



**DEPARTMENT OF EDUCATION**

Region X-Northern Mindanao

**DIVISION OF MALAYBALAY CITY**

Sayre Highway, Purok 6, Casisang., Malaybalay City

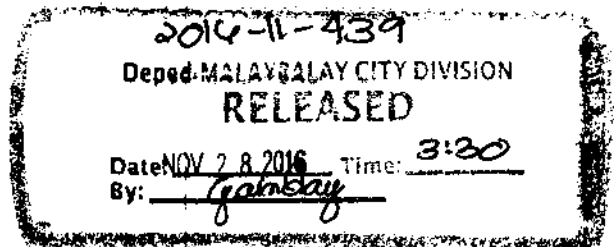
Email Address: [depedmalaybalay@gmail.com](mailto:depedmalaybalay@gmail.com); Official website: [www.depedmalaybalay.net](http://www.depedmalaybalay.net)



**ADDENDUM TO DIVISION MEMO NO. 640 S. 2016 RE: OBSERVANCE  
OF THE PROVISION OF REPUBLIC ACT NO. 10054 OTHERWISE  
KNOWN AS THE MOTORCYCLE HELMET ACT OF 2009**

**TO: Chief Education Supervisors and Staff, CID and SGOD  
School Heads (Elem. & Secondary), Teachers, and Learners  
Section/Unit Heads and Staff  
All Others Concerned**

**FROM: EDILBERTO L. OPLENARIA, CESO VI**  
Schools Division Superintendent



1. To supplement the recent issuance Division Memorandum No. 640, s. 2016 re: *Observance of the Provision of Republic Act No. 10054 otherwise known as the Motorcycle Helmet Act of 2009*, this Office hereby provides the following documents:

- 1.1. DTI-Certified Motorcycle Helmets as of March 5, 2013
- 1.2. DTI Memorandum Circular re: Guidelines on Enforcement of Standard Protective Motorcycle Helmets (RA 10054)
- 1.3. DOTC-DTI Joint Administrative Order No. 01, s. 2001 re: Rules and Regulations Implementing the Provisions of RA 10054, entitled, "AN Act Mandating All Motorcycle Riders to Wear Standard Protective Motorcycle Helmets while Driving and Providing Penalties Therefor"
- 1.4. DTI-BPS MC No. 06, s. 2012 re: Revised Implementation of the Provision of Clause 5.4. of DOTC-DTI Joint Administrative Order No. 01: 2011 and for helmets acquired by the Motorcycle Riders prior to the Effectivity of RA 10054

