

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 38

HOUSE OF REPRESENTATIVES	
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Introduced by REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

The state of the transport and traffic situation in Metro Manila can be summed up in a single word. Crisis.

The transportation and traffic crisis has caused immense damage to the economy estimated in 2012 at a staggering P2.4 billion pesos per day or about P576 billion annually. This problem has resulted to higher operating cost in addition to lost income opportunities and productivity, higher foreign exchange outflow for fuel and redundant transportation equipment.

More exacting however is its heavy social cost. This predicament has sown disruption to family life and social ties. It has degraded public health and the environment due to vehicle emissions. Moreover, it has impaired the image and competitiveness standing of the country.

This problem crisis of proportions calls for drastic solutions.

The Constitution itself, prescribes that, in times of national emergency, Congress may authorize the President, for a limited period, and subject to restrictions as it may prescribe, powers, necessary and proper, to carry out a declared national policy.

Under this measure, the President is being granted emergency powers, to address this "Metro Manila Traffic and Transport Crisis". This is for him to be able to utilize all necessary government resources, to exercise or employ executive actions and measures, necessary and incidental, unhampered by existing laws, regulations, procedures to solve this burgeoning problem.

With this bill, the President is being empowered to reorganize the Metro Manila Development Authority (MMDA), Department of Transportation (DOT), Department of Public Works and Highways, attached or related agencies, especially those that impact on traffic management, including but not limited to, the Land Transportation Office (LTO), Land Transport Franchising and Regulatory Board (LTFRB), Maritime Industry Authority (MARINA), Civil Aeronautics Board (CAB), Civil Aviation Authority of the Philippines (CAAP), Toll Regulatory Board (TRB), Light Rail Transit Authority (LRTA), Philippine National Railways (PNR), to make them more effective, innovative, and responsive to the traffic crisis.

The President may designate and appoint a Traffic Czar, with extraordinary powers to sufficiently and efficiently discharge his duties and responsibilities for the soonest abatement of the crisis. The Traffic Czar shall have the power to override local ordinances, permits and licenses, including those allowing the operation of public conveyances, parking of vehicles, operation of businesses, construction of structures, public utility vehicle terminals that impede traffic flow on major and secondary roads needed as alternate routes.

In accordance with bill, the emergency powers of the President shall include:

- exercise right of eminent domain by expropriating private property for right-of-way necessary for infrastructure projects or public convenience;
- reform the mass transport systems;
- reorient traffic enforcement units;
- immediately resolve transport and infrastructure issues, foremost of which is the common station for the railway transit systems;
- be exempted from procurement rules;
- be entitled to legal assistance and indemnification;
- formulate holistic and long term plans and program for transport and traffic management; and
- be exempted from court injunctions;

As a check and balance, the authority granted to the President under this Act shall subsist only for a year. There shall be Congressional Oversight Committee, to monitor the implementation of this Act and his exercise of the authority. He shall further be required to submit a quarterly report to Congress.

No one is spared from this crisis. All of us Filipinos, across the board, suffer. The ordinary public suffers from the pains of commute in the grungy Metro Rails systems and unkempt public utility vehicles. Even those in the highest echelon of our society, riding their luxurious automobiles, likewise suffer from the horrid traffic conditions. It has to stop.

It is in this respect that the immediate consideration and passage of this bill is earnestly requested.



ARTHUR C. YAP
Representative

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Quezon City

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Introduced by REPRESENTATIVE ARTHUR C. YAP

AN ACT
DECLARING THE METRO MANILA TRAFFIC CRISIS
AS A NATIONAL EMERGENCY, GRANTING THE
PRESIDENT OF THE PHILIPPINES EMERGENCY
POWERS, PRESCRIBING URGENT RELATED
MEASURES NECESSARY AND PROPER TO
EFFECTIVELY ADDRESS SUCH PREDICAMENT, AND
FOR OTHER PURPOSES

*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 “Metro
2 Manila Traffic and Transport Crisis Act of 2016.”

3 **SECTION. 2. *Declaration of Policy.*** – It is hereby declared the policy
4 of the State to recognize as an emergency the magnitude of the crisis brought
5 about by the traffic congestion and mass transportation shortage, to adopt
6 adequate and effective measures to address such predicament, to mobilize
7 socio-political support for extraordinary and stern measures to restore order
8 on the streets, optimize use of public road space, maximize transportation and
9 infrastructure resources for public convenience and benefit through reduction

1 of commuting and vehicle travel time, reduction of air pollution and
2 decongestion of Metro Manila through urban dispersal.

