


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

00 03
HOUSE BILL NO. _____

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HOUSE OF REPRESENTATIVES	
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Introduced by
**REPRESENTATIVES RODOLFO C. FARIÑAS, PANTALEON D. ALVAREZ,
ROLANDO G. ANDAYA, JR., MICHAEL JOHN R. DUAVIT,
CARLOS O COJUANGCO, ELISA T. KHO, RANEO E. ABU,
BENHUR L. SALIMBANGON, DANILO E. SUAREZ,
RODEL M. BATOCABE and KARLO ALEXEI B. NOGRALES**

EXPLANATORY NOTE

The country is experiencing horrendous and worsening unsolved traffic crisis caused by insufficient infrastructures coupled with inefficient management of transportation services. Based on the report of the Japan International Cooperation Agency (JICA) dated 02 September 2014, the Republic of the Philippines loses P2.4 billion pesos per day or equivalent to \$51 million dollars per day in potential income as a result of traffic congestion problems and lost productivity.

The National Economic Development Authority (NEDA) concluded that without the necessary intervention by the authorities, traffic costs will likely increase to P6 billion a day, which costs are based from several factors, namely: (1) value of time lost due to delay; (2) fuel costs; (3) vehicle operating costs; (4) impact of health (5) greenhouse gas emissions; (6) great demand for transport cost expenses from household income; (7) productivity losses; and (8) over capacity of registered vehicles, whether public or private.

JICA likewise reported that more cars on the road would mean a rise in greenhouse emissions from 4.7 million tons per year in 2012 to 5.72 million tons per year by 2030, which in turn could lead to tremendous cost on human health, and equally important, the adverse effect on climate change.

The same is true insofar as air carriage is concerned. The country's major air carriers have increased their international and domestic routes and offered new flight services but no major runways have been created to address such a rapid increase in the volume and frequency of flights in and out of the country.

Clearly, government agencies in charge of regulating and managing air travel have been unable to cope with this massive development as most airline passengers have reported experiencing airport congestion, flight delays, unreliable arrival and departure schedules, aircrafts hovering for extended periods over the airport and waiting for long periods of time for an airport to take off.

The Civil Aviation Authority of the Philippines (CAAP) reported that airlines are losing at least P7 billion a year in fuel and in engine maintenance costs because of the air traffic congestion in NAIA.

Both air and land traffic have caused, in addition to commercial/economic losses and adverse tourism publicity, an overall negative social component, in that motorists, commuters and passengers from all walks of life suffer daily from delay in schedules, delay in the delivery of basic services including emergency and medical response, traffic accidents resulting in damage to property or human casualties, road rage, fatigue, and loss in productivity; but the more critical aspect of both land and air traffic is its unpredictability and instability which raise concerns on safety and security, and even threats of terrorism.

All these factors have led many to the inevitable conclusion that the massive and horrendous traffic congestion in the country has assumed the nature and magnitude of a national emergency, which necessitates immediate and comprehensive solutions.

Pursuant to Article VI, Section 23 (2) of the Constitution, the present bill seeks to authorize the President to exercise emergency powers necessary and proper to effectively respond to the multiple problems caused by the worsening and debilitating land and air traffic crisis in the country.

In light of the foregoing, the passage of this bill is most earnestly sought.

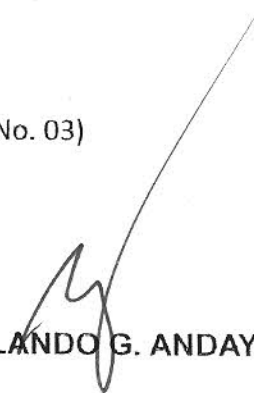


PANTALEON D. ALVAREZ

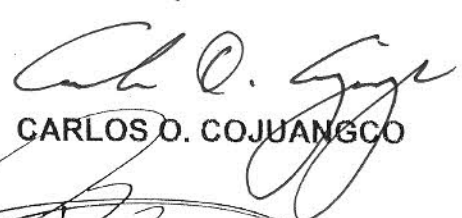


RODOLFO C. FARIÑAS

(HB No. 03)



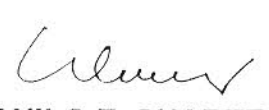
ROLANDO G. ANDAYA, JR.