2. For information, guidance, and compliance.

Encl.:  
As stated

Copy furnished:  
Records Unit

**TO BE POSTED IN THE WEBSITE**

# DTI-CERTIFIED MOTORCYCLE HELMETS

As of March 05, 2013

MANUFACTURER (with PS License)	BRAND (with PS Mark)	CONTACT NUMBER
Foshan City Nanhai Yongheng Helmet Manufacturing Co., Ltd. (c/o Bostanten Corporation)	HNJ/GDR/CARTING/ZEBRA/SPEED	354.7777; 354.9999
M.J. Kim Enterprises	KIM/KPM	(049) 832.1105; 0922.8415440
IMPORTER (with ICC Certificate)	BRAND (with ICC Mark)	
A & G Bike Shop	INDEX	411.4643; 4114673
ATG5 Trading Corporation	GSB/VOLTZ	912.7846
Cebu Reliance Motor Parts, Inc.	AERO-X/ACERBIS/BLD/PROGRIP/TANKED/WHEIZ GEAR	(032) 236.9012
CWORLD Trading, Inc.	AGV/SPACE CROWN/VCAN/TANKED	473.9958
Daijah Enterprises	INDEX	361.3616
Dans Bike Shop	SPARX	(034) 709.1223
DNC TRADING	INDEX	365.9526
Eastway Racing Company, Inc.	INDEX/BLD/TAKASAGO/WT-TAKASAGO	251.9681
Eastworld Motor Industries Corporation	INDEX	241.675
Experia General Merchandise	HNJ/JDS	63922.8059
Exsol Trading Corporation	EXSOL	710.3336
Fastroad Motorcycle Enterprises	YOHEY/YEMA/GDR	794.107
Fortune Sunriser Enterprises, Inc.	BMC/INK	731.3488
Frebel Enterprises	INDEX	309.4026
Gentrade International (Phils.) Inc.	POWERCYCLE/TRANSCYCLE	646.5433; 646.3164
GTVL Manufacturing Industries, Inc.	STUDDS	825.0239
Honda Philippines, Inc.	INDEX	823.8001
Impressions Impex International Corp.	STUDDS	842.2274
Kart Plaza Manufacturing Corporation	ARAI/KYT/INK/SHOEI	817.2241
Kasaligan Auto Mart	WHEIZ GEAR	(032) 236.6920
Kellsons Corporation	GLF	521.3212
Levant Trading	WEILANG	996.6707
Manila Safety Cycling Devices Corporation	HPH/CNWL/SUZUKI/MAXSPEED	930.9716
Minton Multiresources, Inc.	POSH	365.0695
Mitsukoshi Motors Phils., Inc.	DRAGON SHIELD (HD-50X)	722.3333
Motoactive Corporation	AINON/KOR/KOR HF/NEXX/XPOT	570.6712
Motors Cycles & Scooters, Inc.	AGV/VCAN/TANKED	813.4432
Mworld Trading	2/AGV/CABERG/KBC/LS2/NOLAN/SHOEI/ZEUS/SUZUKI/SA-070/KBC	640.1743
Mybike, Inc.	AVEX/HONGYING BIO HELMETS	895.4294
New Fullspeed Marketing	YEMA	367.0621
Philippine SGC Corporation	PENGUIN/ST/SUN	364.3865
Philippine Suntal Corporation	SUN/SUN POWER	367.8911
Pyrakam Corporation	LEV3	453.3218
Reachable Enterprises	GDR	354.2104
Roshan Commercial Corporation	SPYDER/TORQ	638.6556
Shock Wave Multi Industrial Solutions	SNELL	291.2278
Specialist Motorcycle Parts and Accessories	AXA/WLT	992.2259
Stavellan International Company	BIO/H	63917.89505
Timeless Trading	SNELL	291.2269
Triple S Marketing Corporation	INDEX	365.8274
Triumph JT Marketing Corporation	HJC	361.2044
Vioma Marketing Corporation	AM/INDEX	241.2682
Wealth Enterprises Corporation	OTO/APOLLO	253.0098
Yamaha Motor Philippines, Inc.	HJC/YAMAHA	(043) 455.1901
Yohingco Trading	LEVIN LEV3/LEVIN LEV4/SOL	454.0007



**MEMORANDUM CIRCULAR**

**FOR :** All DTI Regional and Provincial Office

**COPY :** Atty. Pedro Vicente C. Mendoza  
Officer-in-Charge, CWBRG

**:** Undersecretary Merly M. Cruz  
RODG

**FROM :** Atty. Pedro Vicente C. Mendoza  
Director-In-Charge

**DATE :** 27 December 2012

**SUBJECT :** **GUIDELINES ON ENFORCEMENT OF STANDARD PROTECTIVE  
MOTORCYCLE HELMETS (Republic Act 10054)**

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Please find attached guidelines for enforcement purposes of standard protective helmet prescribed by Republic Act 10054, otherwise known as "Helmet Law"

Said document shall serve as guidelines for DTI Regional and Provincial Standards Promotion and Enforcement Officers, as well as for the Land Transportation Office (LTO)- traffic enforcers and its deputized traffic enforcers.

For your information and guidance.

**BUREAU OF PRODUCT STANDARDS**  
3F, Trade and Industry Building  
361 Sen. Gil J. Puyat Avenue, Makati City, Philippines  
Telephone: (832) 751-3123; 751-4736 Fax: (832) 751-4708  
E-mail Address: bps@dti.gov.ph - Website: www.bps.dti.gov.ph

**Membership:**  
• International Organization for Standardization (ISO)  
• Enquiry Point for WTO Technical Barriers to Trade (WTO-TBT)

**GUIDELINES ON ENFORCEMENT OF  
STANDARD PROTECTIVE MOTORCYCLE HELMETS  
Republic Act 10054**

**1. Responsibility of the Department of Trade and Industry (DTI)**

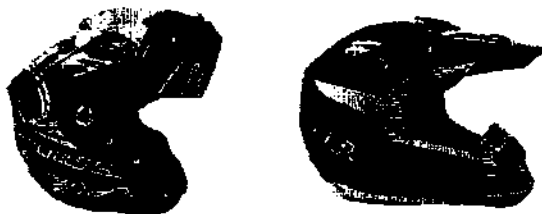
The Department of Trade and Industry shall be responsible on the following:

- a. The DTI, and its Regional and Provincial Offices, through the Bureau of Product Standards, are mandated to utilize the BPS Philippine National Standards (PNS) for Protective Motorcycle Helmets as PNS UNCE Reg:22:2007 for its enforcement and monitoring of manufacturers importers, dealers, distributors and retailers as follows:

a.1 J type helmet -It does not have a lower face cover.



a.2 P-type helmet- It has a protective lower face cover.



a.3 NP -type helmet- has lower face cover but not for protective purpose.



