

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

EIGHTEENTH CONGRESS

First Regular Session  
3175  
HOUSE BILL NO. \_\_\_\_\_



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Introduced by Honorable ABRAHAM "BAMBOL" N. TOLENTINO

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#### EXPLANATORY NOTE

The current and ongoing problem of traffic congestion must be recognized as a national emergency due to its detrimental effects to productivity, economy, and the general welfare of the public. According to a study conducted by Japan International Cooperation Agency, the traffic congestion crisis in Metro Manila alone has been a major contributor to an estimated loss of Php3.5 billion a day. Obviously, the Philippine transportation infrastructure has been indisputably unable to keep up with the demands of a rising economy and rapidly growing population. The issue is most seen in Metro Manila due to increasing car sales, lack of mass transit and highways, and high population density.

As such, this representation proposes to declare the existence of a national emergency in view of the traffic congestion crisis in Metropolitan Manila, Metropolitan Cebu, and other highly urbanized cities. This declaration is in accordance with Section 23(2), Article VI of the 1987 Constitution, which authorizes the President, for a limited period and subject to restrictions, to exercise powers necessary to effectively address the said national emergency.

Under the proposed measure, the President is granted emergency powers to employ necessary government resources; exercise or employ executive actions and measures – necessary and incidental, unhampered by existing laws, regulations, and procedures – to solve this escalating problem; and to adopt short-term, mid-term, and long-term development plans for a sustainable and efficient transport system.

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

A handwritten signature in dark ink, appearing to read "Alvin W. Adams".

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**AN ACT AUTHORIZING THE PRESIDENT, FOR A LIMITED PERIOD AND SUBJECT TO CERTAIN RESTRICTIONS, TO EXERCISE EMERGENCY POWERS TO EFFECTIVELY ADDRESS THE TRAFFIC AND CONGESTION CRISIS, AND APPROPRIATING FUNDS THEREFOR**

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

1       Section 1. *Short Title.* – This Act shall be known as the "Special Emergency  
2 Powers Act."

3       Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:  
4       a) recognize as national emergency the negative effects of the traffic and  
5       congestion crisis to the economy and ultimately to the people, which seriously  
6       disturbed the normal family life, hampering the country's economic growth  
7       and development, and gravely affected the local and global competitiveness  
8       and efficiency of businesses; and  
9       b) adopt adequate and effective measures to address such emergency, by  
10      mobilizing extraordinary and stern measures, restoring order on the streets,  
11      optimizing the use of public road space and transport routes, and maximizing  
12      transportation and infrastructure resources for public convenience and benefit  
13      through the reduction of vehicle travel time, reduction of air pollution, and

1 decongestion of Metropolitan Manila, Metropolitan Cebu, Davao City, Cagayan  
2 de Oro City, and other highly urbanized cities.

3 **Sec. 3. Scope and Limitations.** – The Act shall be limited in scope, application,  
4 and effectivity to Metropolitan Manila, Metropolitan Cebu, Davao City, Cagayan de  
5 Oro City, and other highly urbanized cities. The national emergency shall include  
6 land, air and sea traffic. The exercise of emergency powers shall be limited to acts  
7 that would resolve the traffic and congestion crisis.

8 **Sec. 4. Definition of Terms.** – For purposes of the Act, the following terms shall  
9 mean:

- 10 a. *Emergency Powers* shall refer to the authority granted to the President of the  
11 Republic of the Philippines under Section 23 (2), Article VI of the 1987  
12 Philippine Constitution by the Congress for a limited period and subject to  
13 such restrictions as it may prescribe to exercise emergency powers;
- 14 b. *Highly Urbanized City* shall mean cities classified as highly urbanized as  
15 defined by the Local Government Code;
- 16 c. *Metropolitan Cebu* shall be composed of the cities of Cebu, Mandaue, Talisay,  
17 Lapu-Lapu, Carcar, Danao, and Naga and the municipalities of Compostela,  
18 Consolacion, Lilo-an, Minglanilla, and San Fernando;
- 19 d. *Metropolitan Manila* shall mean the National Capital Region (NCR) of the  
20 Philippines composed of the cities of Manila, Quezon City, Caloocan, Las  
21 Piñas, Makati, Malabon, Mandaluyong, Marikina, Muntinlupa, Navotas,  
22 Parañaque, Pasay, Pasig, San Juan, Taguig, and Valenzuela and the  
23 Municipality of Pateros;
- 24 e. *Priority Projects* shall refer to the construction, repair, restoration,  
25 rehabilitation, improvement, or maintenance of transport infrastructure,  
26 projects, and facilities;
- 27 f. *Transportation Project* shall refer to a project involving the construction,  
28 repair, rehabilitation, improvement, operation, or maintenance of any public  
29 transportation facility and mass transportation system that will directly  
30 address the traffic and congestion crisis to ensure the safety and convenience  
31 of the commuting public, including all projects aimed at reducing traffic  
32 congestion

1        Sec. 5. *Grant of Emergency Powers.* – The President is hereby authorized,  
2 through the Czar, to exercise all powers necessary and proper to carry out the  
3 above-declared State policy. As such, the President is hereby granted Emergency  
4 Powers to urgently utilize all necessary government resources, exercise police power  
5 and the power of eminent domain, and employ executive actions and measures to  
6 ensure the effective procurement, implementation, reconfiguration, harmonization  
7 and completion of national and local government transportation projects intended to  
8 address the emergency intended to directly address the traffic and congestion crisis,  
9 untrammeled by existing laws, regulations, and procedures that would severely  
10 delay the resolution of said crisis.

11      Sec. 6. *Traffic Crisis Czar.* – The Secretary of Transportation is hereby  
12 designated as the de officio Traffic Crisis Czar during the entire duration of the grant  
13 of emergency powers. The Czar is hereby authorized to exercise all powers granted  
14 to the President by virtue of this Act.

15      The Czar shall be under the direct control and supervision of the President.

16      Sec. 7. *Functions, Powers and Duties of the Traffic Crisis Czars.* – As the alter  
17 ego of the President, the Czars are hereby authorized to exercise all powers  
18 necessary, utilize all resources, exercise police power and eminent domain, and  
19 employ executive actions and measures. More specifically, the Czars shall have the  
20 following functions, powers and duties:

- 21      1. Implement and complete the Transportation and Public Works Flagship  
22      Projects under the Build Build Infrastructure Program, which includes:  
23             (a) site acquisition;  
24             (b) right of way acquisition; and  
25             (c) procurement.
- 26      2. Maximize the use of existing roads, bridges and infrastructure through:  
27             (a) Formulating, coordinating, and monitoring policies, standards, programs,  
28                 and projects;  
29             (b) Providing effective and coordinated traffic management and enforcement;  
30             (c) Harmonizing traffic laws, rules and regulations, including city and  
31                 municipal ordinances, and including sea and air traffic;  
32             (d) Improving traffic engineering measures; and

- (e) Adopting measures to rationalize the use of road and transport routes efficiently, in favor of mass transport, adjusting the working hours of government schools and offices, and promote work at home schemes and other alternative work and class arrangements.

3. Create inter-agency task forces as may be necessary, including but not limited to:

  - (a) Members of PNP-HPG, traffic enforcers of LGUs, duly licensed security guards, or members of non-governmental organizations to whom certain authority may be delegated subject to such conditions and requirements as may be imposed;
  - (b) Non-government and people's organizations and volunteers; and
  - (c) Local government units.

