

SEVENTEENTH CONGRESS
CONGRESS OF THE PHILIPPINES
First Regular Session
HOUSE OF REPRESENTATIVES

House Bill No. **3048**

HOUSE OF REPRESENTATIVES

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Introduced by REPRESENTATIVE PIA S. CAYETANO

EXPLANATORY NOTE

The goal of transportation is to provide "access." Access is defined as the ability of people to reach desired location, goods, services and activities with ease and efficiency.¹ Transportation plays a vital role in improving different aspects of people's lives, which is why when ease of access is hindered by uncontrolled traffic and congestion, it will eventually lead to a crisis situation. When the regular flow of business is hampered and the daily lives of people are greatly affected by traffic that makes it a national crisis.

According to a global evaluation conducted by Waze, a GPS-based navigation application, Metro Manila has the "worst traffic on Earth" and longest commute time with an average of 45.5 minutes from house to office.² The ill effects of the traffic crisis are also costing the country billions of pesos. Based on a study made by the Japan International Cooperation Agency (JICA)³, traffic and congestion cost the Philippines P2.4 billion every day in 2012 and it can increase up to P6 billion a day by 2030 if adequate solutions are not implemented.

It is thus high time that a lasting solution be implemented in order to properly address the traffic and congestion crisis in the country. Measures should be put in place to solve the deteriorating state of the country's transportation system, which according to the World

¹ Litman, Todd. (2011). Victoria Transport Policy Institute: Measuring Transportation. *Institute of Transportation Engineers Journal*. Vol. 73, No. 10, pp. 28-32.

²Tan, 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-Manila-Philippines-worst-traffic-longest-commute-Waze-survey.html>

³ Japan International Cooperation Agency. (2014). *Roadmap for Transport and Infrastructure Development for Metro Manila and Its Surrounding Areas*.

Bank⁴ has high levels of congestion, poor conditions of road network, inadequate connectivity for inter-city or inter-regional movement and lack sustainable road safety strategy, which prevents further economic growth and safe access within the country. However, time is of the essence in dealing with such problems. Thus the President/Executive Branch should be given the necessary authority to manage, mitigate and immediately solve the said crisis.

It is in this context that this bill seeks to grant emergency powers to the President, along with the heads of departments and agencies under the Executive Branch related to the transportation sector, to urgently utilize necessary government resources, employ actions and measures, and harmonize national and local government projects to address the traffic and congestion crisis. It also mandates the Executive Branch to formulate a comprehensive, integrated and sustainable Decongestion and Transportation Network Reform Plan. Further, it designates the Secretary of the Department of Transportation (DOTr) as the Traffic Czar, who will manage and control traffic and congestion and oversee the implementation of the said reform plan.

The passage of the said bill will pave the way for government to immediately address the traffic congestion crisis and prevent its ill effects in further affecting the overall quality of life of Filipinos.

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

Pia S. Cayetano
PIA S. CAYETANO

⁴ World Bank. (2005). *Philippines: Meeting Infrastructure Challenges*.

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House Bill No. **3048**

INTRODUCED BY REPRESENTATIVE PIA S. CAYETANO

AN ACT

GRANTING THE PRESIDENT/EXECUTIVE BRANCH OF GOVERNMENT
EMERGENCY POWERS TO MANAGE, MITIGATE AND SOLVE THE TRAFFIC
AND CONGESTION CRISIS ACROSS THE PHILIPPINES, TO EXPEDITIOUSLY
AND EFFECTIVELY IMPLEMENT MEASURES THAT SHALL PROVIDE REAL
LASTING SOLUTIONS AS WELL AS THE EARLIEST RESPITE FROM TRAFFIC
AND CONGESTION, 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 "Freedom from Traffic and
2 Congestion Act of 2016".

