



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE

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GENERAL SERVICES SECTION

MEMORANDUM CIRCULAR NO. 2021- 2292

SUBJECT : GUIDELINES FOR THE ENFORCEMENT OF REPUBLIC ACT NO. 11229 OR THE "CHILD SAFETY IN MOTOR VEHICLES ACT"

Pursuant to R.A. No. 11229 or the "Child Safety in Motor Vehicles Act" and its Implementing Rules and Regulations (IRR), these guidelines are issued to provide uniform operating procedures in the apprehension and adjudication of violations relating to the use of a child restraint system (CRS) for all children in motor vehicles.

I. GUIDELINES FOR ENFORCEMENT OF R.A. NO. 11229 PROVISIONS ON CHILD SAFETY.

A. Mandatory Use of CRS in Motor Vehicles.

- 1. General rule.** - It shall be unlawful for the driver of a covered vehicle not to properly secure at all times a child in a standard CRS while the engine is running or when transporting such child on any road, street, or highway, except as otherwise provided in R.A. No. 11229 and its IRR.
- 2. Guidelines for proper use of CRS.** - The following guidelines shall be observed in determining whether a child is considered properly secured in a CRS for purposes of the enforcement of R.A. No. 11229 and its IRR.
 - a. Installation through proper anchorage points.** - The CRS should be correctly installed in the vehicle through proper anchorage points.
 - i. Types of anchorage points.** - Motor vehicles have anchorage points that vary depending on their make and manufacturer. For reference, different types of anchorage points are illustrated in Figures 1 and 2 below:

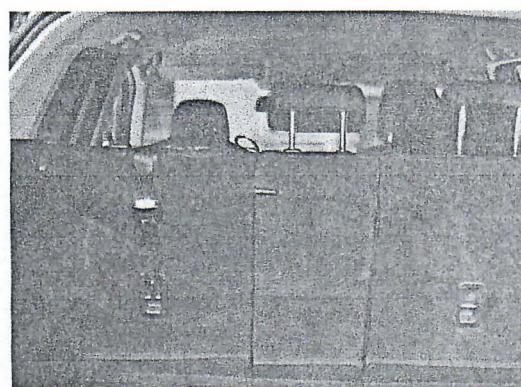


Figure 1. Top tether

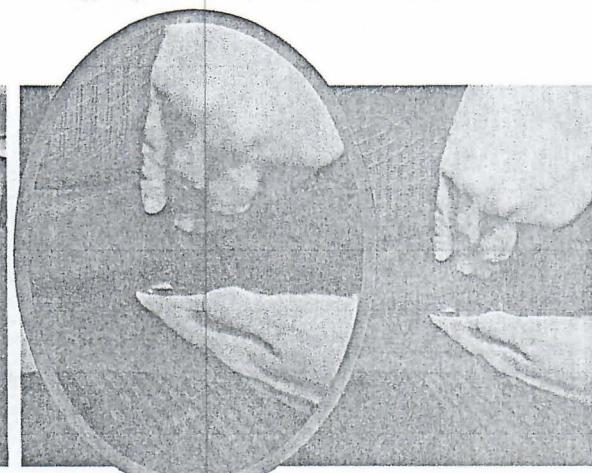


Figure 2. Lower anchor
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ii. **Installation of CRS.** - The following guidelines shall be observed in installing CRS in vehicles with anchorage points.

(a) For vehicles with lower anchors and CRS with ISOFIX. - The CRS must be anchored using the latch for the lower anchor and by anchoring the top tethers.

