

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

3613
HOUSE BILL NO. _____



INTRODUCED BY **ALFRED VARGAS**

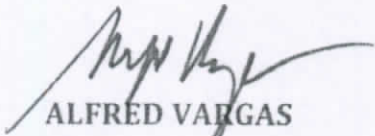
EXPLANATORY NOTE

In a report conducted by Metropolitan Manila Development Authority (MMDA), commuters in the Philippines experiences several mobility issues such as: 13 kilometers of travel in 3 hours, at least 34 deaths every day due to road crashes, the looming provincial bus ban in EDSA, and the lack of safe and accessible facilities for pedestrians, cyclists, and persons-with-disabilities.

Cars have long been the priority in urban infrastructure and policy and this has translated to increasing traffic congestion, air pollution, and overall deterioration of quality of life. Our streets have been designed to keep vehicular traffic moving, but not the non-motorized life alongside it. It is only by uplifting the lives of commuters that car users will shift to more sustainable forms of transport. Our cities in the Philippines have been designed with cars in mind, but if we want a future with better living conditions then we must push for our rights to use the street as commuters.

This bill seeks to promulgate and implement policies and programs that will ensure the welfare and dignity of the commuting public, address challenges of mobility amidst rapid urbanization, promote road safety, reduce road congestion and air pollution, mitigate transport-related health hazards, and improve access to services and markets, thereby fostering social equity, economic development and ecological balance.

In view of the foregoing, the immediate approval of this measure is earnestly sought.


ALFRED VARGAS

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**AN ACT PROVIDING FOR A BILL OR RIGHTS OF COMMUTERS, PROMOTING EFFICIENT,
SAFE, CONVENIENT, ACCESSIBLE AND INCLUSIVE PUBLIC TRANSPORTATION**

Chapter I
GENERAL PROVISIONS

Section 1. Title. – This Act shall be known as the “Bill of Rights of Commuters.”

Sec. 2. Declaration of Policies. Pursuant to the constitutional provisions, international laws and conventions which guarantee the freedom of movement, general welfare, public safety, health and balanced ecology, it is the declared policy of the State to promote and protect the right of the people to efficient, safe, convenient, accessible and inclusive transportation and mobility.

Towards this end, the State shall promulgate and implement policies and programs that will ensure the welfare and dignity of the commuting public, address challenges of mobility amidst rapid urbanization, promote road safety, reduce road congestion and air pollution, mitigate transport-related health hazards, and improve access to services and markets, thereby fostering social equity, economic development and ecological balance.

The State shall endeavour to build the necessary social and physical infrastructures to diversify mobility options, promote integrated and sustainable transportation, instill road discipline, and ensure transit-oriented urban development. The State shall encourage the genuine, inclusive and adequate participation of all stakeholders at all levels of decision-making in relation to public transportation, with preferential consideration of the rights and interest of the commuting public.

Sec. 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a. “Commuter” refers to a natural person who travels from one place to another, through models of public transportation to reach his/her destination;

- b. *"Public transportation"* refers to shared passenger transportation services available for use by the general public, including, but not limited to, buses, trams, rails, rapid transits, taxis, tricycle and ferry systems;
- c. *"Sustainable transportation"* refers to any means of transport that is safe, accessible, affordable and environment-friendly. It includes but not limited to the use of non-motorized and health-promoting means of transport, development of urban transport systems that are fuel-efficient and space-saving, and the promotion of transit-oriented development;
- d. *"Integrated transportation"* refers to the development of transportation systems that enables the efficient and safe transit and intermodal transfers of people through the development of transportation infrastructure and facilities, the coordination of routes and frequencies of public transportation, utilities, and ticketing and fare systems;
- e. *"Mobility"* refers to the ability of a person to travel to, from, and around his/her city or residence to conduct daily activities;
- f. *"Transit-oriented development"* refers to mixed-use development designed to maximize access to public transportation;
- g. *"Motor vehicles"* refers to any motorized vehicle. The term does not include an electric bicycle;
- h. *"Public transportation utilities"* refer to common carriers engaged in the business of carrying and transporting passengers or good or compensation, offering their services to the public;
- i. *"Public utility vehicle (PUV)"* refers to any public utility bus, taxicab, public utility jeepney, school transport service, tourist transport service, utility vehicle express service, bus rapid transit, airport bus, premium taxi, transport network vehicle service, shuttle bus and other motor vehicles classified or as may hereinafter be classified by the Land Transportation and Franchising Board or an appropriate agency as such;
- j. *"Active transport"* refers to non-motorized means of travel, including but not limited to walking, bicycling, and use of strollers, skates, skateboards, push scooters, handcarts and wheelchair;
- k. *"High-volume transport corridors"* refer to roads, bridges, streets, walkways, sidewalks, foot paths or mass transportation terminals where the flow of people is at least 2,000 per hour per direction during peak travel periods;