4. Implement the transport infrastructure development plans approved by National Economic Development Agency (NEDA);

5. Determine the priority infrastructure projects that may be implemented by agencies responsible for roads, bridges, railways, traffic engineering, public transport facilities such as terminals, stations, passenger interchange structures, airports and seaports;

6. Reformation of public transport by:

  - (a) Transforming service delivery model into an inter-modal, low emission, sustainable, convenient, integrated and reliable;
  - (b) Restructuring the public utility vehicle routes;
  - (c) Modifying or canceling Certificates of Public Convenience and permits for trikes, *motu proprio*;
  - (d) Integrating public utility vehicle terminals inside and near the vicinity of metropolitan areas to urban and zoning plans;
  - (e) Enforcing all traffic laws and regulations; and
  - (f) Authorizing local government units to establish their own public mass transport system within their jurisdiction, in coordination with the Czar and subject to relevant inter-modal schemes.

- 1       7. Construct build, update and upgrade rail-based mass transit system and fast-  
2           track the implementation of mass transit projects, including the Department  
3           of Science and Technology developed Hybrid Electric Train; and  
4       8. Other powers as may be necessary to fulfill the declaration of policy of this  
5           Act.

6           Sec. 8. *Power of Eminent Domain.* – In coordination with the concerned  
7           government agencies, the Czar shall work for the immediate resolution of issues and  
8           bottlenecks in transport infrastructure, including the acquisition of right-of-way.  
9           Negotiated sale shall be the primary mode of acquisition and must be concluded  
10          within ten (10) days from notice to the property owner. After a failed negotiation,  
11          the Czar shall authorize the immediate filing of a case for expropriation.

12          The Czar shall offer the property owner, as compensation price, the sum of:  
13           1. The fair market value of the land;  
14           2. The replacement cost of structures and improvements; and  
15           3. The current market value of crops and trees therein.

16          The Czar may engage the services of a government financial institution,  
17          independent property appraiser accredited by the Bangko Sentral ng Pilipinas (BSP),  
18          or a professional association of appraisers recognized by BSP.

19           Sec. 9. *Priority Projects.* – During the effectivity of this Act, the Czar may enter  
20          into Direct Contracting, Repeat Order, Direct Negotiation of Contracts, and the other  
21          alternative modes of procurement under the Republic Act No. 9184 for Priority  
22          Projects for the construction, repair, restoration, rehabilitation, improvement, or  
23          maintenance of infrastructure, projects, and facilities, subject to auditing rules and  
24          regulations.

25          The Protest Mechanism under Article XVII of R.A. No. 9184 is deemed  
26          suspended.

27          The time duration specified in the Implementing Rules and Regulations (IRR)  
28          of R.A. No. 6957, as amended, may be shortened.

29          The Government Procurement Policy Board and the NEDA, in consultation with  
30          the Czars, shall issue the proper guidelines for procurement of Priority Projects  
31          within fifteen (15) days upon effectivity of this Act.

1           *Sec. 10. Roles of the Local Government Units (LGUs) and Other Agencies.* –

2       Local Government Units covered by this Act may implement, construct, repair,  
3       restore, rehabilitate, improve, or maintain land-based transportation infrastructure,  
4       projects, and facilities, including rail-based, monorail and light rail systems, using its  
5       own funds, and/or enter into agreements with the private sector, subject to the  
6       approval of the Czar. The transportation project must not be inconsistent with the  
7       Traffic Crisis Action and Mobility Plan.

8       Local Government Units not covered by this Act are encouraged to create a  
9       plan consistent with the Traffic Crisis Action and Mobility Plan, and implement,  
10      construct, repair, restore, rehabilitate, improve, or maintain land-based  
11      transportation infrastructure, projects, and facilities, in coordination with the Czar  
12      and other national agencies.

13      The Department of Public Works and Highways shall continue to be  
14      responsible for all works on national roads and shall accelerate the completion of on-  
15      going construction, upon instruction from the Czar. The Metro Manila Development  
16      Authority shall continue exercising its powers and functions and shall coordinate with  
17      the Local Government Units with regard to zoning and land-use planning.