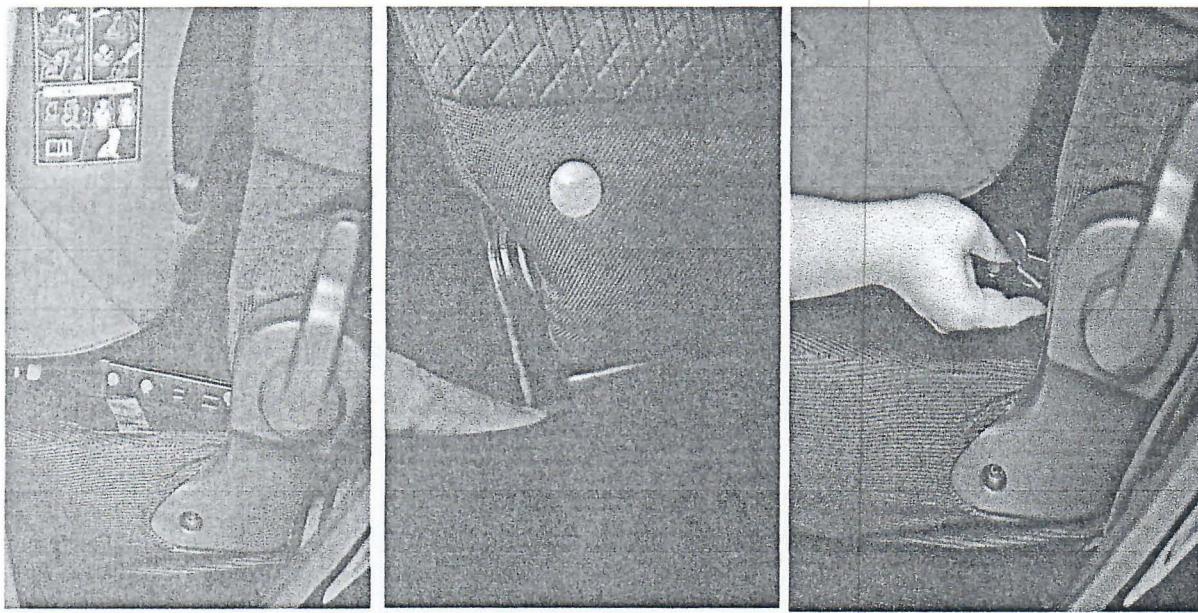


Figure 3. Installation of CRS with ISOFIX in vehicles with lower anchor

(b) For vehicles without lower anchors. - The seat belt must be anchored by threading the belt through the back of the CRS and securing it using the seat belt latch, and by anchoring the top tethers.



Figure 4. Installation of rear-facing CRS in vehicles without lower anchors

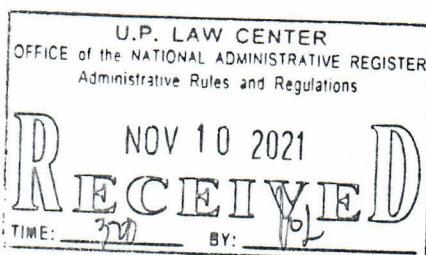
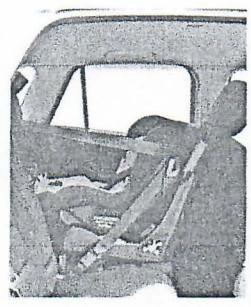
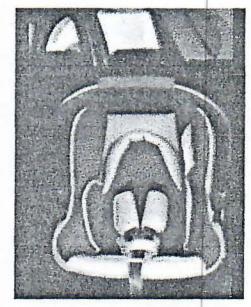