- b. The DTI, through the BPS implements the mandatory certification of all manufactured and imported motorcycle helmets in the Philippines.

b.1 All manufacturers and importers of motorcycle helmets are required to apply and secure a Philippine Standard (PS) license and an Import Commodity

Clearance (ICC) certificate respectively, prior to the sale and distribution of their products.

b.1 The BPS shall periodically issue the list of certified brands of protective motorcycle helmet with their corresponding serial numbers with the manufacturers and importers and their contact numbers. Those that have successfully passed the required tests and inspections based on the Philippine National Standard (PNS) are authorized to affix the PS Mark or the ICC sticker on standard protective motorcycle helmets with their brands.

b.2 The BPS shall publish the list in a newspaper and tabloid of general circulation or shall post it in its website.

b.3 The BPS shall issue to an importers with approved ICC Certificate an equivalent number of ICC stickers for helmets that were shipped to the country.

b.4 Each standard protective motorcycle helmet has its unique serial number which can be used for verification purposes.

c. In the monitoring and enforcement by the DTI, the applicable provision of Section 7(b), (c) and (d) of Republic Act 10054 shall be implemented,

*"7 (b) Any seller and/or dealer who violates Section 5 of this Act shall be punished with a fine of not less than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00).*

*7 (c) Any person who uses, sells and distributes substandard motorcycle helmets or those which do not bear the PS mark or the ICC certificate shall be punished with a fine of not less than Three thousand pesos (Php3,000.00) for the first offense; and Five thousand pesos (Php5,000.00) for the second offense, without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines".*

*7 (d) Tampering, alteration, forgery and imitation of the PS mark and the ICC certificates in the helmets shall be punished with a fine of not less than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00), without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines".*

d. The Regional and Provincial offices in their monitoring and enforcement activities on helmet shall regularly submit their activity reports. The BPS shall prepare consolidated reports on monitoring and enforcement activities on standard protective motorcycle helmets.

2. The responsibilities of The Department of Transportation and Communication - Land Transportation Office (DOTC LTO) is defined in the attached document.

- a. The Department of Transportation and Communication shall be responsible for the implementation of Section 7.a.

*".....7 (a) Any person caught not wearing the standard protective motorcycle helmet in violation of this Act shall be punished with a fine of One thousand five hundred pesos (Php1,500.00) for the first offense; Three thousand pesos (Php3,000.00) for the second offense; Five thousand pesos (Php5,000.00) for the third offense; and Ten thousand pesos (Php10,000.00) plus confiscation of the driver's license for the fourth and succeeding offenses."...*

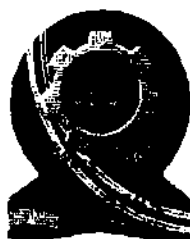
- b. The LTO officers or other deputized agents shall check the PS or ICC sticker on a standard protective motorcycle helmet of a motorcycle driver and or his or her back rider against the BPS list of certified brands and their manufacturers and importers.
- c. LTO shall not require any document from motorcycle riders and passengers on their PS or ICC-stickered helmets during the road side inspection.
- d. The traffic enforcers shall validate the PS Mark ICC sticker containing with the following features:

*Import Commodity Clearance (ICC) Sticker*

*Philippine Standard (PS) Mark*



2009-2011



2012



**CERTIFIED**  
Product Safety  
Lic No Q-1573



Actual ICC Sticker on Motorcycle Helmet



Actual PS Sticker on Motorcycle Helmet

- d.1 Check the appearance of the stickers.

d.1.1 The ICC sticker in hologram format was introduced in 2009

- It has a silver grey color.
- The capital letters of ICC is in the middle of a gear.

- a. The Department of Transportation and Communication shall be responsible for the implementation of Section 7.a.

".....7 (a) Any person caught not wearing the standard protective motorcycle helmet in violation of this Act shall be punished with a fine of One thousand five hundred pesos (Php1,500.00) for the first offense; Three thousand pesos (Php3,000.00) for the second offense; Five thousand pesos (Php5,000.00) for the third offense; and Ten thousand pesos (Php10,000.00) plus confiscation of the driver's license for the fourth and succeeding offenses."...

- b. The LTO officers or other deputized agents shall check the PS or ICC sticker on a standard protective motorcycle helmet of a motorcycle driver and or his or her back rider against the BPS list of certified brands and their manufacturers and importers.
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**CERTIFIED**  
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Actual ICC Sticker on Motorcycle Helmet



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- d.1 Check the appearance of the stickers.

d.1.1 The ICC sticker in hologram format was introduced in 2009

- It has a silver grey color.
- The capital letters of ICC is in the middle of a gear.

- Under the gear is the unique serial number.
- The month and year of issue is seen under the unique serial number.
- The hologram sticker has security features. It is tamper-proof and serialized for better protection.