- l. *"Public roads"* refer to all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government by any local government unit;
- m. *"Pedestrian"* refers to a person travelling on foot or using non-motorized means of travel;
- n. *"Public transport or PUV operator"* refers to any person or entity in whose name a Certificate of Convenience is issued by LTFRB to operate a public transport service for compensation and for a covered period of time;
- o. *"Activity centers"* refer to places in a city or municipality where people gather regularly for work, worship, education, social events, trade, exercise, leisure, or other common interests and purposes;
- p. *"Walkways"* refer to a continuous pathways designated for pedestrians and separated from lanes for motor vehicles by space or barrier;
- q. *"Pedestrian lane or crosswalk"* refers to any portion of a public road at an intersection or elsewhere for the use of pedestrians marked by lines or other markings on the surface;
- r. *"Sidewalk"* refers to walkways parallel to both sides of a public road, with a width and elevation as may be deemed appropriate for safe and convenient pedestrian passage;
- s. *"Greenway"* refers to roads, streets or paths with ample greenery and shade that serves as recreational space or public park which encourages environmentally sustainable transportation modes including walking and cycling, among others;
- t. *"Road Safety Audit"* refers to systematic checking of the safety of highways and traffic management schemes, including modifications to existing layouts which aims to address safety problems and minimize future problems. Safety audit is a necessary component of the design, construction and maintenance of road projects;
- u. *"Security camera"* refers to a video that records the activities happening inside a vehicle to detect and prevent crime and other related situations;
- v. *"Dashboard camera"* refers to an onboard camera that continuously record the view through a vehicle's windshield, which may be attached to the interior windshield or to the top of the dashboard, by suction cup or adhesive tape mount;

- w. *"Global Positioning System"* refers to a space-based satellite navigation system that provides location and time information in all weather conditions, any here on or near the Earth where there is an unobstructed line of sight to four or more GPS satellites;
- x. *"Ridership"* refers to the number of persons who ride public transportation
- y. *"Land value capture"* refers to strategies that determine the increase in land value of the immediate neighboring parcels of land of a project funded by the national government which includes transportation infrastructure and facilities such as, but not limited to, mass transit stations, transport corridors, integrated transportation terminals, expressways and toll road exits, to promote social equity and environment sustainability. Land value capture takes various forms and schemes, such as, but not limited to, the imposition of real property taxes and special assessments imposed on those whose property benefited from a project funded by the national government including joint ventures, partnerships, corporations, and third-party contributors.

Chapter II

RIGHTS OF COMMUTERS

A. Right to Efficient and Safe Transportation

Sec. 5. *Right to diverse and integrated public transportation.* The State shall develop a diverse and integrated transportation system to enable efficient mobility and intermodal connectivity of people. The State shall endeavour to ensure accessibility of activity centers and work places by public transportation to the people as a common good.

The State shall promote different modes of public transportation to satisfy the varying demands of people through the integration of operational, physical and institutional mechanisms which facilitate efficient, convenient and safe transfers between public transportation utilities. Operational integration involves the rationalization of routes and coordination of schedules and frequencies thereof. Physical integration requires the development of mass transit and ferry systems, common transportation terminals and stations, and an adequate network of roads, walkways, greenways, and high-volume transport corridors. Institutional integration involves the rationalization of public transportation fares, rates and charges, including the grant of discounts or free transfers between transportation utilities and modalities.

Sec. 4. *Right to quality public transportation.* – The State shall uphold and enforce quality standards of public transportation utilities to ensure its roadworthiness, safety and reliability.