3 **SECTION 2. *Declaration of the Existence of Traffic and Congestion Crisis.*** –
4 The traffic and congestion situation in Greater Metro Manila, other highly urbanized
5 cities and other areas in the country have assumed the nature and magnitude of a
6 public calamity. With the increasing volume of motor vehicles plying inadequate
7 roads and highways in the metro and in other growing cities, as well as increasing air
8 passenger traffic beyond the capacity of the country's existing terminals, and the
9 heavy congestion of ports, Philippine transportation infrastructure at present has
10 become unable to keep up with the demands of a rising economy and growing
11 population. These result in severe disruption of the normal Filipino family life, the
12 nation's economic productivity, and the competitiveness and efficiency of
13 businesses, thereby resulting in billion-peso losses in terms of over-all productivity,
14 health risks and social costs.

15 Thus, the existence of a traffic and congestion crisis in Greater Metro Manila, in
16 other highly urbanized cities and other areas in the country is hereby declared.

17 **SECTION 3. *Declaration of Policy.*** It is hereby the declared policy of the State to
18 adopt adequate and effective measures that will immediately address the crisis
19 brought about by land and air traffic, congestion and mass transportation shortage in
20 Greater Metro Manila, other highly urbanized cities and other areas around the
21 country.
22 In conformity with the provisions of the Constitution to promote the general welfare
23 and social justice in all phases of national development, the State shall hereby

1 promote a shift towards safe, secure, efficient, viable, competitive, dependable,
2 integrated, environmentally sustainable, people-oriented, seamless and inclusive
3 transportation system for the benefit of all citizens, the economy and society.

4 Towards this end, the State shall adopt a strong system of accountability and
5 transparency in the pursuit of its objectives. The State shall strengthen measures
6 that will restore order on the streets, rails, runways, and ports, properly plan and
7 establish facilities and infrastructure projects that will respond to this paradigm shift
8 in the transportation system, increase mobility options of the general public and
9 promote the use of alternative modes of transportation in order to reduce travel time,
10 air pollution and congestion while increasing economic productivity and tourism
11 appeal.

12 The extraordinary remedy of granting emergency powers to the President/Executive
13 Branch is for emergency purposes only and is limited to the period specified in this
14 Act. In line with this, the State shall, after the period of the emergency, adopt short-
15 term, mid-term, and long-term development plans for the efficient and cheaper
16 transport of people and delivery of goods and services, as well as a comprehensive
17 long-term national transport policy, in order to sustain the significant gains and to
18 meaningfully reduce the risk of a traffic and congestion crisis from happening again
19 in the future.

20 **SECTION 4. *Definition of Terms.*** The following terms shall mean:

21 (a) "Emergency Powers" shall refer to the authority granted to the President of the
22 Republic of the Philippines under Section 23 (2), Article VI of the 1987 Philippine
23 Constitution by the Congress for a limited period and subject to such restrictions as it
24 may prescribe to exercise powers necessary and proper to carry out a declared
25 national policy;

26 (b) "Traffic and Congestion Crisis" shall refer to the current traffic situation, both land
27 and air-based, which has assumed the nature and magnitude of a public calamity;

28 (c) "Greater Metro Manila" shall refer to the National Capital Region (NCR) of the
29 Philippines, the seat of government and the most populous region of the country
30 composed of the cities of Manila, Quezon City, Caloocan, Las Piñas, Makati,
31 Malabon, Mandaluyong, Marikina, Muntinlupa, Navotas, Parañaque, Pasay, Pasig,
32 San Juan, Taguig, and Valenzuela and the Municipality of Pateros, as well as the
33 provinces of Rizal, Bulacan, Cavite, Laguna and Batangas;

34 (d) "Other Highly Urbanized Cities" shall refer to identified cities in the Philippines,
35 such as but not limited to Metro Cebu and Metro Davao, which are on the threshold
36 of full urbanization and motorization, with the carrying capacities of the road network
37 in urban centers, notably at the city centers or Central Business Districts (CBDs), on
38 the verge of being unable to cope with the increasing volume of vehicles using said
39 network;

40 (e) "Other Areas" shall refer to other areas all over the Philippines not part of the
41 Greater Metro Manila and Other Highly Urbanized Cities which are also experiencing
42 a high level of congestion and traffic, or where traffic and/or congestion is already

1 imminent, which shall be necessarily covered by the emergency measures to be
2 undertaken by the Executive Branch.