**d.1.2 The improved ICC sticker in hologram format was introduced in 2012.**

- The new ICC hologram sticker was manufactured via electron beam origination producing ultra-high feature definition at 500,000 dots per inch.
- It results to superior definition and image clarity; amplified movement in colors and texts; and, increased security features making it very difficult, if not impossible, to counterfeit.
- The hologram is registered with the International Hologram Manufacturers' Association (IHMA), an exclusive association of ISO certified members having the E-beam technology capacity. All designs registered to IHMA are guaranteed unique.
- A lead microscope confirms the authenticity of the mark by showing the security features in specific colors.
- It is in rainbow colors.
- Still, the capital letters of ICC is in the middle of a gear. There are wave lines to demonstrate genuineness of the logo.

**d.1.3 The PS mark is also in hologram format.**

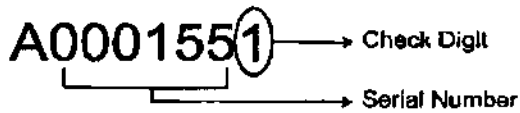
- It has a silver white color.
- The logo is a globe with a check at the lower right.
- The capital letters of BPS is on the right of the check.
- Below the logo is the word, CERTIFIED in capital letters.
- Under this is "Product Safety"
- The next line is the license number that was issued in the PS license of the manufacturer of the motorcycle helmet.



- The manufacturer laminates the PS mark at the back of the motorcycle helmet. It includes the PS mark with the required information in its manufacturing process.

d.2 Also check if the ICC stickers is authenticated.

d.2.1 A unique serial number can be authenticated through check digit:



- First character may be any letters from A to Z
- Check Digit - Mathematically related to a set of numeric characters which form a serial number

Ex: For serial number 000155,

Add all numbers together  $0 + 0 + 0 + 1 + 5 + 5 = 11$

The last number of the sum total, 1, which becomes the check digit.

The same number with check digit is 0001551.

**DOTC-DTI JOINT ADMINISTRATIVE ORDER NO. 01**  
**SERIES OF 2011**

**SUBJECT : RULES AND REGULATIONS IMPLEMENTING THE PROVISIONS OF REPUBLIC ACT NO. 10054, ENTITLED "AN ACT MANDATING ALL MOTORCYCLE RIDERS TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING AND PROVIDING PENALTIES THEREFOR"**

Pursuant to Section 6 of Republic Act No. 10054 (RA 10054) otherwise known as "Motorcycle Helmet Act of 2009", the following rules and regulations are hereby jointly promulgated for compliance and guidance of all concerned:

**1 SCOPE**

These guidelines shall apply to wearing of standard protective motorcycle helmets by all motorcycle drivers and back riders while driving in any type of road and highway. It shall exclude drivers of tricycles.

For purposes of these guidelines, the following Administrative Orders of the Department of Trade and Industry (DTI) shall be applied:

- 1.1 DAO 2:2007 – Department Administrative Order No. 2, series of 2007 - Defining the responsibilities and liabilities of manufacturers, importers, traders, wholesalers, distributors, retailers, service providers and or their agents, with regard to products/services covered by Philippine Standard (PS) Certification Mark Schemes and prescribing penalties for violation thereof.
- 1.2 DAO 4:2008 – Department Administrative Order No. 8, series of 2008 – The new rules and regulations concerning the PS Quality and/or Safety Certification Mark Scheme of the Bureau of Product Standards (BPS).
- 1.3 DAO 5:2008 – Department Administrative Order No. 5, series of 2008 – The new rules and regulations concerning the issuance of Import Commodity Clearance under the Product Certification Mark Scheme of the BPS.
- 1.4 DAO 1: 2008 – Addenda to the Implementing Rules and Regulations of Republic Act No. 7394 (RA 7394), otherwise known as the "Consumer Act of the Philippines" or Department Order No. 2, series of 1993 on the matter of Labelling and Fair Packaging.

**2 DEFINITION OF TERMS**

- 2.1 Product - refers to protective helmet or visors within the scope of these guidelines.

