

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5249



Introduced by Hon. Julienne L. Baronda

EXPLANATORY NOTE

For many Filipinos, motorcycles provide not only a quick and effective mode of transportation but also a cheap alternative to the use of cars. In fact, the use of motorcycles has become so prevalent in our society that road users see it as a solution to the worsening traffic situation while our government is still in the process of improving our country's mass transport system.

Unfortunately, however, while there is no doubt that motorcycles have become a very useful alternative, hardened criminals also saw the advantage of using motorcycles in executing their evil deeds. We often see news sites reporting on 'hits' perpetuated by riding-in-tandems, robbery committed even on broad daylight with the use of motorcycles, and other heinous crimes where most of the time, perpetrators are able to escape and remain unpunished.

Considering the foregoing, the use of motorcycles calls for a legislative measure that would balance the benefits derived by innocent motorcycle users with those who merely use it to successfully execute their horrific plans.

Relatedly, Republic Act No. 11235 was legislated in order to prevent crimes with the use of motorcycles. However, the law seems to be discriminatory against motorcycle riders as the fines and penalties are somewhat too excessive. In fact, the penalties provided therein are not at par with fines imposed against car owners having the same violation. As such, this bill aims to lower the penalties for violation of Republic Act No. 11235.

Moreover, this bill intends to push forward the installation of Radio Frequency Identification System (RFID) stickers, instead of front plates. This is seen as an innovative approach and a solution to the complaints by those against the installation of front plates. The RFID sticker shall be readable by a scanner and shall contain basic information about the owner and the motorcycle.

In view of the foregoing, immediate approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Julienne Baronda".

Rep. Julienne "Jam" L. Baronda
District Representative

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5249

Introduced by Hon. Julianne L. Baronda

AN ACT
AMENDING REPUBLIC ACT NO. 11235, OTHERWISE KNOWN AS THE
“MOTORCYCLE CRIME PREVENTION ACT”

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

Section 1. Section 3 of Republic Act No. 11235 is hereby amended to read as follows:

“Sec 3. *Definitions.* – As used in this Act, the following terms are defined:

- (a) xxx
- (b)
- (c)
- (d)
- (e) xxx xxx; AND

(F) *RADIO FREQUENCY INDICATION SYSTEM (RFID) STICKER* REFERS TO A STICKER THAT CONTAINS MACHINE-READABLE DATA THAT INCLUDES THE BASIC INFORMATION ABOUT THE MOTORCYCLE AND ITS OWNER AND OTHER RELEVANT DATA AS THE LTO MAY SEE FIT TO BE INCLUDED.”

Sec. 2. Section 4 of Republic Act No. 11235 is hereby amended to read as follows:

“Sec. 4. Registration by the Owner. — The owner of a motorcycle shall register his or her motorcycle with the LTO within five (5) days from such acquisition of ownership. The owner of a motorcycle shall also immediately report any sale or disposition of his or her motorcycle to the LTO. Failure of the owner to register within five (5) days from acquisition of ownership, or to immediately report its sale or disposition, shall subject the owner to [a penalty of imprisonment of ~~arresto mayor to pris~~ correccional, as defined under the Revised Penal Code, or a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00), or both] **A FINE OF NOT MORE THAN FIVE THOUSAND PESOS (P5,000.00).**

[If a motorcycle that is not yet registered with the LTO is used in connection with an offense punishable under the Revised Penal Code or special penal laws, the maximum penalty of the relevant offense shall be imposed on the offenders.]”

Sec. 3. Section 5 of Republic Act No. 11235 is hereby amended to read as follows:

“Section 5. Bigger, Readable and Color-Coded Number Plate AND INSTALLATION OF RFID STICKER. —The LTO shall issue a readable number plate **AND RFID STICKER** for every motorcycle. The LTO shall, in the implementing rules and regulations (IRR) of this Act, determine the font style and size of the bigger, readable and color-coded number plate **AND A SMALL SCANNER-READABLE RFID STICKER:** *Provided*, That the contents of the number plate shall be readable from the [front, the back, and the side] **BACK** of the motorcycle from a distance of at least fifteen (15) meters from the motorcycle; **AND THE DATA CONTAINED IN THE RFID STICKER INSTALLED IN THE FRONT OF THE MOTORCYCLE SHALL BE READABLE BY RFID SCANNERS.**

xxx xxx xxx

The readable number plates must be displayed in [both the front and back sides] **THE BACK SIDE** of a motorcycle and shall be made of suitable and durable material as determined by the LTO.

xxx xxx xxx.”

