

Twenty Years of the Philippine Seatbelt Law: Reviewing and Addressing the Challenges in its Enforcement

YLA GLORIA MARIE P. PARAS¹

Seatbelts can be found in all four-wheeled private and public motor vehicles in the Philippines. These devices “play a major role in reducing the severity of injury to motor vehicle occupants involved in a collision.”² They are also known to be “40–50% effective in preventing fatalities for front seat occupants, and 25% effective for rear seat occupants in crashes wherein motorists of four-wheeled vehicles would otherwise die.”³ Despite this, seatbelt use continues to remain a problem. This can be attributed from weak law enforcement, primarily caused by a rise of motor vehicle registration in the last decade. Altogether, this becomes a road safety issue since the risk of crashes from all vehicle types has likewise increased as a result.

Road crashes have been an emerging public health issue. On a global scale, an estimated 1.25 million deaths occur each year,⁴ and many of these

incidents rise rapidly in low- and middle-income countries including the Philippines,⁵ where there were 11,274 deaths from road traffic injuries (RTI) in 2016. The number represents a 34% increase in the absolute number of deaths as compared to 8,405 deaths in 2010.⁶

In this respect, enforcement of the Philippine Seatbelt Law (Republic Act No. 8750) can be vital to the turnout of road crash injuries and deaths. Thus, in many respects, two viable solutions in reducing risk of crashes for four-wheel motor vehicle occupants is to (1) thoroughly review the existing laws and policies on seatbelt use and its social impacts on enforcement; and (2) to find policy alternatives to address such which will regulate other aspects and impacts, and to ultimately, achieve road safety.

¹ The author is a Fellow of the Bloomberg Initiative for Global Road Safety–Legal Development Programme (BIGRS–LDP), a programme that supports the development and advocacy for evidence-informed road safety laws and regulations to address risk factors associated with injuries and fatalities resulting from road traffic crashes through capacity-building of lawyers and road safety advocates. The BIGRS–LDP is housed under the Program on Alternative Development (AltDev) of the University of the Philippines Center for Integrative and Development Studies (UP CIDS).

The author received her Master of Science in Regulation degree from the London School of Economics and Political Science (LSE) and her Juris Doctor degree from the Ateneo de Manila Law School. She acknowledges the help of her BIGRS–LDP team, especially the valuable research assistance of Ms. Jeanalia Yap and Mr. Noel Padalhin.

² *Seat-belts and Child Restraints: A Road Safety Manual for Decision-makers and Practitioners* (London: FIA Foundation for the Automobile and Society, 2009), 6.

³ *Ibid.*, 13.

⁴ World Health Organization, *Global Status Report on Road Safety 2015* (Geneva: World Health Organization, 2015).

⁵ *Ibid.*

⁶ World Health Organization, *Global Status Report on Road Safety 2018* (Geneva: World Health Organization, 2018).

Despite the enactment of the Seatbelt Law twenty years ago, legislation alone cannot fix the problem of safety. There are corollary social and economic costs if law enforcement remains problematic. Thus, looking into the public's view and uncommon knowledge on seatbelt use will make the law's enforcement more effective; in other words, to reduce the death and injury toll from road crashes in the Philippines.⁷

Existing regulatory framework for seatbelt use

Evidence has shown that seatbelts help reduce injuries in road crashes. It has proven to be an effective secondary safety measure, eventually being used as a basis for an existing framework on road traffic. International conventions have supplemented this statement. Article 7 of the 1968 Vienna Convention of Road Traffic (amended in 1993) states that “[t]he wearing of safety belts is compulsory for drivers and passengers of motor vehicles, occupying seats equipped with such belts, save where exceptions [which] are granted by domestic legislation.”⁸

This became the basis for the standardization of seatbelt installation in motor vehicles and the use of child restraints despite the agreement undergoing major revisions. Thirty-one years after the 1968 Vienna Convention, Republic Act No. 8750 (or the Seatbelt Law) was passed and became the first law in the Philippines legislated with respect to a safety device in motor vehicles. After its enactment, all motor vehicles in the country are mandated to have seatbelts, and all drivers and passengers are required to wear seatbelts.