- 2.2 Test Samples - refers to a product randomly chosen from lot or batch.
- 2.3 Manufacturer's Identifying Mark – refers to a logo or symbol representing the manufacturer's identity as approved by the BPS.
- 2.4 Accredited Laboratory - refers to a testing laboratory accredited by International Laboratory Accreditation Cooperation (ILAC) or Asia Pacific Laboratory Accreditation Cooperation (APLAC) that conducts tests on representative samples or helmets and/or visors.
- 2.5 Standard Protective Motorcycle Helmets - refer to helmets and visors that are appropriate types of helmets for motorcycle riders that comply with the specifications prescribed by DTI and which bear the Philippine Standard (PS) mark or Import Commodity Clearance (ICC) of the BPS.
- 2.6 Philippine National Standards (PNS) - refers to a standard promulgated by the BPS relating to a set of conditions to be fulfilled to ensure the quality and safety of a product. It shall contain product specifications, test method, terminology, standardization procedures, and guidelines or practices.
- 2.7 Philippine Standard Quality (PS) Quality Certification Mark - refers to a mark of conformity to product quality standards, which appears on a product or product packaging.
- 2.8 Philippine Standard (PS) Safety Certification Mark - refers to a mark of conformity to product safety standards, which appears on a product or product packaging.
- 2.10 Import Commodity Clearance – refers to a document issued by the DTI/BPS attesting that the imported product, which is covered by a mandatory PNS, conforms to the specific Philippine National Standard.
- 2.11 PNS UN-ECE 22:2007 - refers to the uniform provisions concerning the approval of protective helmets and their visors for drivers and passengers of motorcycles and mopeds in the United Nations Economic Commission for Europe (UN-ECE) Protocols.

### **3 ACTS PUNISHABLE UNDER RA 10054 AND UNDER THESE RULES AND REGULATIONS AND CORRESPONDING PENALTIES**

- 3.1 Driving without wearing the standard protective motorcycle helmet and/or failing to require backrider/s to wear the standard protective motorcycle helmet.

A fine of One Thousand Five Hundred Pesos (P1,500.00) for the first offense; Three Thousand Pesos (P3,000.00) for the second offense; Five Thousand Pesos (P5,000.00) for the third offense; and Ten Thousand Pesos (P10,000.00), in addition to the confiscation of the driver's license, for the fourth and succeeding offenses, shall be imposed on drivers of motorcycles who fail to wear the standard protective motorcycle helmets or fail to require their backrider/s to wear the standard protective motorcycle helmet. The penalty for driving or riding a motorcycle without any helmet shall be the same as that imposed for driving without the standard protective motorcycle helmet or failing to require his/her backrider to wear the standard protective motorcycle helmet.

- 3.2 Selling and/or dealing of a new motorcycle unit without making available a new standard protective motorcycle helmet to the purchaser in violation of Section 5 of the RA 10054.

A fine of Ten Thousand (P10,000.00) Pesos for the first offense; and Twenty Thousand (P20,000.00) Pesos for the second offense shall be imposed on sellers and/or dealers who fail to make available a new standard protective motorcycle helmet to a purchaser of a new motorcycle unit in violation of Section 5 of the RA 10054.

- 3.3 Selling/Dealing/Distributing of substandard motorcycle helmets or those which do not bear the PS mark or the ICC mark.

A fine of Three Thousand (P3,000.00) Pesos for the first offense; and Five Thousand (P5,000.00) Pesos for the second offense shall be imposed on sellers and/or dealers who sell and distribute substandard motorcycle helmets or those which do not bear the PS mark or ICC mark without prejudice to other penalties imposable under RA 7394.

- 3.4 Tampering, altering, forging and imitating by a seller/dealer of the PS mark and the ICC mark in the helmets.

A fine of Ten Thousand (P10,000.00) Pesos for the first offense; and Twenty Thousand (P20,000.00) Pesos for the second offense shall be imposed on sellers and/or dealers who tamper, alter, forge and imitate a PS mark and ICC mark in the protective motorcycle helmets without prejudice to other penalties imposable under RA 7394.

#### **4 AUTHORITIES AND RESPONSIBILITIES OF DTI AND DOTC**

- 4.1 In addition to the duties and responsibilities specified in DAO 4:2008 and DAO 5:2008, the BPS shall:

- 4.1.1 Inform the PS licensees/ ICC Holders of any change(s) in the standard.

- 4.1.2 Conduct the final evaluation of all factory and product assessment reports, test reports and other relevant documents of the DTI Regional /Provincial Offices and/or Recognized Inspection/Testing Bodies.
- 4.1.3 Issue, deny, or revoke licenses/certificates based on the evaluation of factory and product assessment, product testing and compliance or non compliance with the requirements of DAO 4:2008 and DAO 5:2008 and other BPS rules and regulations.
- 4.1.4 Coordinate with the DTI Regional or Provincial Offices and the DTI Office of Legal Affairs in identifying and implementing appropriate legal action against manufacturers, assemblers, importers, sellers and dealers violating RA 7394 and RA 10054, and pertinent rules and regulations.
- 4.2 The DTI shall consider the recommendations of law enforcement agencies, local government units, and non-governmental organizations to ban full-faced helmets for crime prevention and detection and other security reasons.
- 4.3 DTI Regional/Provincial Offices shall:
  - 4.3.1 Facilitate the processing of PS application (i.e. conduct factory/product assessment) and ICC application (i.e. evaluation, inspection, sampling, issuance/denial)
  - 4.3.2 Conduct market monitoring and enforcement of standard
  - 4.3.3 Take legal action against those who, after evaluation, are found to have committed any of the acts described in Sections 3.3, 3.4, and 3.5 of these rules and regulations.
- 4.4 The Department of Transportation and Communication (DOTC) and the Land Transportation Office (LTO) enforcers shall impose the appropriate penalties for acts described in Section 3.1 of these implementing rules and regulations.
  - 4.4.1 For purposes of enforcing Section 3.1 of these implementing rules and regulations, DOTC/LTO enforcers are authorized to stop a moving motorcycle whose driver and/or rider is not wearing any helmet or to inspect the helmet worn which is plainly not a standard protective motorcycle helmet.
  - 4.4.2 A motorcycle driver and/or rider wearing a helmet with a PS or ICC mark shall be deemed to be prima facie compliant with RA 10054 and these rules and regulations.
  - 4.4.3 If the motorcycle driver and/or rider is not wearing a helmet or if the helmet worn by the motorcycle driver and/or rider has no PS or ICC mark, the