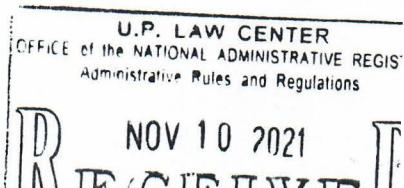


Figure 5. Installation of forward-facing CRS in vehicles without lower anchors

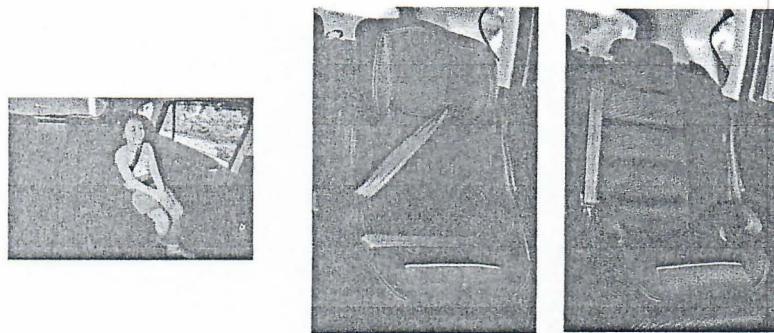
b. CRS appropriate for the child. - The CRS shall be appropriate for the child's age, height and weight, and approved in accordance with United Nations Regulation No. 44 (UN R44) and United Nations Regulation No. 129 (UN R129), including its evolving standards, and other acceptable international standards that are of an equivalent or higher degree of safety as determined by the DTI.

Enforcers may refer to the following table as a guide in determining whether the CRS is the appropriate type for the child's size:

Type of CRS	Age group (approximate range)	Height (approximate)
Rear-facing child seat	Infants (0 - 15 months)	2 feet, 8 inches (2'8) and below
		   
Forward-facing child seat	Toddlers and preschoolers (15 months - 4 years)	Between 2'3 - 4'4
		 



Booster seat	School-aged children or children who have outgrown the child seat but are not fully able to use the adult seat belt <i>(4 -12 years)</i>	Between 4' – 4'11
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Convertible seat	Can cover various age groups	Adjustable as the child grows
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c. **Fastening of harness strap and lap belt.** - The harness straps and lap belt are firmly buckled and not twisted.

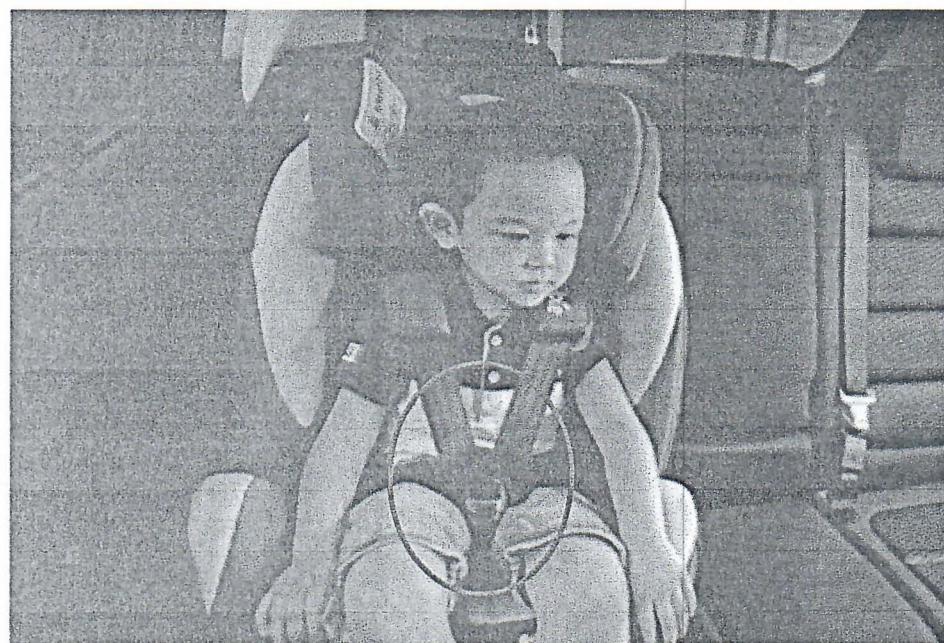
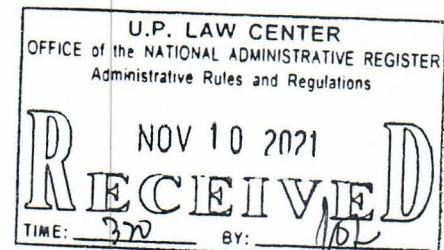


Figure 6. Properly fastened harness straps and lap belt



d. Placement of shoulder strap. - The shoulder strap crosses the center of the child's chest and not the child's neck.