According to the Seatbelt Law, seatbelt use applies to both front and rear occupants of private

vehicles while inside the vehicle of a running engine on any road or thoroughfare.⁹ The intent of this law (found in Section 2) is to primarily “secure and safeguard its citizenry, particularly the passengers and drivers of private and public motor vehicles, from the ruinous and extremely injurious effects of vehicular [crashes].”¹⁰ Moreover, motor vehicles that run in the country, particularly those imported from foreign manufacturers, comply with international standards which mandate the installation of seatbelt devices in vehicles before their sale or distribution. The current law also provides penalties for those who do not comply.

However, in the past twenty years since its enactment, there still exists uncommon knowledge on the part of end-users that seatbelts must be used in both front and rear seats. Hence, the more common practice is the use of these only by the driver and oftentimes the front passenger. Moreover, in terms of legislation, only one bill has been filed in Congress in 2008 that sought to amend the Seatbelt Law, but it was only with respect to Sections 3 (Definitions) and 5 (Prohibition of Children Sitting in Front). The recent passage of Republic Act No. 11229 or the Child Safety in Motor Vehicles Act superseded Section 5.¹¹ Though these legal mechanisms are in place, the Seatbelt Law constantly remains to be the most violated road traffic law in the country.¹² In addition, the Department of Health has recorded a continuous decline in seatbelt use from 2010 to 2016 which is based on its record of injuries from several hospitals.¹³

Based on these records, the turnout may be a combination of wide knowledge gaps on the seatbelt law, and the limitations on monitoring and enforcement. Because of this, there can be major spill-over socio-economic effects which cause more

⁷ Alaa K. Abbas, Ashraf F. Hefny, and Fikri M. Abu-Zidan, “Seatbelts and Road Traffic Collision Injuries,” *World Journal of Emergency Surgery* 6, no. 18 (2011): 1–6.

⁸ United Nations, “Vienna Convention on Road Traffic” (United Nations, 1968), <https://www.unece.org/fileadmin/DAM/trans/conventn/crt1968e.pdf>, 10.

⁹ Republic of the Philippines, Republic Act No. 8750 (“Seat Belts Use Act of 1999”), enacted August 5, 1999.

¹⁰ *Ibid.* The term “crash” is used to emphasize that road traffic injuries are not caused by an “accident,” but by a “crash” which involve other variables in the road traffic system.

¹¹ Republic of the Philippines, Republic Act No. 11229 (“Child Safety in Motor Vehicles Act of 2019”), enacted February 22, 2019.

¹² Klaire Ting, “The 20-year-old Seat Belt Law Remains Ignored, Violated: LTO,” *Vera Files*, August 5, 2019, <https://verafilms.org/articles/20-year-old-seat-belt-law-remains-ignored-violated-lto>.

¹³ *Ibid.*

harm than good. A prime example of this is the lack of an understanding of safety of passengers who rely solely on the driver for their safety, believing that the latter has the responsibility to protect the former in preventing a crash. This makes the seatbelt, more of a liability and an extra cost to vehicle passengers, rather than an effective safety measure.

Understanding enforcement

Enforcement is the key to influence road user behavior. This is primarily a means to strengthen the standards of safety in place (through apprehension) and to widely disseminate them.¹⁴ In the practice of enforcement, safety standards “will be more effective if people are better informed about the standard and if enforcement is strong.”¹⁵ Thus there exist two spectrums of enforcement: (1) primary enforcement allows enforcers to stop and fine violators of seatbelt laws; and (2) secondary enforcement allows enforcers to stop and fine violators only when another traffic violation has occurred and non-use of seatbelt was merely incidental to it.¹⁶ Most seatbelt laws only look at the primary enforcement mechanism and thus presuppose enforcement statistics which pertain to apprehensions due to mere violations of the law. Hence, enforcing a law such as the Seatbelt Law requires primary enforcement, but this may be insufficient to address the problem of non-use of seatbelts since apprehensions are not enough to deter non-compliance.

In this regard, there is a limited scope on this enforcement mechanism. This is because primary enforcement may be restricted to plain view of non-compliance, which has become an identified weakness of seatbelt laws. Another aspect that

can be gleaned from this assumption of primary enforcement is that enforcers may choose who to apprehend, depending on the type of vehicles showing social status. Another particularity of primary enforcement is that which pertains to apprehension only of non-compliance towards using seatbelts in the front seats of a vehicle, which are easily seen, as compared to rear passengers’ non-compliance.