3 **SECTION 3. *Grant of Emergency Powers to the President of the***
4 ***Philippines.*** – To address the traffic crisis, the President of the Republic of
5 the Philippines is hereby granted emergency powers, to be able to utilize all
6 necessary government resources, to exercise or employ executive actions and
7 measures, necessary and incidental, unhampered by existing laws,
8 regulations, procedures.

9 **SECTION 4. *Reorganization of the Metro Manila Development***
10 ***Authority, Department of Transportation, Department of Public Works and***
11 ***Highways and Attached Agencies.*** — The President is hereby empowered to
12 reorganize the Metro Manila Development Authority (MMDA), Department
13 of Transportation (DOT), Department of Public Works and Highways,
14 attached or related agencies, especially those that impact on traffic
15 management, including but not limited to, the Land Transportation Office
16 (LTO), Land Transport Franchising and Regulatory Board (LTFRB),
17 Maritime Industry Authority (MARINA), Civil Aeronautics Board (CAB),
18 Civil Aviation Authority of the Philippines (CAAP), Toll Regulatory Board
19 (TRB), Light Rail Transit Authority (LRTA), Philippine National Railways
20 (PNR), to make them more effective, innovative, and responsive to the traffic
21 crisis.

22 For this purpose, the President may abolish or create offices; split,
23 group, or merge positions; transfer functions, equipment, properties, records
24 and personnel; institute drastic cost-cutting measures and take such other
25 related actions necessary to carry out the purpose herein declared. Nothing in

1 this Section shall result in the diminution of the present salaries and benefits
2 of the personnel of the said agencies: Provided, That any official or employee
3 of the said agencies who may be phased out by reason of the reorganization
4 authorized herein shall be entitled to such benefits as may be determined by
5 the Office of the President, on coordination with the Commission on Audit
6 and Civil Service Commission.

7 **SECTION. 5. *Appointment of Traffic Czar.*** – The President may
8 designate and appoint an Ad Hoc Office of the Presidential Assistant for
9 Metro Manila Traffic Management, or the “Traffic Czar”, to exercise all
10 powers and authority delegated by the President, including the extraordinary
11 powers under this Act, that are necessary or those inherent in the office being
12 concurrently occupied by the Traffic Czar, if any, to sufficiently and
13 efficiently discharge his duties and responsibilities for the soonest abatement
14 of the crisis.

15 For the period of the emergency under this Act and pending
16 reorganization of the pertinent government offices under the preceding
17 Section, the powers, authority and functions over traffic management of the
18 MMDA under Section 3 (b), Section 5 (e) and (f) and other related provision
19 of Republic Act No. 7924, the Local Government Units (LGU) of Metro
20 Manila and nearby local government units under Republic Act No. 7160 as
21 amended, or the Local Government Code, the Philippine National Police,
22 LTO, LTFRB, pertinent Departments or government institutions, shall be
23 vested in the Traffic Czar.

24 As such, the Traffic Czar shall have the power to override MMDA, or
25 Metro Manila Council, LGU traffic and related ordinances, permits and

1 licenses, including but not limited to those allowing the operation of public
2 conveyances, parking of vehicles, operation of businesses, construction of
3 structures, public utility vehicle terminals that impede traffic flow on major
4 and secondary roads needed as alternate routes.

5 The Traffic Czar shall however continually coordinate with LGU
6 executives and their officials and the private sector in the execution of traffic
7 and transport plans, programs and measures. The Traffic Czar may likewise
8 enlist and deputize the traffic enforcement units of the MMDA and the LGUs.

9 **SECTION 6. *Eminent Domain.*** – The President shall have the power
10 to exercise right of eminent domain by expropriating private property with
11 just compensation for right-of-way necessary for infrastructure projects or
12 public convenience. This power shall include the power to open private roads
13 for public use or under a toll system.

14 **SECTION 7. *Reformation of Mass Transport Systems.*** – Public
15 transportation shall be reformed into an efficient, sustainable, clean and
16 integrated mass transportation system, including the modification of
17 franchises to operate public utility vehicles or conveyances for the purpose of
18 reorganizing the same into consortia and rationalizing their deployment for
19 better efficiency and convenience of the commuting public, revising
20 compensation schemes for transportation workers away from the boundary
21 scheme, compensation scheme for franchise operators, prescribing minimum
22 operating standards and design specifications for the conveyances, instituting
23 a common fare system.