Figure 7. Proper placement of shoulder straps

e. Fit of lap belt. - The lap belt fits across the child's thighs and hips and not across the abdomen.

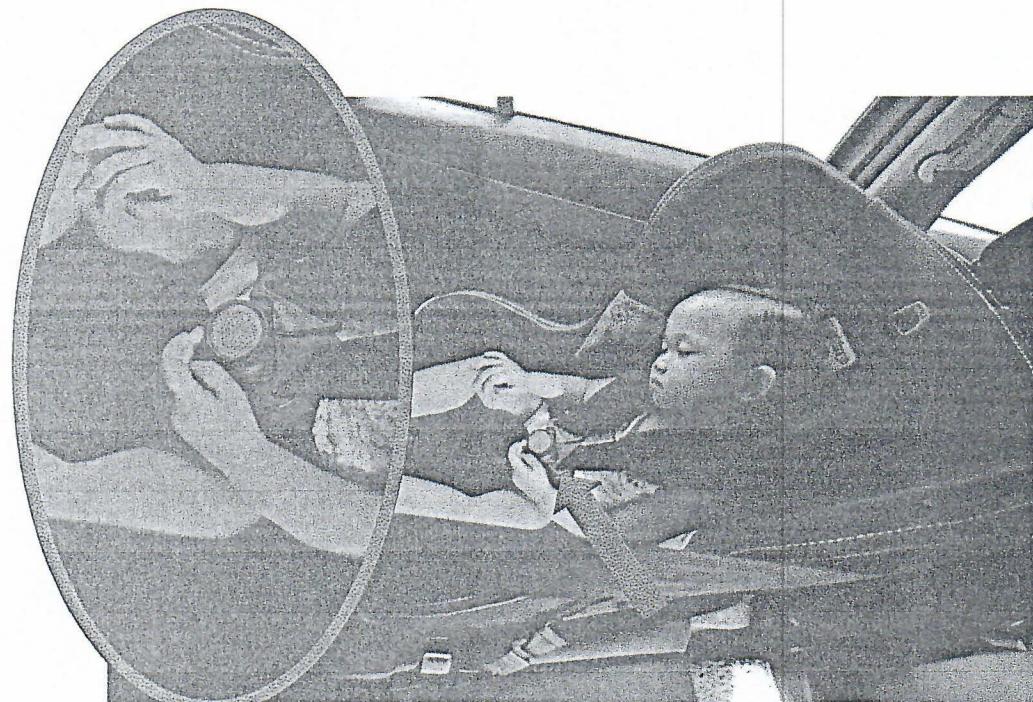


Figure 8. Proper fit of lap belt for a child in a rear-facing CRS

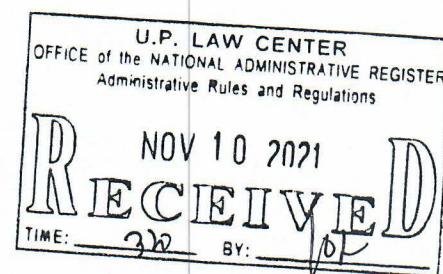




Figure 9. Proper fit of lap belt for a child in a booster seat

f. **Tightening of straps to remove slack.** - The CRS harness strap, top tether strap, ISOFIX flexible straps or seatbelt are properly tightened to remove all slack.