Sec. 5 *Right to safety.* – The State shall promote the welfare of commuters and enhance road safety to protect their fundamental right to life and health. Towards this end, the State shall pursue the following:

- a. **Road safety.** The State adopt and enforce a zero-road fatality policy through the implementation of appropriate speed controls and conduct of regular Road Safety Audits.
- b. **Fixed compensation for PUV drivers.** – In order to instill road discipline among PUV drivers and prevent road accidents frequently caused by reckless and unlawful driving by competing drivers, the State shall regulate competition among PUV drivers by prescribing fixed wages for PUV drivers in an amount mutually agreed upon between PUV operators and drivers but no case shall the amount be lower than minimum wage prescribed by existing laws, rules and regulations; *Provided, That, in determining the same, the minimum ridership shall be taken into account.*

Sec. 6. *Right to clean air during travel.* – The State shall promote and protect the right of the commuter to a smoke and odor-free travel through the strict implementation of Republic Act No. 8749, otherwise known as the Philippine Clean Air of 1999, Republic Act No. 8749, Republic Act No. 9211, or the Tobacco Regulation Act of 2003, and Executive Order No. 26, s. 2017.

Sec. 7. *Fair share of road space for public transportation.* – The State shall promote the right of the commuter to efficient public transportation, and shall adopt and implement tragedies and policies to reduce travel time and costs of commuters. Towards this end, the Metropolitan Manila Authority and local government units shall designate road lanes for dedicated use of PUVs and other public transportation utilities; *Provided, that, as far as practicable, the number of road lanes for PUVs and public transportation utilities shall be one (1) higher than the number of road lanes reserved for private motor vehicles.*

Sec. 8. *Crime and accident prevention during level.* – The State shall promote and protect the right of the commuter to safe travel, and shall adopt and enforce policies to prevent and deter crimes and untoward incidents resulting in injury to life, limb and health, and loss of property. Towards this end, the State shall strictly implement Republic Act No. 10586, or the Anti-Drunk and Drugged Driving Act of 2013 and Republic Act No. 10913, or Anti-Distracted Driving Act. Additionally, the State shall pursue the following:

- a. **Mandatory installation of security and/or dashboard camera and Global Positioning System (GPS) in public utility vehicles.** All PUV and public transport operators, whether under existing franchise or upon application of a new one, are hereby required to install a security camera, dashboard camera or similar devices, and GPS in every PUV unit he/she presently owns or operates, or will own or operates in the future; *Provided, that no franchise shall be granted to motor vehicles intended for public utility without compliance with this provision; Provided, further, that the security or dashboard camera shall be*

placed without obstructing or impairing the driver's view of the road and outside the range of airbag deployment.

Sec. 9. Right to medical assistance. – The commuter shall have the right to proper application of first aid procedures, medical assistance and emergency safety devices during emergency situations where commuter's health is concerned.

All PUV and public transportation operators, under an existing franchise or upon application of a new one, are hereby required to install emergency first aid kits in every PUV unit he/she presently owns or operates, or will own or operate future; *Provided*, that no franchise shall be granted to motor vehicles intended for public use without compliance with this provision. A periodic inspection for this purpose shall be conducted by the LTFRB.

PUV drivers are hereby required to undergo basic first aid training. The Department of Health (DOH), the Philippine Red Cross, LTFRB and LTO shall promulgate rules and regulations for the proper implementation of this Section.

Sec. 10. Right against sexual harassment in public transport terminals and PUVs. Pursuant to Republic Act No. 11313, or the Safe Spaces Act, gender based sexual harassment in streets and public spaces, including transportation terminals and public utility vehicles, shall be prohibited and penalized.

Under existing rules and regulations, public transportation utility operators may claim as tax deduction the fare discount granted based on the cost of the services rendered.

Sec. 12. Right to participation in determination, review and adjustment of public transportation fares and rates. The State shall promote and enable the active and adequate participation of the commuting public in the determination and periodic review and adjustment of public transportation fares, rates and other related charges.

Sec. 13. Right to mobility and access to public transportation of persons with disability. – Pursuant to Republic Act 7277, the State shall promote the mobility of persons with disability and shall develop and implement programs to assist PWDs on gaining access to public transportation utilities and facilities, including but not limited to, the use of an animal assistant or portable mobility aids.

C. Right of Sustainable Transportation and Urban Mobility

Sec. 14. Right to clean transportation. The State shall pursue and formulate strategies, policies and programs towards sustainable transport and the modernization of public transportation to reduce carbon footprint. Towards this end, the State shall promote active or non-motorized transport, and the utilization of alternative fuels and emerging energy technologies in public transportation, pursuant to Republic Act No. 8749 and Republic Act No. 9367, or the Biofuels Act of 2006.