24 **SECTION 8. *Reorientation of Traffic Enforcement Units.*** The traffic
25 enforcement units of the MMDA, PNP, participating LGUs, and other

1 agencies, as organization/s, shall be reviewed, reformed, re-oriented and re-
2 trained, with focus on effectivity and efficiency, imposition of disciplinary
3 measures, enhancement of compensation and benefits system.

4 **SECTION 9. *Immediate Resolution of Transport and Traffic***
5 ***Infrastructure Issues.*** – Issues and bottlenecks on transport and traffic
6 infrastructure, foremost of which is the common station, extension and
7 expansion of present operations, and construction of new railway transit
8 systems.

9 **SECTION 10. *Exemption from Procurement Rules.*** — The President
10 may waive the application of Republic Act No. 9184 or the Procurement
11 Reform Law in entering into transport and traffic infrastructure contracts,
12 provided that these shall not be disadvantageous to the government.

13 **SECTION 11. *Formulation of Transport and Traffic Plans and***
14 ***Programs.*** – The President shall formulate a holistic and long term plans and
15 programs for transport and traffic management that shall include the
16 following:

- 17 a) Enactment of all necessary rules, regulations and standards to optimize all
18 government infrastructure resources, such as the road system, airports and
19 seaports, and including regulated private toll roads;
- 20 b) Prescription of rules, regulations and standards for large mixed-use
21 property developments to ensure adherence to best practices for long term
22 sustainability, avoid disturbance to adjoining communities and public
23 convenience, and minimize adverse environmental impact;

1 c) Ordaining rules, regulations and development standards to rationalize land
2 and transportation development to promote urban dispersal to decongest
3 Metro Manila.

4 **SECTION 12. *Exemption from Injunctions.*** – In the implementation
5 of this Act, the President shall be exempted from the issuance of court
6 processes, including injunctions against executive actions, exercise of the
7 power of eminent domain and undertaking of infrastructure projects.

8 **SECTION 13. *Private Legal Assistance and Indemnification.*** – Other
9 than the legal services of the Office of the Solicitor General, the Traffic Czar,
10 as well as his/her subordinates, may secure the services of a private lawyer or
11 external counsel as necessitated by the filing against them of any criminal or
12 civil action or proceeding for acts made in connection with the lawful
13 performance of their functions. They shall also be entitled to be indemnified
14 of all costs and expenses reasonably incurred in connection with any civil or
15 criminal actions, suits, or proceedings to which they may be or made a party
16 by reason of the performance of their functions or duties, unless they are
17 finally adjudged in such actions or proceedings to be liable or guilty of gross
18 negligence or grave abuse of discretion.

19 **SECTION 13. *Duration of Grant of Powers.*** — The authority granted
20 to the President under this Act shall subsist, be valid and effective for a period
21 of one (1) year from the effectivity of this Act, unless sooner with- drawn by
22 a resolution of Congress, without prejudice to rights and benefits that may
23 have been vested, and culpabilities and liabilities that may have been incurred.

24 **SECTION 14. *Oversight Committees.*** — There is hereby created an
25 Oversight Committee in each House of Congress to be composed of five (5)

1 members of each, as may be designated by the Senate President and the
2 Speaker of the House of Representatives, to monitor the implementation of
3 this Act and the exercise of the authority granted thereunder.

4 The Oversight Committees shall submit periodic reports, evaluations
5 and recommendations to the Senate and the House of Representatives.

6 **SECTION 15. *Report to Congress.*** — The President shall submit a
7 quarterly report to Congress on the Implementation of this Act.

8 **SECTION 16. *Separability Clause.*** — In the event that any provision
9 of this Act is declared unconstitutional, invalid, or illegal, the
10 constitutionality, validity, or legality of the remainder of the provisions of this
11 Act shall not be affected thereby.

12 **SECTION 17. *Repealing Clause.*** — All laws, presidential decrees,
13 letters of instructions, executive orders, rules, regulations, and other issuances
14 or parts thereof which are contrary to or inconsistent with the provisions of
15 this Act are hereby revoked, repealed, amended or modified accordingly.

16 **SECTION 18. *Effectivity.*** — This Act shall take effect fifteen (15) days
17 following the completion of its publication in two (2) newspapers of general
18 circulation.

Approved.

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