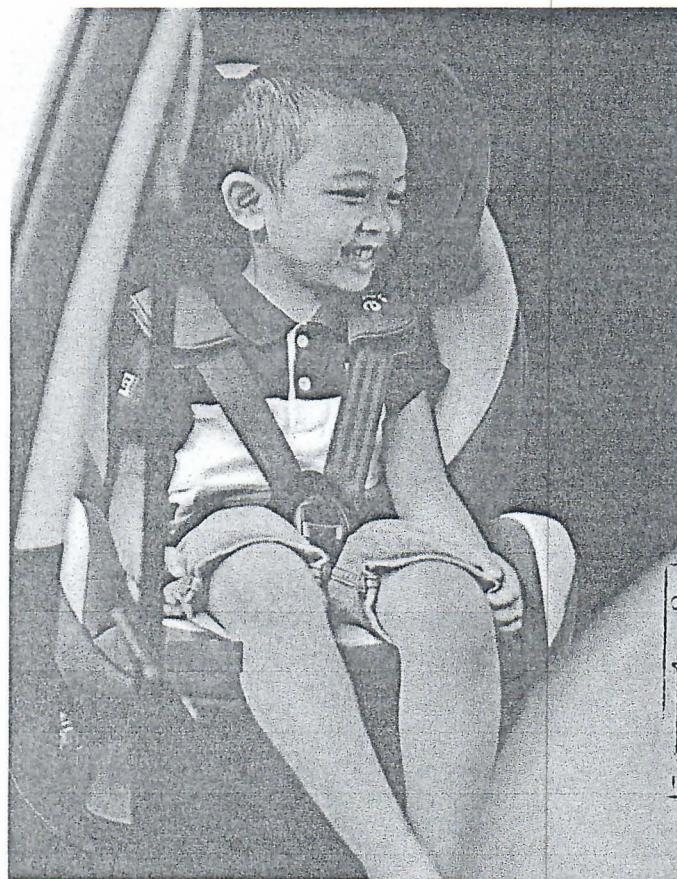


Figure 10. Properly tightened straps without slack

3. **Proper use of seatbelt for exempted children of specified height.** - A child at least one hundred fifty (150) centimeters or fifty-nine (59) inches or four feet and eleven inches (4'11) in height may be properly secured using a regular seat belt instead of a CRS. A driver shall be deemed in violation of Section 5 of R.A. No. 11229 when it is apparent that the seatbelt does not fit properly on the child passenger.

A seat belt fits properly when the lap belt lays across the upper thighs and not the stomach and the shoulder belt lay across the chest and not the neck.

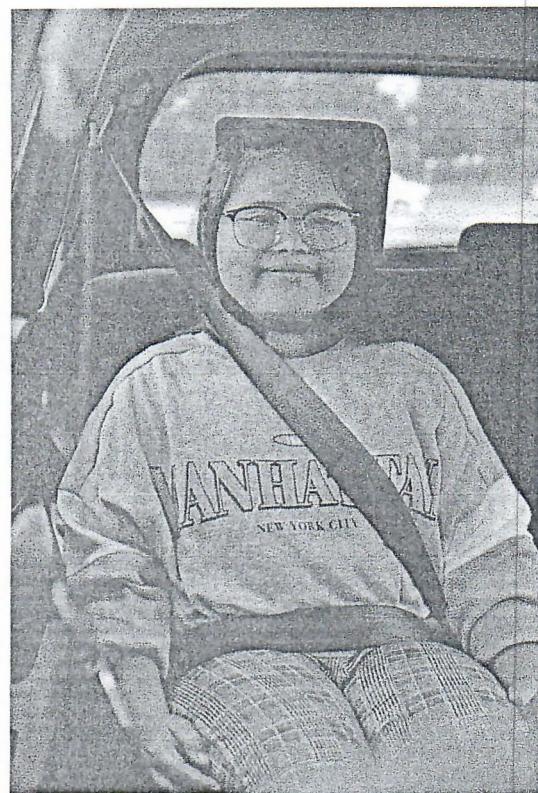
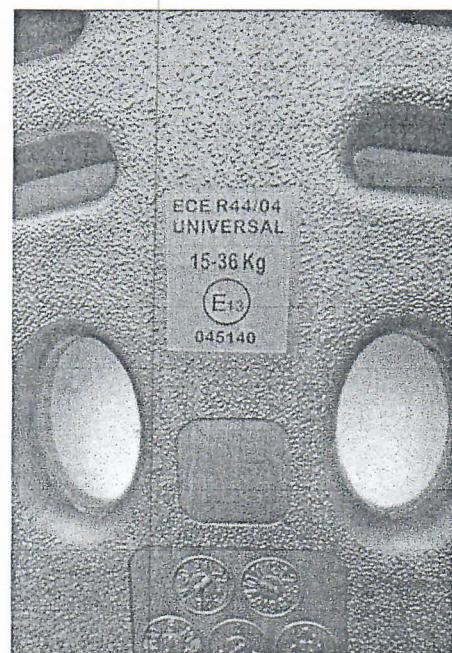
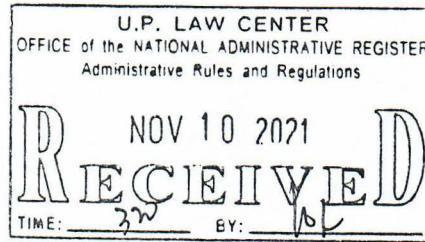