Sec. 15. Use of bicycle and other means of active transport. – The State shall promote active transportation and alternative modes of transportation that create less

carbon footprint, and support active and healthy lifestyle. Towards this end, the State shall pursue the following:

- a. **Installation of walkways and greenways.** – It shall be the duty of the Department of Public Works and Highways and LGUs concerned to provide adequate sidewalks and crosswalks on public roads, free from any obstruction at all times and clearly marked with visible and conspicuous signage's, as well as greenways to encourage active transport. In major roads, as far as practicable, there shall be allotted three (3) meters for sidewalks; *Provided*, that, in cases where the provision of sidewalk shall not be feasible, for reasons of insufficient land area, easement or legal right protected by law, an elevated footbridge or underground walkways shall be installed in lieu thereof; *Provided further*, that all walkways shall provide access for persons with disability and users of non-motorized transportation vehicles; *Provided finally*, that and adequate lighting shall be installed along walkways and greenways to allow safe travel after dark.
- b. **Designation of bike lanes.** – Each LGU shall designate a bike lane at least one (1) meter on the rightmost portion of major roads within its jurisdiction which shall be clearly marked as such and, as far as practicable, segregated from all vehicular traffic lanes by a physical barrier and marked with appropriate signs and/or pavement markings. In cases where the installation of a physical barrier is not feasible, a bike lane shall be identified through reflectorized painted lines. Existing bike lines shall be assessed for safety and connectivity and shall be subject to measures to improve the same.

The designated bike lanes shall be for the exclusive use of bicycles. All motorized vehicular traffic shall not be allowed to use the bike lane at any time of the day except for emergency medical purposes. The right of way of bikers shall be paramount at all times and may not be obstructed by a parked or standing motor vehicle or other stationary objects.

- c. **Provision of bicycle parking spaces.** – The DOTr shall establish guidelines on the minimum supply of bicycle parking spaces and bike racks in all public places, government offices, schools, hospitals, and major business establishments, including, but not limited to, malls, banks, and restaurants, taking into consideration the population of volume of people in the area; *Provided*, that, the owners of said establishments shall pay for the construction and maintenance thereof.

Sec. 16. Sustainable transport planning. The State recognizes that public transportation and mobility is an integral part of urban development. Accordingly, the State recognizes the importance of transport planning in creating sustainable cities and communities. The shall promote a shift towards sustainable transport, increasing mobility

of persons, especially the poor, marginalized and underprivileged sectors, improving air quality, and ensuring the safety and reliability of public transportation utilities.

Towards this end, the DOTr and the Department of Human Settlements and Urban Development (DHSUD), in coordination with the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST), and the Department of Interior and Local Government (DILG), and in consultation with the commuter and transport groups, metropolitan area authorities, local government units, and the academe, shall prepare a National Sustainable Transport Action Plan (NSTAP) to provide a roadmap for safe, efficient, convenient, accessible, inclusive and sustainable transportation and mobility in the country.

The NSTAP shall include strategies towards transit-oriented development, the diversification of transportation and mobility options, including means of active transport, and the integration thereof, and the development of clean transportation infrastructure at the national and local levels. The aforementioned agencies shall conduct scientific studies and research, genuine and adequate consultations with all stakeholders, especially commuter and transport groups. To determine their varying demands on public transportation, the social, economic and environmental impact of current and proposed public transportation, the social, economic and environmental impact of current and proposed public transportation systems, as well as the need for social protection and safety nets of vulnerable and marginalized sectors and the use of information and communication technologies to reduce and manage travel demands of the public

The NSTAP shall guide the integration of sustainable and integrated transport planning in the preparation and updating of Annual Development Plans, Annual investment Plans, Physical Framework Plans, Development Master Plans, comprehensive Land Use Plans, Disaster Risk Reduction and Management Plans, and similar plans of LGUs. DOTr and DHSUD, in coordination with NEDA, DPWH and DILG, shall capacitate and provide technical assistance to LGUs in the harmonization of the aforementioned plans with NSTAP

D. RIGHT TO INFORMATION AND PARTICIPATION IN POLICYMAKING.

Sec. 17. Nationwide public information campaign. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, and research data in relation to public transportation, subject to existing rules and regulations.

The DOTr and its attached agencies, in coordination with the Department of information and Communications Technology, DILG, and the Philippine Information agency, and commuter and transport groups, shall undertake a nationwide information, education and communication campaign, utilizing all forms of media, for the attainment of the objectives of this Act.

