

[**REPUBLIC ACT NO. 11235, March 08, 2019**]

AN ACT PREVENTING AND PENALIZING THE USE OF MOTORCYCLES IN THE COMMISSION OF CRIMES BY REQUIRING BIGGER, READABLE AND COLOR-CODED NUMBER PLATES AND IDENTIFICATION MARKS, AND FOR OTHER PURPOSES

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 "Motorcycle Crime Prevention Act".

SEC. 2. *Declaration of Policy.* - Article II, Section 5 of the 1987 Philippine Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. It is hereby declared the policy of the State to secure and safeguard its citizenry from crimes committed with the use of motorcycles through bigger, readable and color-coded number plates and identification marks.

SEC. 3. *Definition.* - As used in this Act, the following terms are defined:

(a) *Backrider* refers to any person or persons seated at the back of a motorcycle, or a passenger of a motorcycle;

(b) *Driver* refers to any person driving on controlling a motorcycle;

(c) *Motorcycle* refers to a powered two (2) or three (3)-wheeled motor vehicles, including, but not limited to, scooters, mopeds, and motorcycles with appendages such as sidecars, tricycles or trikes. This shall include government-owned vehicles;

(d) *Owner* refers to any person who owns or is the registered owner of a motorcycle. Under this Act, it also refers to any person who has actual control and possession of a motorcycle, whether it is registered or not; and

(e) *Number plate* refers to the regular motor vehicle license plate issued by the Land Transportation Office (LTO) for a motorcycle, bearing the standard alphanumeric characters in accordance with Republic Act No. 4136, as amended, otherwise known as the "Land Transportation and Traffic Code".

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 *prison 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.

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. 5. *Bigger, Readable and Color-Coded Number Plates.* - The LTO shall issue a readable number plate 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-code number plates: *Provided*, That the contents of the number plates shall be readable from the front, the back, and the side of the motorcycle from a distance of at least fifteen (15) meters from the motorcycle.

The LTO shall also devise a color scheme of the readable number plates for every region in the Philippines where a motorcycle is registered for quick and easy identification.

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

The utilization of voluntary and paid labor from prisoners shall be among the requirements to bid for the procurement of the number plates under this Act.

SEC. 6. *Registry of Motorcycles.* - The LTO shall maintain a registry of motorcycles in a database to facilitate information retrieval for official investigation and law enforcement purposes. The registry of motorcycles shall include, but not limited to, the following information: name of motorcycle owner, motorcycle owner's driver's license number, motorcycle owner's address and contact details, motorcycle identification number, motorcycle plate number, motorcycle body color, motorcycle brand/make. In the registry of motorcycles, the LTO shall observe at all time Republic Act No. 10173 of the "Data Privacy Act of 2012".

SEC. 7. *Driving Without a Number Plate or Readable Number Plate.* - Driving without a number plate or readable number plate, as provided in this Act, is prohibited. The driver of a motorcycle without a number plate or readable number plate, as provided in this Act, shall be punished by *prison correccional* as provided in 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).

A motorcycle driver without a number plate or a readable number plate shall be stopped, and such motorcycle shall be seized by the law enforcers and immediately surrendered to the Philippine National Police (PNP). 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 or her 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. 8. *Failure in Surrender Seized Motorcycle.* - Any seized motorcycle must be reported immediately by the apprehending officer to the LTO and PNP through the Joint LTO and PNP Operations and Control Center and must be surrendered within twenty-four (24) hours to the local impounding center provided by the local

government unit (LGU). Any law enforcer who shall fail to report or surrender a seized motorcycle, within twenty-four (24) hours from seizure, shall be punished by *prison correccional* as defined under the Revised Penal Code without prejudice to the filing of proper administrative charges against said officer.

In case wherein there is loss of, or damage to, the motorcycle in the custody of the said officer in violation of this Act, the said law enforcement officer shall be held monetarily liable for the full worth of the motorcycle lost or the cost of repairs for the damage cause to the motorcycle in question.

Furthermore, any LTO officer, PNP officer or any deputized law enforcement personnel shall be held criminally, administratively and monetarily liable for using an impounded vehicle.

SEC. 9. *Use of a Motorcycle in the Commission of a Crime.* - If a motorcycle is used in the commission of a crime constituting a grave felony under the Revised Penal Code, or in the escape from the scene of such crime, regardless of the stage of commission, whether attempted, frustrated, or consummated, the owner, driver, backrider or passenger who participated in the same shall be punished by *reclusion temporal* to *reclusion perpetua* as provided under the Revised Penal Code.

If a motorcycle is used in the commission of a crime constituting a less grave felony or light felony under the Revised Penal Code or any other crime, or in the escape from the scene of such crime, regardless of the stage of commission whether attempted, frustrated, or consummated, the owner, driver, backrider or passenger who participated in the same shall be punished by *prison correccional* or *prison mayor*, as provided under the Revised Penal Code.

If a seized motorcycle is used in the commission of a crime, the maximum penalty of the relevant crime or offense shall be imposed.

If death or serious physical injuries, as defined under the Revised Penal Code, results from the unlawful use of a motorcycle in the commission of a crime, the penalty of *reclusion perpetua* as provided under the Revised Penal Code shall be imposed.

SEC. 10. *Impoundment and Forfeiture of a Motorcycle.* - A motorcycle used in the commission of a crime or offense shall be impounded by the PNP as evidence in *custodio legis* in a secured impounding center provided by the LGU until the termination of the case. Such motorcycle shall then be forfeited in favor of the government, unless the court finds that the defendant is not guilty of the offense charged or such motorcycle belongs to an innocent third party.

The Department of Interior and Local Government (DILG) shall ensure and enforce that all LGUs set aside land and establish a secured impounding center that shall be under the control of the PNP to store the impounded motorcycles in accordance with this Act. They shall also have a computerized/digitized data to see to it that all impounded or released motorcycles are duly recorded and such data shall be shared on a real-time basis to the Joint PNP and LTO Operations and Control Center.

SEC. 11. *Loss of Number Plate or Readable Number Plate.* - If the number plate or readable number plate 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