report No. 2.

**The President.** Is there any objection? [*Silence*] There being none, resumption of consideration of Senate Bill No. 1136 is now in order.

**Senator Drilon.** We are now in the period of individual amendments, Mr. President. We have just distributed to our colleagues copies of the revised bill which now incorporates the committee amendments approved by the Chamber earlier.

Therefore, we go through this page by page with the consent of the Chamber.

**Senator Osmeña III.** Mr. President.

**The President.** Sen. Sergio Osmeña III is recognized for individual amendments.

**Senator Drilon.** On page 1...

**Senator Flavier.** Mr. President, line 13.

**Senator Drilon.** Line 13, Senator Flavier has an anterior amendment.