Figure 11. Correctly fitted seat belt across the lap and chest

4. CRS Product Safety Standards.

a. **UN R44 and R129 labels.** - The following labels indicate that the CRS acquired prior to February 2, 2021 complies with UN R44 and UN R129:

UN Regulation No. 44 (UN R44)

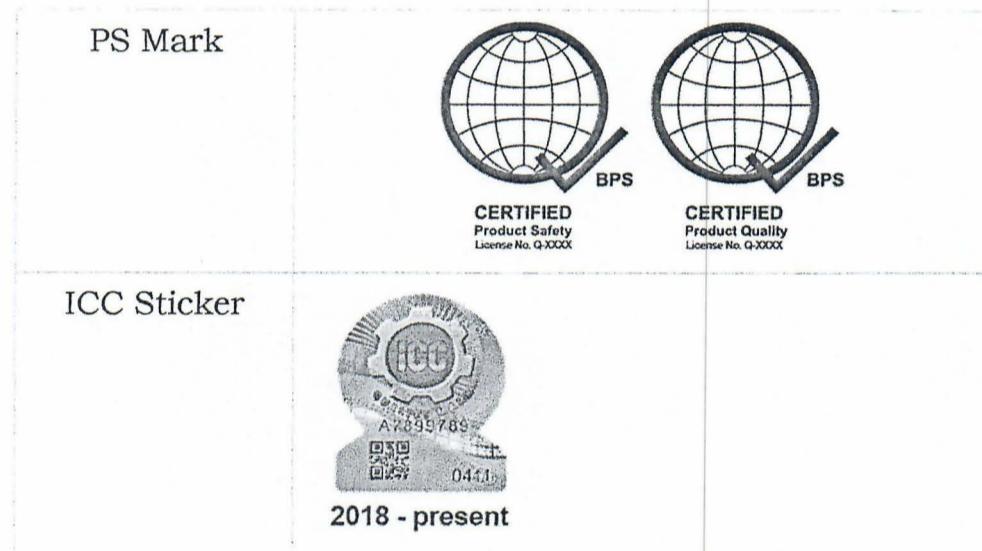


UN Regulation No. 129
(UN R129)



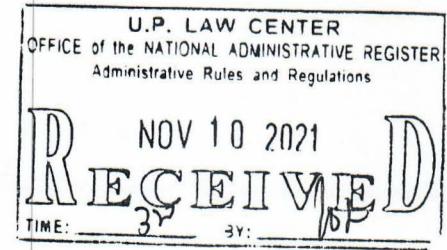
A CRS that does not bear any of the foregoing markings shall be *prima facie* considered substandard, unless labels of other acceptable international standards, as approved by DTI, are presented.

b. **PS mark and/or ICC sticker.** - A CRS that has a PS mark and/or ICC sticker shall be *prima facie* considered a standard CRS, provided that the [PS mark/ICC sticker] are standard and have not been tampered with.