DOTC/LTO enforcer shall issue the necessary citation ticket to the motorcycle driver imposing the appropriate penalty.

## **5 APPLICATION FOR PS OR ICC MARK**

- 5.1 Manufacturers shall apply for the PS Quality and/or Safety Certification License with the BPS, or with the nearest DTI Regional or Provincial office. Requirements, procedures and processing of PS application are governed by DAO 4:2008 and its implementing rules and regulations.
- 5.2 Importers shall apply for the ICC on a per shipment per bill of lading basis with the BPS or with the nearest DTI Regional or Provincial office. Requirements, procedures and processing of ICC application are governed by DAO 5:2008 and its implementing rules and regulations.
- 5.3 In the absence of testing facilities, the importers shall warrant that the helmets and visors they import into the country comply with the specific standards mentioned above by the following means:
  - 5.3.1 That the shipment has been subjected to testing by laboratory/ies accredited by an accreditation body signatory to the International Laboratory Accreditation Cooperation (ILAC) or Asia Pacific Laboratory Accreditation Cooperation (APLAC) Multilateral Recognition Arrangement (MRA);
  - 5.3.2 That the testing has been conducted in accordance with the requirements of PNS UN-ECE 22: 2007; and
  - 5.3.3 That the Original Test Certificates has been evaluated by the BPS.
- 5.4 Those who purchased or has received helmets and visors from a foreign country shall secure clearance from the BPS or from the nearest DTI Regional or Provincial office prior to their use, provided that the helmets and visors have a mark of conformity that they comply with the PNS UN-ECE Reg 22-2007.

## **6 SAMPLING**

A duly authorized DTI/BPS representative or Inspection bodies shall observe the provision of clauses 3.1.1.4, 3.1.1.5, and 3.1.2.4 of PNS UN-ECE Reg 22-2007.

## **7 TESTING**

- 7.1 Tests shall be done by BPS Testing Center or BPS accredited/recognized testing laboratory in accordance with the requirements of PNS UN-ECE Reg 22-2007 whichever is applicable. The testing required in Clause 7 of the

standard shall be tested during the independent testing.

- 7.2 Some additional samples may be requested by the BPS Testing Center or any BPS designated/recognized testing laboratory/ies if necessary.
- 7.3 If manufactured, test sample(s) shall be taken at random either in the production line or warehouse. However, if imported, test sample(s) shall be taken at random directly from the Customs or importer's warehouse.
- 7.4 Test sample(s) for independent test shall be packed / sealed and signed in the presence of a DTI/BPS representative or BPS designated inspector and shall be sent by the manufacturer or importer to the BPS Testing Center or to any BPS designated/recognized testing laboratory. The authorized DTI/BPS representative shall ensure that Request for Test form is properly filled-up, signed and issued to the manufacturer or importer.
- 7.5 Prior to testing, there shall be no additional preparation, modification or adjustment procedure conducted in any manner on the drawn test samples.
- 7.6 In the absence of testing facilities, the BPS, upon agreement with the local manufacturers, shall utilize available laboratories accredited by the ILAC or Asia APLAC operating within or outside the Philippines who are signatories to the Multilateral Recognition Arrangement (MRA);

## **8 INDEPENDENT TESTING**

- 8.1 The official testing laboratory shall be BPS designated/recognized testing laboratory (ies) whether located within or without the Philippines.
- 8.2 Two separate tests with two (2) failing results shall be conducted by BPS Testing Center and/or BPS designated/recognized testing laboratory before a declaration can be made that the product does not conform to the specific standard.
- 8.3 If in the determination of BPS the first sample failed, another set of sample from the same lot/batch shall be tested. If it passed the re-testing, the lot/batch is declared as complying with the requirements of the standard.
- 8.4 Likewise, if in the determination of BPS the first and the retest failed to conform to the requirements of PNS UN-ECE Reg 22-2007, the application shall be denied.
- 8.5 In the case of product with accompanying Test Report accepted by BPS, verification of the product through testing or inspection shall be conducted.
- 8.6 All test results shall be held strictly confidential by the BPSTC or any BPS designated/recognized testing laboratory concerned. Test reports furnished the manufacturers/importers are for product certification purposes only.