3 **SECTION 5. *Grant of Emergency Powers to the President/Executive Branch.* –**

4 The President/Executive Branch is hereby authorized to exercise powers necessary
5 and proper to carry out the above-declared national policy. As such, the President,
6 along with the heads of the departments and agencies under the Executive Branch
7 related to the transportation sector, are hereby granted emergency powers to
8 urgently utilize all necessary government resources, employ executive actions and
9 measures, and reconfigure and harmonize national and local government projects to
10 address the traffic and congestion crisis, unhampered by existing laws, regulations,
11 and procedures that would cause severe delay in addressing the said crisis.

12 **SECTION 6. *Creation, Reorganization and Abolition of Offices.*** The President
13 may abolish or create offices; split, group, or merge positions; transfer functions,
14 equipment, properties, records and personnel; institute drastic cost-cutting measures
15 and take such other related actions necessary to carry out the purpose herein
16 declared. Nothing in this Section shall result in the diminution of the present salaries
17 and benefits of the personnel of these agencies: Provided, That any official or
18 employee of the concerned agencies which are phased out and his or her
19 employment terminated by reason of the reorganization authorized herein shall be
20 entitled to such benefits as may be determined by the Office of the President, in
21 coordination with the Commission on Audit (COA) and the Civil Service Commission
22 (CSC).

23 For this purpose, the President may realign funds to carry out the creation and/or
24 reorganization of offices.

25 **SECTION 7. *Formulation of the Decongestion and Transportation Network***

26 ***Reform Plan.*** – The Executive Branch shall direct the formulation of a
27 comprehensive, integrated and sustainable Decongestion and Transportation
28 Network Reform Plan. This aims to provide a roadmap/blue print for the national and
29 local transportation system, both land, sea and air, in order to decongest Greater
30 Metro Manila, other highly urbanized cities and other areas, with the end in view of
31 spurring development in all regions in the country, providing sufficient transport
32 infrastructure and linkages and ensuring transport safety and security.

33 This shall include strategies relating to the integration of national and local land use
34 plans for transit-oriented development, the creation of an integrated public transport
35 infrastructure network, the enforcement of a seamless and inclusive public
36 transportation system as a primary mobility option to the general public, the
37 optimization of existing airports and increased utilization of alternative terminals, the
38 expansion of the capacity of existing seaports and use of alternative ports, the
39 adoption of non-motorized transport and green infrastructure and facilities and the
40 shift towards transportation demand management measures.

41
42 **SECTION 8. *Appointment of a Traffic Czar.*** – The Secretary of the Department of
43 Transportation (DOTr) is designated as the Traffic Czar. He/She shall take over-all
44 full-time management and control of the traffic and congestion crisis and oversee the
45 implementation of the Decongestion and Transportation Network Reform Plan.

1 He/She shall sufficiently and purposely exercise all powers and authority delegated
2 by the Executive Branch in order to mobilize resources of the different national
3 government agencies and to expeditiously and effectively implement measures to
4 provide the earliest respite from land and air traffic congestion. He/She shall
5 coordinate with other relevant national government agencies, government-owned
6 and –controlled corporations, government financial institutions and private
7 stakeholders in the exercise of his/her functions.

8 For the period of the emergency under this Act and pending reorganization of the
9 pertinent government offices under the succeeding Section, the powers, authority
10 and functions over land traffic management of the Metro Manila Development
11 Authority (MMDA) under Section 3 (b), Section 5 (e) and (f) and other related
12 provisions of Republic Act No. 7924, Land Transportation Office (LTO), Land
13 Transportation Franchising and Regulatory Board (LTFRB), Philippine National
14 Police (PNP), Toll Regulatory Board (TRB) and Philippine Ports Authority (PPA); the
15 powers, authority and functions over air route and airway facilities, air traffic service
16 and air navigation of the Civil Aviation Authority of the Philippines (CAAP), Civil
17 Aeronautics Board (CAB), Manila International Airport Authority (MIAA) and other
18 pertinent Departments or government institutions; and the powers, authority and
19 functions over seaports of the Philippine Ports Authority (PPA) shall be vested in the
20 Traffic Czar.