Sec. 18. Display of identification of PUV drivers, plate number of PUVs And emergency numbers for assistance. Identification cards of PUV drivers, as prescribed by LTFRB, the plate number of the PUV, and emergency numbers for assistance by the Philippine National Police and other concerned agencies shall be prominently displayed inside the vehicle within the view of the passenger or in any other conspicuous place within the vehicle.

Sec. 19. Genuine, inclusive and adequate participation in policymaking. The State shall uphold and promote the right of the people and their organizations, especially underprivileged and marginalized sectors, to genuine and adequate participation in the crafting and evaluation of public transportation-related policies, plans and programs, including frameworks, strategies and standards; Provided, That, concerned agencies shall hold public consultations at a convenient time and place for commuter and transport groups; Provide, further, that concerned agencies shall establish mechanisms to solicit feedback from commuters through digital forms of media.

E. RIGHT TO REDRESS

Sec. 20. Right to refund. The commuter shall have the right to refund of transportation fee in cases of public transportation service breakdown. In cases of mechanical or engine trouble or other similar instances that hinder continuation of carriage, the commuter shall be entitled to full or partial refund, depending on the distance travelled, or shall be provided with substitute means of transportation or be assisted to secure one.

Sec. 21. Right to compensation in cases of physical injury and death. In cases of death or physical injuries due to unlawful and reckless driving, the aggrieved party shall be entitled to compensation as provided by applicable laws, rules and regulations.

Sec. 22. Assistance desk in transport terminals. The DOTr, LTFRB and/or LGUs shall provide for twenty four (24)-hour Complaints and Assistance Desks in transport terminals to address commuter needs and problems in situ and assist commuters whose right have been violated; Provided, that, in cases where the complaint shall be filed against the driver, the LTFRB shall conduct the investigation and resolve the complaint not later than seven (7) working days after mediation, or seven (7) working days after adjudication, under such rules and regulations it may provide.

The complaint instituted under the provisions of this Act shall not bar the filing of a civil or criminal complaint for violation of any law, rule and regulation resulting from the same act or commission, whenever applicable.

Sec. 23. Commuters' hotline number. DOTr shall provide a common three (3) or four (4)-digit hotline number, supported by a Commuter Safety Call Center, to address inquiries, complaints and concerns of commuters.

Sec. 24. Legal assistance. DOTr shall provide legal assistance to commuters in the filing, processing and documenting of complaints, negotiating for amicable settlement or resolution mutually acceptable to the parties there to, and elevation of the complaint to appropriate authorities.

CHAPTER III PENAL PROVISIONS

Sec. 25. Fines and penalties. A fine of ₱100,000 to ₱300,000 and/or impoundment of the subject vehicle and/or cancellation of their franchise shall be imposed upon any person, including drivers or operators who shall be proven to have violated any provision of this Act or failed to observe the corresponding duties and Responsibilities indicated herein. Public officers who shall be found to have been negligent in the performance of the duties and responsibilities indicated in this Act will be administratively liable pursuant to existing laws, rules and regulations.

CHAPTER IV FINAL PROVISIONS

Sec. 26. Joint Congressional Oversight Committee. There is hereby created A Joint Congressional Committee to monitor the implementation of this Act and to Review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives, to be appointed by the Senate President and the Speaker of the House of Representative, respectively. The Chairpersons of the Senate Committees on Public Services, and Urban Planning, Housing and Resettlement, and the House Committees on Transportation, and Housing and Urban Development, shall be ex-officio members of the Committee.

Sec. 27. Funding. The Department of Transportation, the Department of Public Works and Highways, the Department of Human Settlements and Urban Development, and other concerned agencies, shall include in their respective Programs the needed operational and institutional requirements in upholding the Enumerated rights in this Act, the initial funding of which shall be charged against their Current appropriations. Thereafter, such sums as may be necessary for the continued Implementation of this Act shall be included in the annual General Appropriations Act.

Sec. 28. Implementing Rules and Regulations. Within six (6) months since

the effectivity of this Act, the DOTr and the Department of Human Settlements and Urban Development (DHSUD), in coordination with the National Economic and Development authority (NEDA), the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST), and the Department of Interior and Local Government (DILG), and in consultation with the commuter and transport Groups, metropolitan area authorities, local government units, and the academe, shall Promulgate the implementing rules and regulations for the effective implementation of This Act.

Sec. 29. Separability Clause. If, for any reason, any part, section provision Of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect. All law, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 30. Repealing Clause. All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act area hereby repealed, amended or modified accordingly.

Sec. 31. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of generals circulation.

Approved,