

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH (17<sup>th</sup>) CONGRESS  
First Regular Session

HOUSE BILL NO. **3617**



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Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

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EXPLANATORY NOTE

Waze, a GPS-based navigation application, hailed Metro Manila as having the "worst traffic on Earth". Garnering a 0.4 rating in its Global Traffic Index, Philippines has the longest commute time with an average of 45.5 minutes from house to office<sup>1</sup>. The severe traffic congestion in Metro Manila has become a hindrance to economic and social development. Reports estimate that at least Two Billion Pesos is lost daily due to the effects of heavy traffic. This economic loss is likely to increase to 6 Billion a day by 2030 if not given the necessary intervention<sup>2</sup>.

Worse, the quality of lives of Filipinos living in the National Capital Region, as well as those in neighboring provinces, is adversely affected by this traffic gridlock. It is not difficult to imagine how stress levels shoot up when one is caught in traffic, and how despair creeps in, as time wasted during the commute should have been time spent with family or loved ones. The economic, social, and health cost calls for a swift and effective response from the government.

This bill proposes that emergency powers be granted to the President to address "Metro Manila Traffic and Transport Crisis". This will empower the President to utilize the necessary government resources, to exercise or employ executive actions and measures, necessary and incidental, unhampered by existing laws, regulations, and procedures to solve this burgeoning problem.

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1 Tan, Lara, (2015, October 5) Metro Manila has 'worst traffic on Earth,' longest commute - Waze. CNN Philippines, Retrieved from: <http://cnnphilippines.com/metro/2015/10/01/Metro-ManilaPhilippines-worst-traffic-longest-commute-Waze-survey.html>

2 Cabuenas, John Victor, (2015, December 11) PHL economy is losing big time on traffic jam. GMA News Online, Retrieve from: <http://www.gmanetwork.com/news/story/547564/money/economy/phl-economy-is-losing-big-time-on-traffic-jam#sthash.XGeNGbk7.dpuf>

This bill also recognizes that while there is a need to fast track much needed transportation infrastructure, particularly those for mass transit such as rails, the Government must find immediate solutions that can enable us to efficiently use the existing roads we have. The new services offered by data driven technologies such as internet based ridesharing should be maximized for the benefit of the riding public.

From the foregoing, the passage of the bill is most earnestly sought.

A handwritten signature in cursive script, appearing to read "Jay Beinhart". The signature is written in dark ink and is positioned to the right of the text "From the foregoing, the passage of the bill is most earnestly sought."



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AN ACT  
GRANTING THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES  
EMERGENCY POWERS TO ADDRESS THE TRAFFIC CONGESTION CRISIS IN  
METRO MANILA AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as the "Traffic Crisis Act  
of 2016."

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the  
State to adopt effective, innovative, and comprehensive mechanisms to address the  
immense traffic congestion problems in the country that have disrupted economic  
development and social reform programs thereby assuming the nature and  
magnitude of a national emergency.

SECTION 3. *Grant of Special Powers to the President of the Philippines.* -  
Pursuant to Article VI, Section 23 (2) of the Constitution and to implement the  
declared policy of the State, the President is hereby authorized to issue such rules  
and regulations as may be necessary to carry out the following powers:

1) To reorganize the Department of Transportation (DoTr), with the Land  
Transportation Office (LTO), Land Transportation, Franchising and Regulatory  
Board (LTFRB), Metro Manila Development Authority (MMDA), and the Toll  
Regulatory Board (TRB) to make them more effective, innovative, and responsive  
agencies to solve the land traffic crisis. For this purpose, the President may abolish

or create government offices; split, group, or merger positions; transfer functions, properties, equipment, records and personnel; institute drastic cost-cutting measures and take such other related actions necessary to carry-out the declared purpose. Nothing in this Section shall result in the diminution of present salaries and benefits of the personnel of the affected government agencies nor abolish any existing regulatory agency with a charter; Provided that any official or employee of an affected government agency who may be separated by reason of this reorganization shall be entitled to benefits under existing laws;

2) To administer and implement remedial and such other related measures to address the traffic crisis in the country, which shall include:

a) the establishment of a mass transport system with priority to the creation of railways for the efficient transportation of people and goods;

b) the transfer of terminals to decongest choke points in Metro Manila;

c) the transfer of public markets located on busy highways;

d) the establishment of alternate routes by opening private subdivision roads or roads in gated communities, police or military camps to the commuting public subject to conditions and restrictions;

e) the issuance and implementation of rules and regulations on ownership, registration, and the use of old, decrepit, unsafe and ecologically-adverse vehicles plying the roads;

f) the issuance and implementation of rules on the working hours of employees in the public and private sectors to alleviate traffic congestion during rush hours;

g) Encourage community-based transport network - a network of private cars that will offer rides to the public to reach their respective destination in Metro Manila, and neighboring cities and municipalities. Pursuant thereto, the President may suspend the application of Commonwealth Act No. 14638 or the Public Service Act, and its implementing rules and regulations in relation, to the operation of private car owners and drivers who offer rides to the public, including the need for securing a franchise from the Land Transportation and Franchising Board.