Primary enforcement may also have unintended benefits, such as incidental apprehensions for illegal possession of firearms, drugs, and other traffic or license violations.¹⁷ This latter unintended benefit becomes a bonus—an incentive to enforce seatbelt laws properly. In one research conducted on driver behavior,¹⁸ the compensating-behavior model can explain certain driver behaviors in jurisdictions where regulatory mechanisms are weak, also affecting the safety of passengers. According to this model, certain behaviors can cause other intended behavior changes; for instance, when drivers wear their seatbelt, they feel more secure, and would otherwise drive less carefully, leading to more road crashes.¹⁹

Therefore, as this kind of driving becomes customary, decreasing driver and passenger fatality, other individuals who are non-passengers or non-occupants become victims to a crash due to speeding and reckless driving.²⁰ In this sense, risk compensation becomes obvious, or in other words, “under certain conditions, individuals compensate for reduced risk by acting more recklessly.”²¹ This more or less reduces the real benefits of seatbelt use²² as the result of reckless behavior offsets the welfare value of wearing a seatbelt.

¹⁴ Stef Proost and Gerrit De Geest, *Economic Analysis of Traffic Safety: Theory and Applications*. (Brussels: Belgian Science Policy, 2006).

¹⁵ *Ibid.*, 15.

¹⁶ Alma Cohen and Liran Einav, “The Effects of Mandatory Seat Belt Laws on Driving Behavior and Traffic Fatalities,” *The Review of Economics and Statistics* 85, no. 4. (November 2003): 828–43.

¹⁷ Tho Bella Dinh-Zarr, et al., “Reviews of Evidence Regarding Interventions to Increase the Use of Safety Belts,” *American Journal of Preventive Medicine* 21, no. 4. (2001): 48–65.

¹⁸ Sam Peltzman, “The Effects of Automobile Safety Regulation,” *Journal of Political Economy* 83 (1975), 667–725, cited in Cohen and Einav, “The Effects of Mandatory Seat Belt Laws on Driving Behavior.”

¹⁹ Cohen and Einav, “The Effects of Mandatory Seat Belt Laws on Driving Behavior.”

²⁰ *Ibid.*

²¹ S. Kulanthayan, et al., “Seat Belt Use Among Car Users in Malaysia,” *IATSS Research* 28, no. 1 (2004), 19–25, 24.

²² Cohen and Einav, “The Effects of Mandatory Seat Belt Laws on Driving Behavior.”

Challenges affecting enforcement

Laws are primarily created for citizens to follow and provide order to society. Positive or legitimized law, specifically, speaks of how individuals behave in response to legal rules and how they are shaped.²³ This is why for law enforcement “the [] task is to see how law might be used to achieve specific ends, such as deterring socially undesirable behavior.”²⁴ In this context, road safety laws provide an avenue for individual drivers and passengers to comply with seatbelt use. In effect, this compliance shall ensure their safety and reduce possible injuries during a car crash. Enforcement, on the other hand, is problematic because of the lack of resources, knowledge, and awareness of all stakeholders. In this respect, effectiveness of the law through usage is tested based on data on apprehensions obtained from seatbelt violations only. The seatbelt enforcement data in the Philippines is based on this premise. Two national agencies enforce the Seatbelt Law: The Land Transportation Office (LTO) and the Highway Patrol Group (HPG) of the Philippine National Police. In their reports of apprehensions of violations of the Seatbelt Law, the HPG recorded 1,528 violations for 2017;²⁵ while the LTO recorded 63,215 violations in its Semi-Annual Report in 2018.²⁶

The enforcement of the law and this mindset can be viewed in the context of both law and economics. There are rational responses of individuals to changes in legal rules, in such a manner that certain goals may be attained in a cost-effective way. To know if a measure is cost-effective, it is important to know the cost of enforcement to the enforcer and how its upkeep is maintained.²⁷ For instance, there is a tendency for enforcers to disregard compliance with the law because it might be less cost-efficient in their time, in the same manner that people do not comply

with the law because they consider it a minutiae part of their own welfare. This is particularly true in the Philippine context.

For motorists, going through the hassle of using seatbelts adds another step in their everyday trips. There are also no improvements or innovations in enforcement which have been developed because law enforcers’ only means to enforce is primarily reliant on direct sight of vehicles moving in thoroughfares, where only those in the front seats can be seen. Visibility issues including tinting and speed also make enforcement more difficult.

