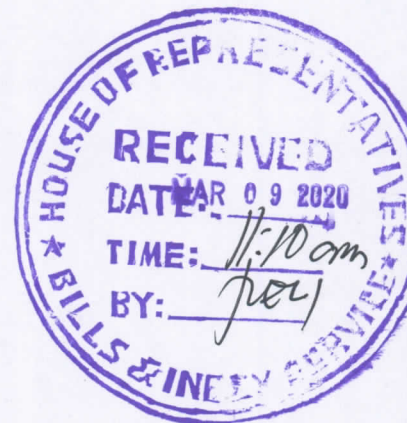


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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6509



Introduced by
BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT

AN ACT
PROTECTING THE RIGHTS OF PUBLIC UTILITY BUS DRIVERS AND
CONDUCTORS TO A FIXED MONTHLY SALARY, SECURITY OF TENURE,
AND SELF-ORGANIZATION AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF

EXPLANATORY NOTE

A few days before Christmas of 2013, a bus under the "Don Mariano" line that was full of passengers on their way to work came crashing down from the Skyway in Alabang, Metro Manila. The incident resulted to the death of 18 persons and the injury of 11 others. Investigation revealed that the bus driver had been driving for 19 hours, virtually nonstop, without sleep and rest—just because he had to make sure that he would meet his daily quota and earn enough for his commission.

It has been almost normal to hear media reports of traffic jams and vehicular accidents involving buses. Many accidents involve competing buses, each trying to outdo each other in getting more passengers. In some instances, the accidents are caused by tired and sleepy drivers who are forced to work for more than 16 hours a day.

In 2018, the Metro Manila Accident Reporting and Analysis System (MMARAS) in its traffic accident report from January to December recorded 9,612 bus accidents or a daily average of 26 accidents involving buses all over the country. It has recorded 16 fatalities, 605 non-fatal injuries, and 8,991 accounted damage to property caused only by bus accidents. According to the data, most fatal accidents happen during the noontime and morning rush.

According to Robbie Torres, President of Autodelta Coach Builders and a Bus Operator, the five common violations usually committed by drivers that cause accidents in the streets are over speeding, tailgating, beating the red light, backing up without adequate guidelines, and reckless overtaking.

In July 2012, the Department of Labor and Employment (DOLE) and Land Transportation Franchising and Regulatory Board (LTFRB) issued Department Order No. 118-12, ordering bus operators to give fixed salaries to their bus drivers and operators on a minimum basis. However, the Supreme Court issued a Status Quo Ante-Order after bus operators appealed to the Supreme Court arguing that the DO is unconstitutional, null and void. In the meantime, that there is a Status

1 Quo Ante-Order, situation remains the same for bus drivers competing with each other for higher
2 commissions from bus operators.

3
4 Poor working conditions, unfair boundary or commission-based systems pushing drivers and
5 conductors to compete with each other for passengers are at the root of these accidents. They are
6 often forced to take graveyard shifts, with some driving for almost 20 hours a day. Despite the
7 painstaking work, bus drivers and conductors, like most contractual workers, are deprived even of
8 collective and individual rights for humane working conditions.

9
10 In majority of Metro Manila bus lines, drivers get a commission of 9% from the gross collection
11 while conductors receive 7%. Bus owners or operators are the ones who set the commission rate
12 for drivers and conductors. Not meeting the quota for the day would deprive them of the coveted
13 bonus or worse, half of the cost of the gasoline will be deducted from their collections and their
14 commission would be computed based on the remaining amount. At present, most bus drivers
15 and conductors work three to five days a week, eight hours or more a day (some double that) while
16 relievers work less than three days a week. They work less than five days a week but almost without
17 rest, to the detriment of the passengers.

18
19 This bill, originally filed as House Bill 3611 by Bayan Muna Representatives Carlos Isagani T.
20 Zarate and Neri Colmenares with Anakpawis Party-list Rep. Fernando Hicap, during the 16th
21 Congress and refiled by Rep. Zarate during the 17th Congress as HB 3879, seeks to regulate the
22 compensation of public utility bus (PUB) drivers by requiring the operators of PUBs to grant fixed
23 salaries as well as fixed working hours. A sample computation will show that drivers currently
24 earning P900 a day and working more than 12 hours a day for three days a week will receive almost
25 the same income based on the minimum wage for working eight hours a day for six days a week.
26 The difference is that under this proposed act, drivers will get enough rest while operators spend
27 almost the same amount for salaries.

28
29 In fact, several provincial bus companies are already employing a fixed monthly salary scheme for
30 their drivers and conductors pursuant to Department of Labor and Employment Department
31 Order No. 118-12. However, bus drivers and conductors' association Malayang Alyansa ng Bus
32 Employees at Laborers or MANIBELA have reported practices that circumvent DO 118-12,
33 wherein drivers and conductors are made to sign regular salary slips and yet paid through the
34 commission-based system.