18      In coordination with the Czar, the Civil Service Commission, the Department  
19      of Labor and Employment, and the Department of Information and Communication  
20      Technology shall promote alternative forms of work and Transport Network Vehicle  
21      Service, adopt virtual conferencing by public sector agencies, and change  
22      government transaction procedures that will reduce the need for travel.

23      *Sec. 11. Suspensions on Permits and Licenses.* – The following are hereby  
24      temporarily suspended throughout the effectivity of this Act insofar as they apply to  
25      the Priority Projects:

- 26      a) Local Government Code requiring prior consultation with, and approval  
27           of, local government units with respect to traffic-related projects and  
28           requiring the issuance of a building permit;
- 29      b) National Building Code requiring building permits and other clearances  
30           or certifications;
- 31      c) P.D. No. 1586, R.A. No. 3571 and their IRR requiring an Environmental  
32           Clearance Certificate and Tree Cutting Permit; and

1                   d) Labor Code of the Philippines requiring clearances and permits for the  
2                   employment of foreigners with regard to foreign technicians and expert  
3                   working in traffic-related projects.

4                  *Sec. 12. Traffic Crisis Action and Mobilization Plan.* – The Czar, through their  
5                  Undersecretaries, shall create a Traffic Crisis Action and Mobility Plan for  
6                  Metropolitan Manila and Metropolitan Cebu, which shall sufficiently detail the process  
7                  to effectively solve the traffic crisis. The Program shall include the following:

- 8                  a. Allocating duties and responsibilities to agencies for traffic management and  
9                   regulation;
- 10                 b. Priority Projects;
- 11                 c. Integrated traffic management plan, including the Local Government Units  
12                   adjacent to the metropolitan areas;
- 13                 d. Route rationalization of land, sea and air public transport;
- 14                 e. Identification of friendship routes and private village/subdivision roads to  
15                   serve as alternate or secondary routes;
- 16                 f. Clearing of sidewalks;
- 17                 g. Comprehensive traffic rules and regulations handbook;
- 18                 h. Improve road surface quality; and
- 19                 i. Traffic and road safety education.

20                 Except for the route rationalization plan for public utility vehicles, which must  
21                 be studied and completed within six (6) months from the approval of this Act, the  
22                 Program must be completed within thirty (30) calendar days from approval of this  
23                 Act.

24                 *Sec. 13. Temporary Government Take-Over of the Operation of PUV.* – In  
25                 accordance with Section 17, Article XII of the 1987 Constitution, the Czar may take  
26                 over or direct the operation of any kind of PUV as may be necessary to implement  
27                 the purpose of this Act.

28                 The ownership of the franchise shall not be transferred to the government and  
29                 shall remain with the owner. The take-over shall cease when, in the discretion of the  
30                 Czar, the take-over is no longer necessary or upon the expiration of this Act or until  
31                 the emergency power is withdrawn by Congress.

1        Sec. 14. *Private Roads.* – Private roads, including those within villages and  
2 subdivisions, may be opened for public use subject to security and limitations that  
3 shall be agreed upon between the Czar, the relevant local government unit, and the  
4 affected residential association, or be the subject of expropriation. In case of refusal  
5 by the residential association, or failure to agree within fifteen (15) calendar days,  
6 the government may proceed to acquire the same in accordance with Section 8 of  
7 this Act.

8        The Czar may order the immediate opening of closed public roads, after a five  
9 (5)-day notice. Conditions and limitations for the use thereof may be imposed by the  
10 Czar motu proprio, without need of public hearing.

11       Sec. 15. *Alternative Work Arrangements.* - All private and public entities, as  
12 well as educational institutions, shall be allowed to adopt alternative work  
13 arrangements including carpooling, share-a-ride programs, flexible working hours  
14 and school hours, staggered schedules of attendance, and other transport demand  
15 management schemes. The provisions of labor laws and regulations that restrict or  
16 prohibit these acts shall be deemed suspended during the effectivity of this Act.