21 **SECTION 9. Powers of the Traffic Czar.-** The powers of the Traffic Czar are herein
22 prescribed, as follows:

23 *a. Land-based transportation.* - The Traffic Czar shall have the power to override
24 MMDA, LTO, LTFRB, PNP and TRB permits and licenses, as well as the relevant
25 and existing procedures pertinent thereto, and implement such other measures as
26 exigencies shall require. These include, but are not limited to, the following:

- 27 a) integration of different transportation modes to the public transport
28 infrastructure network;
- 29 b) operation of certain public conveyances;
- 30 c) rationalization and reorganization of bus, jeepney and tricycle routes;
- 31 d) transfer and relocation of transport terminals;
- 32 e) car ownership policies in relation to proof of parking and air pollution;
- 33 f) imposition of parking regulations for vehicles;
- 34 g) issuance and revocation of driver's licenses;
- 35 h) construction of structures or implementation of roadworks that impede
36 traffic flow;
- 37 i) rapid response to road safety and traffic-blocking accidents and incidents;
- 38 j) implementation of the number coding scheme and other traffic reduction
39 schemes;
- 40 k) opening up of private roads, whether or not with the imposition of toll fees,
41 as additional access points for motorists;
- 42 l) implementation of staggered work hours in government offices; and
- 43 m) mandating of ride-sharing and other transportation demand management
44 programs, with the establishment of carpool lanes in main thoroughfares.

1 The LTFRB and LTO shall not issue any rule or circular in conflict with the provisions
2 of this Act.

3 The Traffic Czar shall periodically coordinate with LGU executives and their officials
4 and the private sector in the execution of traffic and transport plans, programs and
5 measures and may likewise enlist and deputize traffic enforcement units of the
6 MMDA, LGUs, Highway Patrol Group (HPG) of the PNP and such other agencies as
7 may be required.

8 *b. Air-based Transportation.* - The Traffic Czar shall have the power to override
9 CAAP, CAB, and other pertinent Departments or government institutions'
10 regulations, permits and licenses, as well as the relevant and existing procedures
11 pertinent thereto, and implement such other measures as exigencies shall require.
12 These include, but are not limited to, the following:

- 13 a) comprehensive evaluation of the airport's current airspace, runway, and
14 terminal capacities, air traffic and surface operation, and runway access
15 points;
- 16 b) optimization of existing airports and transfer to alternative airports;
- 17 c) development of new airports;
- 18 d) augmentation of the air- and land-side facilities;
- 19 e) relocation of general aviation activities to Sangley Point, Cavite;
- 20 f) exemption from travel tax and excise tax on aviation fuel for Clark
21 International Airport and other identified airports to increase utilization
22 thereof; and
- 23 h) hastening of ground servicing of aircrafts and adjustment on passenger
24 loading times.

25 The Traffic Czar shall, however, periodically coordinate with airport executives and
26 their officials and the private sector in the execution of air transport plans, programs
27 and measures.

28 *c. Seaports* – The Traffic Czar shall have the power to override PPA's regulations,
29 permits and licenses, as well as the relevant and existing procedures pertinent
30 thereto, and implement such other measures as exigencies shall require. These
31 include, but are not limited to, the following:

- 32 a) expansion of the capacity of the Port of Manila to receive cargo;
- 33 b) shifting of international container traffic to Batangas and Subic ports;
- 34 c) staffing of Batangas and Subic ports with sufficient Bureau of Customs
35 (BOC) and PPA personnel;
- 36 d) provision of cargo handling equipment, berth capacity, and container yard
37 capacity that are commensurate to the volume of cargo and transaction
38 that are targeted to be diverted from the Port of Manila;
- 39 e) construction of a new and large deep-sea port at a location outside Manila
40 to be identified under the Decongestion and Transportation Network
41 Reform Plan; and
- 42 f) adoption of a rationalization plan for future port development and
43 investment programs for ports in the National Capital Region (NCR) and
44 the neighboring Central Luzon and Southern Tagalog Region.

1 The Traffic Czar shall, however, periodically coordinate with PPA executives and
2 their officials and the private sector in the execution of plans, programs and
3 measures for seaports.