B. Leaving a Child Unattended in a Motor Vehicle.

- 1. Prohibition on leaving a child unattended.** - At no instance shall a child be left unaccompanied by an adult in a motor vehicle, notwithstanding the use of a CRS.
- 2. Ensuring the safety of an unattended child.** - When a child is left unattended inside a motor vehicle, ensuring the safety of such child is of paramount importance. The Law Enforcement Officer (LEO) shall make a proper assessment of the situation. If necessary and feasible, the LEO shall communicate with the child in determining the whereabouts of the driver or person accompanying the child. The LEO shall at all times exercise due diligence in taking steps to ensure the safety of the child before and throughout processing any violation of the driver.



C. Children in Rear Seats.

- 1. General rule.** – No child shall be allowed to sit in the front seat of a motor vehicle with a running engine or while such child is being transported on any road, street, or highway.
- 2. Exception.** - A child who is at least one hundred fifty (150) centimeters or fifty-nine (59) inches or four feet and eleven inches (4'11) in height and is properly secured using the regular adult seat belt may sit in the front seat. A driver shall be deemed to be in violation of Section 5 of R.A. No. 11229 where it is apparent that the seatbelt does not fit the child passenger properly, as illustrated in Part I-A of these Guidelines.

D. Penalties

- Any driver in violation of the Section 4 and 5 of R.A. No. 11229 shall be fined One Thousand Pesos (P1,000.00) for the first offense; Two Thousand Pesos (P2,000.00) for the second offense; and Five Thousand Pesos (5,000.00) and suspension of the driver's license for a period of one (1) year for the third and succeeding offenses.
- Any driver who allows the use of substandard and/or expired child restraint system or permits the use of child restraint system that does not bear the PS Mark or the ICC sticker or LTO clearance, shall be fined One Thousand Pesos (P1,000.00) for the first offense; Three Thousand Pesos (P3,000.00) for the second offense; and Five Thousand Pesos (5,000.00) and suspension of the driver's license for a period of one (1) year for the third and succeeding offenses.
- Tampering, alteration, forgery and imitation of the PS Mark or the ICC stickers in the child restraint system shall be punished with a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00), for each and every child restraint system product, without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines."

III. GUIDELINES FOR APPREHENSION.

A. Qualification of LEOs

Only LEOs that have (i) undergone training; (ii) have been deputized for the enforcement of R.A. No. 11229; and (iii) have completed the training for fitters are authorized to apprehend for violations of R.A. No. 11229.

B. Protocols for apprehension

All LEOs are directed to observe the following procedure in the apprehension of persons who may be in violation of Sections 4, 5, or 7 of R.A. No. 11229:

- The LEO shall make an initial determination of the violation/s:

- through a visual inspection, whether through observational checks, random safety checks conducted at established checkpoints, or in the course of routine patrols;

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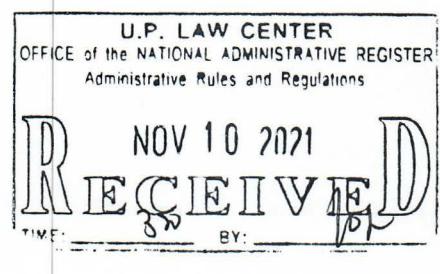
- b. in the course of an apprehension for the commission of another traffic violation; or
 - c. in the course of an investigation of a road crash or collision.
2. The LEO is authorized to stop a motor vehicle in transit at the time of an observed violation or during random safety checks. The LEO shall flag down the vehicle and safely lead it to the roadside.
3. The LEO shall inform the driver of the violation/s committed and require the presentation of the driver's license and Official Receipt/Certificate of Registration (OR/CR). The LEO shall thereafter issue a Temporary Operator's Permit (TOP) to the driver, with the violation/s committed clearly indicated in the TOP. Each violation shall constitute a separate offense.
4. Where the act or omission constituting the violation may be corrected through minor adjustments in the installation or use of the CRS, the LEO shall issue a warning instead of a TOP; provided, that the driver or any adult passenger accompanying the child shall be given an opportunity to make the necessary minor adjustments to the CRS to ensure that it is properly installed and the child is secured, under the supervision of the LEO.
5. In cases where violations under Part I-A can only be corrected by requiring the child to alight the vehicle or by removing the CRS, the LEO shall issue the TOP to the driver and direct the driver to the nearest LTO fitting station where the CRS may be assessed and properly fitted, installed, or adjusted.