In allowing private car owners to offer rides to the public, the President shall direct the proper agency/ies, within thirty (30) days from the effectivity of this Act, to formulate rules and regulation to ensure the safety of the riding public aboard these privately owned cars, including but not limited to;

- i. Providing for a general registry available to the public of private car owners offering rides to the public;
- ii. Limiting the ability to offer rides to vehicles which are no more than seven (7) years old at the time of implementation of this Act;
- iii. Limiting the offer of use of private cars for the riding public to Metro Manila, and its neighboring cities, and highly-urbanized cities in the country;
- iv. Requiring private car owners or drivers who will offer rides to the public to be members of a community-based transport network for publicity and transparency. In turn the same network shall prescribe accreditation requirements, such as ownership or lease registrations of the cars to be used, driver's license, police or NBI clearance of the drivers and recent negative drug-test results of the designated from a DOH accredited clinic;
- v. A 24/7 customer support center, available by way of phone or e-mail report or social media post, to receive complaints from riders which should automatically report serious offenses and incidents to the authorities, for community-based transport;
- vi. Limiting person/s who can offer rides to persons with no criminal record and recent past traffic violations; Provided that, he/she is a professional driver license holder; and
- vii. A formula or table of fees for community-based transport network shall be promulgated.

3) To exercise the State's Power of Eminent Domain in order to appropriate private property for the establishment of easement or right of way, creation of railway, expansion of public roads or for other public purposes consistent with this Act; Provided that, there is payment of reasonable compensation based on the fair market value of the property;

4) To formulate, coordinate and regulate the implementation of medium and long-term plans and programs for the delivery of nationwide transportation-related services, consistent with national development objectives and priorities;

5) To enter into negotiated contracts and such other agreements to fast track the construction, repair, rehabilitation, improvement or maintenance of railways, roads and highways, bridges and similar infrastructure and facilities; Provided that, rules and regulations governing these contracts or agreements shall be clearly defined;

6) To implement the "Roadmap for Transport Infrastructure Development for Metro Manila and Its Surrounding Areas" approved by the Board of the National Economic Development Authority (NEDA) known as the "dream plan" roadmap;

7) To call upon and deputize recognized nongovernment and people's organizations and volunteers as well as local government units to assist the Government to carry out these powers through the monitoring or implementation of orders, rules and regulations; and

8) To undertake such other measures reasonable and necessary to enable the President to carry out the declared national policy; Provided that, Congress shall have oversight in determining the reasonableness and necessity of the measure.

The exercise of these emergency powers shall, at all times, respect valid and existing contracts with the government and its relevant agency and shall not diminish or impair the same.

SECTION 4. *Right to Information.* - Upon perfection of each contract entered into by the Government pursuant to Section 11 hereof, the terms and conditions of the same, with the name and qualification of the contractor, together with the description, the budgetary estimates involved and other salient features, shall be published in a website created for this purpose.

SECTION 5. *Duration of Grant of Powers.* - The authority granted to the President under this Act shall be valid and effective for a period of two (2) years from effectivity of this Act, unless sooner withdrawn by a resolution of Congress, without prejudice to rights and benefits that may have been vested, and culpabilities and liabilities that may have been incurred.

SECTION 6. *Oversight Committees.* - There is hereby created an Oversight Committee in each House of Congress to be composed of six (6) members from each House, including the Chairpersons of the Committee on Public Services in the Senate and the Committee on Transportation in the House of Representatives acting as Joint Chairpersons, to monitor the implementation of this Act and the exercise of the authority granted hereunder.

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

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

SECTION 8. *Sunset Review.* - Congress shall conduct a sunset review of the accomplishments and impact of the implementing agencies under this Act.

SECTION 9. *Separability clause.* - In the event that any provision or part of a provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity or legality of the remainder of the provisions of this Act or parts thereof shall not be affected hereby.

SECTION 10. *Repealing clause.* All laws, presidential decrees, executive orders, rules, regulations and other issuances or parts thereof which are contrary or inconsistent with the provisions of this Act law are hereby repealed, revoked, amended, or modified accordingly.

SECTION 11. *Effectivity.* - This Act shall take effect immediately following the completion of its publication in two (2) newspapers of general circulation.

Approved.