17       The Czar, in consultation with the Civil Service Commission and the Department  
18 of Education shall implement staggered working or school hours for government  
19 offices and public schools, respectively.

20       Sec. 16. *Violations under this Act.* - Any violation of or non- compliance with  
21 any provision of this Act shall be considered a violation of Section 3 of Republic Act  
22 No. 3019 or the Anti-Graft and Corrupt Practices Act and shall be penalized with  
23 imprisonment of not less than one (1) year nor more than ten (10) years and  
24 perpetual disqualification from holding any public office.

25       Sec. 17. *Prohibition on the Issuance of Temporary Restraining Orders and  
26 Preliminary Injunctions.* – In the implementation of this Act, no court, except the  
27 Supreme Court, may issue any temporary restraining order or preliminary injunction  
28 against the government or any of its subdivisions, official or any person or entity,  
29 whether public or private, acting under government direction, to restrain, prohibit or  
30 compel the following acts:

31       a. Acquisition, clearance, and development of the right-of-way, site or location  
32 of any transportation project identified by the Czar;

- 1        b. Procurement of transportation projects, including infrastructure projects;  
2        c. Commencement, prosecution, execution, implementation, operation of any  
3              transportation project;  
4        d. Opening of any private village gates necessary to provide alternate routes  
5              throughout the effective period of this Act;  
6        e. Termination or rescission of any transportation project; and  
7              Undertaking or authorization of any other lawful activity necessary for any  
8              transportation project.

9              Sec. 18. *Duration of Grant of Emergency Powers.* – The authority granted to  
10          the President shall be valid and effective for a period of two years from the  
11          effectivity of this Act, unless sooner withdrawn by resolution of the Congress,  
12          without prejudice to rights and benefits that may have been vested and liabilities  
13          that may have been incurred in the meantime.

14          Sec. 19. *Congressional Oversight Committee.* – There is hereby created a  
15          Congressional Oversight Committee which shall monitor the implementation of this  
16          Act and the exercise of the powers herein granted. The Committee shall be  
17          composed of the Chairperson of the Senate Committee on Public Services and the  
18          Chairperson of the House of Representatives Committee on Transportation, as Co-  
19          chairperson, and two (6) other members from each House, to be designated by the  
20          Senate President and the Speaker of the House of Representatives, respectively.

21          The Czar shall submit a monthly report to the Congressional Oversight  
22          Committee on the efficiency and effectiveness of the measures undertaken to  
23          implement this Act and alleviate the traffic crisis.

24          Sec. 20. *Funding.* – The amount needed for the implementation of this Act shall  
25          be sourced from the following:

- 26        a) The General Appropriations Act;  
27        b) By way of a special budget enacted by Congress;  
28        c) Motor Vehicle Users Charge Fund under R.A. No. 8794;  
29        d) Any savings and/or unexpended portion from the Special Purpose Funds of  
30              the President, for other expenses and/or to augment the preceding items;  
31              and

1 e) Fifteen percent (15%) of the Philippine Amusement and Gaming Corporation  
2 annual aggregate gross earnings.

3 Sec. 21. *Transitory Provision.* – As far as practicable, the provisions of this Act  
4 shall apply to all perfected procurement contracts involving only transport projects,  
5 which have already commenced but with no Notice of Award yet issued.

6 Sec. 22. *Separability Clause.* – In the event that any provision of this Act is  
7 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality  
8 of the remainder of the provisions of this Act shall not be affected thereby.

9 Sec. 23. *Repealing Clause.* – All laws, presidential decrees, letters of  
10 instructions, executive orders, rules, regulations, and other issuances or parts  
11 thereof which are contrary to or inconsistent with the provisions of this Act are  
12 hereby revoked, repealed, amended or modified accordingly.

13 Sec. 24. *Effectivity.* – This Act shall take effect fifteen (15) days following the  
14 completion of its publication in the Official Gazette or in at least one (1) newspaper  
15 of general circulation.

Approved,