35
36 With the assurance of the fixed salaries on a regular basis, PUB drivers and conductors will no
37 longer be pressured to compete for passengers or be forced to work beyond humane working
38 hours, therefore significantly lessening serious accidents and traffic problems.

39
40 Furthermore, as important as it is to provide public utility bus drivers and conductors with just
41 and regular wages, they also need to be protected from unfair labor practices and violations of
42 their other rights as workers, it is thus important to ensure their rights to security of tenure and
43 the right to organize themselves are upheld.


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45 In view of the foregoing, approval of this bill is highly and earnestly recommended.

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48 *Approved,*
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REP. FERDINAND R. GAITE
Bayan Muna Partylist



REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist

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HOUSE BILL No. _____

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BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
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AN ACT

PROTECTING THE RIGHTS OF PUBLIC UTILITY BUS DRIVERS AND
CONDUCTORS TO A FIXED MONTHLY SALARY, SECURITY OF TENURE,
AND SELF-ORGANIZATION AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF

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

SECTION 1. *Short Title.* This Act shall be known as the "Bus Drivers and Conductors' Welfare Act of 2020."

SECTION 2. *Declaration of Policy.* It is hereby declared the policy of the State:

- a) To grant just and humane working conditions for public utility bus drivers and conductors;
- b) To secure and safeguard citizens from the risks of vehicular accidents and traffic problems caused by competing and overworked public utility bus drivers;

Towards this end, the State shall endeavor to improve the working conditions and terms of employment of public utility bus drivers and conductors through the recognition and protection of their rights to just and regular wages, security of tenure, and self-organization.

SECTION 3. *Coverage.* All persons who have been issued a Certificate of Public Convenience (CPC) to operate a public utility bus service shall pay their PUB drivers and conductors as compensation for work performed a fixed monthly salary which shall not be less than the minimum wage fixed by law, plus benefits and incentives.

SECTION 4. *Driver and Conductor Qualifications and Standards.* All operators of public utility bus service shall comply with the driver and conductor qualifications and standards which shall be established by the Land Transportation and Franchising and Regulatory Board (LTFRB) in order to ensure the employment of qualified and experienced drivers and conductors.

SECTION 5. *Driving Hours.* All operators of public utility bus service shall require their drivers to observe the following work scheme:

- a. Regular driving hours shall not exceed eight (8) hours inclusive of the rest period;
- b. A two-shift system shall be employed; and
- c. There should be at least one (1) hour rest per working day.

- d. Overtime work may be performed following pertinent provisions of the Labor Code, but must not exceed 12 hours within a 24-hour period.

SECTION 6. *Daily Time Record or Trip Report Monitoring System.* All PUB operators shall require their drivers to submit daily time records or trip reports in order to monitor the number of trips made and the number of driving hours worked. A copy of the summary of daily time record or trip report shall be submitted to the LTFRB as a requirement for the annual renewal of registration of the PUB.

SECTION 7. *Payment of Monthly Salary.* The monthly salary of PUB drivers and conductors shall not be less than the minimum wage fixed by law. Salaries shall be paid in cash at least once every two (2) weeks and shall be paid directly to the PUB drivers and conductors. Benefits and incentives as stipulated in the Labor Code and related laws, and/or in collective bargaining agreements, shall also be accorded to drivers and conductors.

SECTION 8. *Status of Employment.* All public utility bus drivers and conductors, except those under probationary employment, shall be considered regular workers and shall enjoy all the rights and privileges granted to regular workers pursuant to the provisions of the Labor Code.

SECTION 9. *Security of Tenure.* All public utility bus drivers and conductors shall have the right to security of tenure. Public utility bus drivers and conductors can only be terminated for just or authorized causes pursuant to the provisions of the Labor Code and subject to the requirements of due process.

SECTION 10. *Right to Self-Organization.* All public utility bus drivers and conductors shall enjoy the right to self-organization, and to freely form, join, or assist organizations of their own choice for collective bargaining, for the protection of their interests, and to obtain redress of their grievances through peaceful concerted activities.

SECTION 11. *Penalties.* For any violation or circumvention of this Act, the operator of any public utility bus service shall be fined not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of the franchise to operate.

Provided, that the suspension of the franchise to operate shall only be until such time that the operator has complied and paid the drivers and conductors of their back wages and appropriate benefits.

SECTION 12. *Implementing Rules and Regulations.* – The Chairman of the Land Transportation Franchising and Regulatory Board (LTFRB) shall, in coordination with the Secretary of Labor and Employment, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 13. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations, and other issuances inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.

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