## **9 DISPOSITION OF SAMPLES**

- 9.1 After the unit has been tested, it shall be returned to the manufacturer/importer.
- 9.2 Samples which failed to comply with the requirements of PNS UN-ECE REG 22:2007 shall be stored at the concerned testing laboratory for reference purposes in the event that the manufacturer/importer contests the result of the test. If the test results are not contested after two (2) months from its issuance, the test report is deemed final and the samples shall be returned to the manufacturer/importer or disposed of in a manner deemed appropriate, under existing accounting and auditing rules.
- 9.3 BPS and the testing laboratory shall not be liable for whatever damage sustained by the test samples during transport and testing. The manufacturer/importer, upon receipt of notice of disposal of test samples shall, within one (1) month, pick up the samples at the concerned testing laboratory. Otherwise, BPS shall dispose the samples in a manner deemed appropriate under existing accounting and auditing rules.

## **10 COMPLIANCE AND RESPONSIBILITIES OF THE PS LICENSEE, ICC HOLDERS TRADERS & MOTORCYCLE RIDERS**

### **10.1.1 Compliance**

- 10.1.2 PS Safety Certification Mark License shall be issued to the manufacturer for the type(s) tested when the results of factory and/or product assessments show conformity to the requirements specified in DAO 4:2008, its implementing rules and regulations, PNS UN-ECE Reg 22-2007 its implementing guidelines and other DTI/BPS rules and regulations.
- 10.1.3 An ICC shall be issued to importers whose product conforms to the requirements of PNS UN-ECE Reg 22-2007, these implementing guidelines and other DTI/BPS rules and regulations.

### **10.2 Responsibilities of the PS Licensee**

The licensee shall abide by the terms and conditions of the PS license and is governed by DAO 4:2008 and its implementing rules and regulations.

### **10.3 Responsibilities of the ICC Holders**

The ICC Holder shall abide by the terms and conditions of the ICC and is governed by DAO 5:2008 and its implementing rules and regulations.



#### 10.4 Responsibilities of the Traders and Dealers

Traders shall ensure that only approved helmets and visors shall be made available in their establishment. All dealers of motorcycle shall likewise ensure that there are available stocks of DTI - approved helmets and visors.

#### 10.5 Responsibilities of the Motorcycle Riders

Motorcycle riders shall always ensure that only the DTI - approved helmets and visors shall be used when riding motorcycles.

### 11 REQUIRED MARKINGS

- 11.1 All helmets and visors shall comply with the marking requirements of PNS UN-ECE Reg 22-2007, DAO 1:2008 whichever is applicable.
- 11.2 In addition to the PNS UN-ECE requirements, all imported helmets and visors should bear markings and labels in accordance with RA 7394 and the DTI Administrative Order No. 1:2008.
- 11.3 The PS Certification Mark License shall not be used on helmets and visors in a misleading manner.
- 11.4 PS Certification Mark or ICC Mark with ICC number shall be permanently attached, affixed or imprinted on the product, whichever is practical, covered by the corresponding PS Certification Mark License or ICC Mark, in order to avoid its misuse.

### 12 MONITORING AND MARKET SURVEILLANCE

The BPS / DTI Regional/Provincial Offices shall, at any time, monitor and inspect products in the market for conformance to the requirements of DAO 1:2008, DAO 2:2007, DAO 4:2008, DAO 5:2008 and the specific standard. If the products are found not in conformity, DTI/BPS shall make appropriate actions or impose necessary legal actions, in accordance with the relevant laws, rules and regulations.

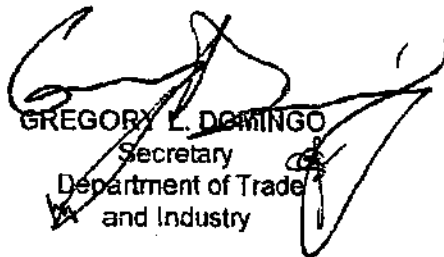
### 13 TRANSITORY PROVISION AND EFFECTIVITY

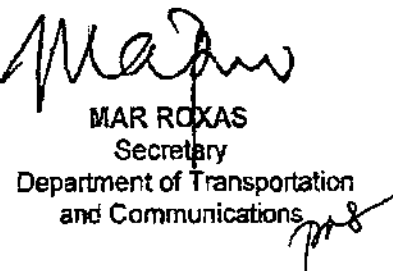
- 13.1 **Information and Education Campaign.** A nationwide information and education campaign shall be conducted by the LTO in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd), DTI-BPS and private agencies and organizations for a period of six (6) months from the effectivity of this Joint Administrative Order. This

Joint Administrative Order shall be fully implemented after the conduct of said information dissemination campaign.