This holds true in many jurisdictions,²⁸ where the problem has not been enforcement, but rather, people’s perception in compliance with law. Perception of compliance in the usage of seatbelts was lower than actual compliance. The very purpose of the law was defeated not because of enforcement but mere perception. Moreover, seatbelt effectiveness also relies on the driver’s behavior and educational attainment.²⁹

Enforcers should take note that both drivers and passengers behave according to the norms that are presented to them. The burden for compliance then passes on to the enforcers. If the proper environment is set in compliance with the law, the law would be followed and enforcement would be stronger. Such environment lays down a platform that provides capacity to enforcers to properly enforce and sufficient nudging mechanisms for drivers and passengers to act upon.

Ways forward: Policy recommendations for improved enforcement

As a means to improve the twenty year-old law, this study recommends that the review of the existing

²³ Christine Jolls, et al., “A Behavioral Approach to Law and Economics.” *Stanford Law Review* 50 (May 1998): 1471–550.

²⁴ *Ibid.*, 1474.

²⁵ Oliver Tanseco, “Law Enforcement in Road Safety” (Presentation, BIGRS–LDP Road Safety Roundtable Discussion Series 1, University of the Philippines Center for Integrative and Development Studies, Diliman, Quezon City, July 24, 2018).

²⁶ Land Transportation Office. 2018. *Semi Annual Report 2018*. Quezon City: Land Transportation Office–Statistics Section.

²⁷ Proost and De Geest, *Economic Analysis of Traffic Safety*.

²⁸ Jeff Linkenbach and H. Wesley Perkins, “Most of Us Wear Seatbelts: The Process and Outcomes of a 3-Year Statewide Adult Seatbelt Campaign in Montana.” (Presentation, The National Conference on the Social Norms Model, Boston, MA, July 17, 2003). <http://socialnormsresources.org/CaseStudies/montanaseatbelt.php>.

²⁹ World Health Organization, *Global Status Report on Road Safety 2015*.

law, which in itself is straightforward, should be complemented by a comprehensive set of campaigns for improved enforcement, publicity, and incentives³⁰ from the government and for the riding public in order to achieve high rates of seatbelt use in all four-wheeled motor vehicles in the Philippines.

At present, as an effect of weak enforcement mechanisms for the law, this compliance may also lead to compensating-behavior, which counteracts reduction of injuries by vehicle occupants. This result in the offset of injuries incurred by non-occupants caused by reckless driving or violation of traffic rules. The socio-economic effects of this decision-making lead to the same findings of injury costs (e.g., damage to property, financial losses, medical costs, or loss of lives).

Nonetheless and complementarily, primary enforcement of the law can tailgate apprehension of other crimes being committed such as illegal possession of drugs, drink-driving, speeding, etc. which can concomitantly be provided in the reverse effect. This means that when, in similar fashion, a traffic violation such as speeding is enforced, non-usage of seatbelts may be discovered, thus resulting in secondary enforcement. Effectively, a simple apprehension incident of non-seatbelt use can deter other crimes and legal perturbations.

Moving forward, the review of the seatbelt law can include the creation and development of the proper infrastructure, and an improved policy environment for enforcement. This includes better oversight and monitoring of apprehensions, combined with a policy mechanism to train for behavioral change of end-users such as access to context-specific information dissemination and education. Altogether, this can bring about more positive socio-economic effects. This is the absolute greatest incentive to make a good decision to follow the law. Ultimately, by good choices by drivers, passengers, and enforcers, many aspects of road safety are preserved—saved lives, saved revenue, and saved societies.

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³⁰ *Seat-belts and Child Restraints*, 19.

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Telephone: 8981-8500 loc. 4266 to 68 / 8426-0955

Email: cids@up.edu.ph / cidspublications@up.edu.ph



**UNIVERSITY OF THE PHILIPPINES
CENTER FOR INTEGRATIVE AND DEVELOPMENT STUDIES**

Lower Ground Floor, Ang Bahay ng Alumni
Magsaysay Avenue, University of the Philippines
Diliman, Quezon City 1101

Telephone: 8981-8500 loc. 4266 to 4268 / 8426-0955
Email: cids@up.edu.ph / cidspublications@up.edu.ph
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