4 **SECTION 10. Power of Eminent Domain.** - In coordination with the
5 concerned government agencies, the Traffic Czar shall work for the immediate
6 resolution of issues and bottlenecks on transport and traffic infrastructure, as may be
7 identified by the Executive Branch. This shall include the exercise of the power of
8 eminent domain by expropriating private property with just compensation for right-of-
9 way acquisition necessary for infrastructure projects or public convenience.

10 **SECTION 11. Exemption from Procurement Laws.** - The Executive Branch
11 may, in its discretion, waive the application of Republic Act No. 9184 or the
12 Government Procurement Reform Act (RA 9184) and Republic Act No. 6957, as
13 amended, or the Build-Operate Transfer (BOT) Law, in entering into transport and
14 traffic infrastructure and service and supply contracts on a case to case basis,
15 provided that these agreements shall not be grossly disadvantageous to the
16 government. As such, alternative methods of procurement defined in RA 9184 and
17 other relevant laws may be allowed, including but not limited to:

- 18 a) Limited Source Bidding;
- 19 b) Direct Contracting;
- 20 c) Repeat Order;
- 21 d) Shopping;
- 22 e) Negotiated Procurement, including agency-to-agency procurement and
23 procurement originating from unsolicited proposals.
- 24 f) Competitive Challenge or Swiss Challenge for unsolicited proposals, with
25 concomitant right to match, to be completed within a period of fifteen (15)
26 days.

27 **SECTION 12. Right to Information.** - Upon perfection of each contract
28 entered into by the Government pursuant to Section 11 hereof, the terms and
29 conditions of the same, with the name and qualification of the contractor, together
30 with the description, the budgetary estimates involved and other salient features,
31 shall be published in a website created for this purpose.

32 **SECTION 13. Prohibition on the Issuance of Temporary Restraining**
33 **Orders, Preliminary Mandatory Injunctions.** - No court, except the Supreme
34 Court, shall issue any temporary restraining order, preliminary injunction or
35 preliminary mandatory injunction against the government or any of its subdivisions or
36 officials or any person or entity, whether public or private, acting under the
37 government's direction, to restrain, prohibit or compel the following acts:

- 38 a) Acquisition, clearance and development of the right-of-way and/or site or
39 location of any transportation project identified by the Executive Branch;
- 40 b) Negotiations, bidding or awarding of any transportation project identified
41 by the Executive Branch;
- 42 c) Commencement of prosecution, execution, implementation, operation of
43 any transportation project identified by the Executive Branch;

- 1 d) Termination or rescission of any transportation project identified by the
2 Executive Branch; and
3 e) The undertaking or authorization of any other lawful activity necessary for
4 any transportation project identified by the Executive Branch.

5 **SECTION 14. *Duration of Grant of Powers.*** — The authority granted to the
6 Executive Branch under this Act shall subsist and be valid and effective for a period
7 of three (3) years from the effectivity of this Act, unless sooner withdrawn by a joint
8 resolution of Congress, without prejudice to rights and benefits that may have been
9 vested and culpabilities and liabilities that may have been incurred under its
10 provisions.

11 **SECTION 15. *Oversight Committees.*** — There is hereby created an
12 Oversight Committee in each House of Congress to be composed of five (5)
13 members each to be respectively designated by the Senate President and the
14 Speaker of the House of Representatives, which committees shall be tasked with
15 monitoring the implementation of this Act and the exercise of the authority granted
16 hereunder.

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

19 **SECTION 16. *Report to Congress.*** — The Executive Branch shall submit a
20 quarterly report to Congress on the implementation of this Act.

21 **SECTION 17. *Separability Clause.*** — In the event that any provision of this
22 Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or
23 legality of the remainder of the provisions of this Act shall not be affected thereby.

24 **SECTION 18. *Repealing Clause.*** — All laws, presidential decrees, letters of
25 instructions, executive orders, rules, regulations, and other issuances or parts
26 thereof which are contrary to or inconsistent with the provisions of this Act are
27 hereby revoked, repealed, amended or modified accordingly.

28 **SECTION 19. *Effectivity.*** — This Act shall take effect fifteen (15) days
29 following the completion of its publication in two (2) newspapers of general
30 circulation.

Approved,