- 13.2 All issuances pertaining to the implementation of the rules and regulations on motorcycle helmets and visors are hereby revoked or superseded.
- 13.3 This Order shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation and copy thereof furnished the UP Law Center.


Signed this 31<sup>st</sup> day of December, 2011.


  
GREGORY L. DOMINGO  
Secretary  
Department of Trade  
and Industry

  
MAR ROXAS  
Secretary  
Department of Transportation  
and Communications

**BPS MEMORANDUM CIRCULAR NO. *01a* Series of 2012**

**FOR** : ALL DTI-Regional and Provincial Directors

**THRU** : Undersecretary ZENAIDA CUISON-MAGLAYA, CWBRG   
Undersecretary MERLY M. CRUZ, RODG

**FROM** : Engr. GERARDO P. MAGLALANG   
Officer-in-Charge

**DATE** : 29 October 2012

**SUBJECT** : REVISED IMPLEMENTATION OF THE PROVISION of CLAUSE 5.4 of DOTC-DTI  
Joint Administrative Order No.1: 2011 and for helmets acquired by the  
Motorcycle Riders Prior to the effectivity of RA 10054

Relative to BPS Memorandum Circular 01 and 01-A series of 2012, the following revised guideline for the certification of helmet and visor which were purchased or received from foreign country or have been acquired prior to the implementation of Republic Act 10054 is further issued for the guidance of all DTI-Regional and Provincial Directors.

1. The applicant/bearer shall present the motorcycle helmet to the Standards/Authorized DTI Officer for evaluation together with his/her any government issued ID.
2. The Standards/Authorized DTI Officer shall evaluate the condition of the helmet and visor according to the following:
  - 2.1 Helmets with types/models and brands which were previously certified by DTI shall be issued ICC stickers, as long as the conditions mentioned in clause 3, 3.1 to 3.4 are met.
  - 2.2 Helmet with types/models and brands of the which are not in the list previously certified by the DTI, which met the conditions mentioned in clause 3, 3.1 to 3.4 provided bear the following marks

2.2.1  for UN-ECE 22:2005 (regardless of the number);

2.2.2  DOT mark for FMVSS 218;

2.2.3  British Standard (BS 6658:1985);

**BUREAU OF PRODUCT STANDARDS**

2F, Trade and Industry Building  
281 Sen. Gil J. Puyat Avenue, Makati City, Philippines  
Telephone: (632) 751-3123; 751-4736 Fax: (632) 751-4706  
E-mail Address: bps@dti.gov.ph • Website: www.bps.dti.gov.ph

**Membership:**

- International Organization for Standardization (ISO)
- Enquiry Point for WTO Technical Barriers to Trade (WTO-TBT)

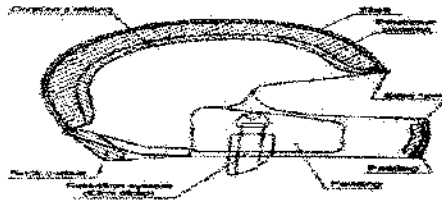
2.2.4. Snell Memorial Foundation (M2010 or M2005);

2.2.5. Australian Standard 1698-1988, Canadian Standard and

2.2.6.  Canadian Standard -CSA CAN3-D230-M85.

**3. Conditions to be met by the helmets**

3.1. Safety parts are complete and not broken (i.e., Chin Strap, Hard Outer Shell, Protective Padding and Comfort Padding as illustrated in the following diagram:



3.2. No dents, deformation or breakage and a no signs of cracking or appreciable distortion;

3.3. No traces of application of paints, stickers, petrol or other solvents. Paint, petrol, bleaches, strong detergents and other solvents could reduce the helmet's ability of protection.

3.4. Brand name and size still evident on the face of the helmet. Brand has not been altered by the applicant/bearer.

Should the result of evaluation satisfy the above conditions, the ICC sticker shall be affixed by the Standards/Authorized Officer on the helmet.

**4. ICC stickers shall not be issued on the following helmet:**

4.1. Helmets which have no brand or unbranded;

4.2. Helmets which types/models are not included in the certified list and not among included in clause 2.2

4.3. Helmets which did not met clause 3, 3.1 to 3.4 of this guideline.

5. In lieu of the application form previously required, all information shall be recorded in a logbook for control purposes. Information shall be based on the attach template.

This Guideline shall be implemented starting 05 November 2012.

For strict implementation.