Nothing in these guidelines shall prevent the LEO from using reasonable means to enforce the provisions of R.A. No. 11229, including issuing warnings and conducting any information, education, and communications campaign.

C. Protection of children from distress

The LEO shall at all times ensure the safety of child passengers and shall conduct oneself in a manner that will ensure that the child is not subjected to any form of distress during apprehension.

1. The LEO shall follow existing protocol in the apprehension of drivers for traffic violations and shall only resort to visual inspection in determining whether there is a violation of R.A. No. 11229. At no point may the LEO require the child to alight the vehicle or the removal of the CRS.
2. All communication during apprehension and processing of the violation shall be directed to the driver of the motor vehicle. At no instance shall the LEO approach or communicate directly with the child passenger without the presence of the driver or such adult passenger.



III. GUIDELINES ON TRAINING AND DEPUTATION OF ENFORCEMENT OFFICERS.

A. Training of Enforcement Officers.

1. Development of a training module

The LTO Traffic Safety Division in coordination with Imaginelaw, Inc. shall develop a training module for the enforcement of R.A. No. 11229.

2. Training of LTO enforcement officers

The LTO Law Enforcement Service and LTO Regional Offices shall be responsible for ensuring that all LTO enforcement officers have undergone training on enforcement of R.A. No. 11229 and fitting of CRS by LTO CRS Trainer.

3. Training of LEOs

All LTO Regional Offices shall ensure (i) that the training module for the enforcement of R.A. No. 11229 and its IRR is incorporated in their program for trainings and examinations and (ii) that all deputized LEOs have undergone training on enforcement by LTO CRS Trainer.

B. Deputation of PNP, MMDA, LTFRB, and other public officers.

1. Guidelines for deputation

The LTO may deputize members of the PNP, the Metropolitan Manila Development Authority (MMDA), the Land Transportation Franchising and Regulatory Board (LTFRB) and other public officers for the enforcement of this Memorandum Circular pursuant to R.A. No. 4136. The LTO shall ensure that the deputation of all LEOs shall be in compliance with LTO Memorandum Circular No. 2017-2112 and in accordance with Rules on Fitters and Fitting Stations.

2. Deputies' training seminar

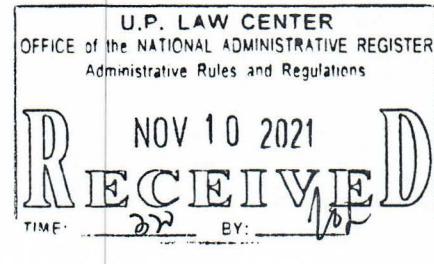
The LTO Law Enforcement Service shall develop a deputies' training seminar on R.A. No. 11229 and the regions shall administer requisite written and practical examinations for the deputation of LEOs.

3. Records of deputized LEOs

The LTO shall maintain and update the list of deputized LEOs and other records such as information sheet of deputies, deputation orders, identification cards, TOP booklets, and other relevant documents.

IV. ADJUDICATION PROCEDURE.

All apprehensions made pursuant to this Memorandum Circular shall be adjudicated in accordance with existing LTO rules and regulations.



V. REPEALING CLAUSE.

All Department Orders, Memoranda, Circulars and other issuances in conflict with these Guidelines are deemed revoked, amended, or revised accordingly.

VI. SEPARABILITY CLAUSE.

In the event that any provision shall be held or declared void, invalid or unenforceable by a court of competent jurisdiction or by legislation or regulation, the remainder of this Memorandum Circular shall be fully effective and binding.

VII. EFFECTIVITY.

This Memorandum Circular shall take effect upon registration with the Office of the National Administrative Register at the University of the Philippines Law Center, U.P. Diliman, Quezon City.

Approved this November 8, 2021


EDGAR C. GALVANTE
Assistant Secretary
Land Transportation Office