Sec. 4. Section 7 of Republic Act No. 11235 is hereby amended to read as follows:

*“Section 7. Driving Without a Number Plate or Readable Number Plate **OR WITHOUT AN RFID STICKER**. —Driving without a number plate or a readable number plate **OR WITHOUT AN RFID STICKER**, as provided in this Act, is prohibited. The driver of a motorcycle without a number plate or readable number plate, **OR WITHOUT AN RFID STICKER**, as provided in this act shall be punished by [prision correctional as provided in the Revised Penal Code, or a fine not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or both] A FINE OF NOT MORE THAN FIVE THOUSAND PESOS (P5,000.00).*

A motorcycle driven without a number plate or a readable number plate **OR WITHOUT AN RFID STICKER** shall be stopped, and such motorcycle shall be seized by law enforcers and immediately surrendered to the Philippine National Police (PNP): **PROVIDED, THAT NO SEIZURE SHALL BE MADE UPON SHOWING PROOF OF OWNERSHIP AND REGISTRATION: PROVIDED, FURTHER, THAT THE OWNER IS NOT AT FAULT FOR THE NON-INSTALLATION OF NUMBER PLATE OR A READABLE PLATE AND RFID STICKER.** Any apprehension must be reported immediately to the LTO, PNP and the Department of Information and Communications Technology (DICT) through the Joint LTO and PNP Operations and Control Center. The owner of such motorcycle may redeem his seized motorcycle from the LTO upon proof of ownership, payment of the costs of seizure, and compliance with a number plate or readable number plate.”

Sec. 5. Section 11 of Republic Act No. 11235 is hereby amended to read as follows:

*“Section 11. Loss of Number Plate or Readable Number Plate **OR LOSS OF RFID STICKER**. —If the number plate or readable number plate **OR RFID STICKER** of a motorcycle is lost, damaged or stolen, the owner of such motorcycle shall immediately report the same to the LTO and the PNP through the Joint PNP and LTO Operations and Control Center, and request a replacement number plate. Failure of the owner to*

report the same shall subject the owner to ~~a fine not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00), or both]~~ **A FINE OF NOT MORE THAN FIVE THOUSAND PESOS (P5,000.00).**

If the lost, damaged, or stolen number plate or readable number plate and **OR RFID STICKER** is used in connection with an offense penalized under the Revised Penal Code or special penal laws, the failure of the owner to report within three (3) days that the motorcycle is lost, damaged, or stolen, shall subject the owner to a ~~[penalty of imprisonment of arresto mayor to prisjon correccional]~~ **FINE OF NOT MORE THAN FIVE THOUSAND PESOS (P5,000.00)."**

Sec. 5. Section 12 of Republic Act No. 11235 is hereby amended to read as follows:

"SEC. 12. Erasing, Tampering, Forging, Imitating, Covering or Concealing a Number Plate or Readable Number Plate and Intentional Use Thereof. - Erasing, tampering, altering, forging, imitating, covering, concealing a number plate or readable number plate, or the intentional use of such erased, tampered, altered, forged, imitated, covered or concealed number plate or readable number plate, under this Act shall be punished by ~~[prision mayor as provided under the Revised Penal Code, or a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or both]~~ **A FINE OF NOT MORE THAN TEN THOUSAND PESOS (P10,000.00).**

If a person knowingly sells or buys an erased, tampered, altered, forged or imitated number plate or readable number plate, both such buyer and seller shall be punished by ~~[prision mayor]~~ **ARRESTO MENOR** as provided under the Revised Penal Code. However, if a person who sells or buys the number plate proves that he or she has no knowledge that it was erased, tampered, altered, forged or imitated, he or she shall be punished by ~~[arresto mayor]~~ **A FINE OF NOT MORE THAN TEN THOUSAND PESOS (P10,000.00).**

Sec. 6. Section 13 of Republic Act No. 11235 is hereby amended to read as follows:

"SEC. 13. Use of a Stolen Number Plate or Readable Number

Plate. – **WITHOUT PREJUDICE TO CRIMINAL PROSECUTION FOR VIOLATION OF OTHER LAWS**, [The] THE use of a stolen number plate or readable number plate in a motorcycle shall be punished by [~~prision mayor as provided under the Revised Penal Code, or a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or both at the discretion of the court.~~] **A FINE OF NOT MORE THAN TEN THOUSAND PESOS (P10,000.00).**”

Sec. 7. Section 19 of Republic Act No. 11235 is hereby amended to read as follows:

“SEC. 19. *Transitory Provision.* – Motorcycle owners with number plates not in conformity with the provisions of this Act shall renew their registration and apply for the required readable number plate not later than [~~June 30, 2019~~] **JUNE 30, 2023**. The LTO is given until [~~December 31, 2019~~] **DECEMBER 31, 2022** to produce, release, and issue the number plates as required by this Act. After [~~December 31, 2019~~] **DECEMBER 31, 2022**, the penal provisions regarding the use of bigger, readable and color-coded number plates as required under this Act shall take effect.”

Sec. 7. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the same shall not affect the validity and effectiveness of the other provisions hereof.

Sec. 8. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,