CARLOS O. COJUANGCO



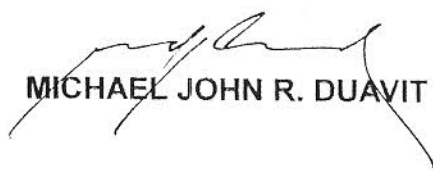
RANEO E. ABU



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KARLO ALEXEI B. NOGRALES



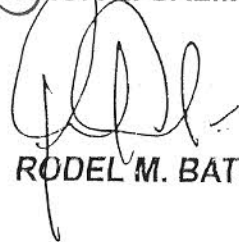
MICHAEL JOHN R. DUAVIT



ELISA T. KHO



BENHUR L. SALIMBANGON



RODEL M. BATOCABE



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 03

Introduced by
**REPRESENTATIVES RODOLFO C. FARIÑAS, PANTALEON D. ALVAREZ,
ROLANDO G. ANDAYA, JR., MICHAEL JOHN R. DUAVIT,
CARLOS O COJUANGCO, ELISA T. KHO, RANEO E. ABU,
BENHUR L. SALIMBANGON, DANILO E. SUAREZ,
RODEL M. BATOCABE and KARLO ALEXEI B. NOGRALES**

AN ACT
**GRANTING PRESIDENT RODRIGO ROA DUTERTE, EMERGENCY POWERS
TO ADDRESS THE MASSIVE TRAFFIC CONGESTION IN THE COUNTRY
THAT HAS ASSUMED THE NATURE AND MAGNITUDE OF A NATIONAL
EMERGENCY, DECLARING A NATIONAL POLICY IN CONNECTION
THEREWITH AND AUTHORIZING HIM, FOR A LIMITED PERIOD AND
SUBJECT TO RESTRICTIONS, TO IMPLEMENT RULES AND REGULATIONS
NECESSARY AND PROPER TO CARRY OUT SUCH POWERS**

1 **Section 1. Title.** - This Act shall be known as the "**Traffic Crisis Act of**
2 **2016**".

3 **Section 2. Declaration of Policy.** - It is hereby declared the policy of the
4 State to adopt effective, innovative and comprehensive mechanisms to address
5 the immense traffic congestion problems in the country, *both on air and on land*,
6 that have disrupted the country's economic and social reforms and development
7 and assumed the nature and magnitude of a national emergency;

8 **Section 3. Authorized Powers.** - Pursuant to Article VI, Section 23 (2) of
9 the Constitution, and to implement the declared national policy, the President is
10 hereby authorized to issue such rules and regulations as may be necessary to
11 carry out any or all of the following powers:

1 (1) To reorganize the Department of Transportation (DOT), with the
2 Land Transportation Office (LTO), Land Transportation
3 Franchising Regulatory Board (LTFRB) and Metro Manila
4 Development Authority (MMDA) and Toll Regulatory Board
5 (TRB) of the Philippines for land transportation concerns, and
6 the Civil Aviation Board (CAB), and Civil Aviation Authority of
7 the Philippines (CAAP) for air traffic concerns, to make them
8 more effective, innovative and responsive agencies to solve
9 both land and air traffic crisis. For this purpose, the President
10 may abolish or create government offices; split, group, or merge
11 government positions; transfer functions, equipment, properties,
12 records and personnel; institute drastic cost-cutting measures
13 and take such other related actions necessary to carry out the
14 purpose herein declared. Nothing in this section shall result in
15 the diminution of the present salaries and benefits of the
16 personnel of affected government agencies: *Provided*, that any
17 official or employee of an affected government agency who may
18 be separated by reason of the reorganization authorized
19 herein shall be entitled to such benefits provided under existing
20 laws.

21 (2) To create and establish a centralized traffic authority, both on air
22 and on land, empowered to address all traffic concerns and
23 implement better management services resulting from a
24 balanced integration of traffic education, engineering and
25 enforcement of services under the following terms and
26 conditions:

27 a.) The President shall exercise broad supervisory and
28 regulatory powers over the actual operations of the
29 centralized traffic authority that he shall so create;

30 b.) The President shall draw up and implement an
31 integrated development program which shall review
32 and reorganize the present set-up of land traffic
33 administration, operations and facilities; the
34 classification of the different traffic regional offices in
35 the country according to size, importance, potential
36 for growth and the nature and structure of
37 surrounding areas; determination of the type and
38 pattern of the regional offices to be established, if
39 necessary; and the definition to the broad
40 operational guidelines to be followed by these
41 individual authorities;

1 c.) The President shall likewise capitalize on the
2 powers, functions and resources of agencies and
3 departments under the DOT and other agencies
4 both public and private, and direct a coordination of
5 efforts and expansion of interaction between said
6 agencies/civil aviation bodies and state security
7 services in drawing up a master action plan to
8 address the airport congestion.

9 (3) Administer and implement remedial and such other related
10 measures to address the traffic crisis in the country which shall
11 include:

- 12 a. the creation and establishment of mass transport system;
- 13 b. the transfer of transport terminals to decongest choke points
14 in Metro Manila and other major cities, including, but not
15 limited to Metro Cebu, especially in the cities of Cebu,
16 Mandaue and Lapu-Lapu; and to create or immediately
17 establish or designate alternative international airports and
18 the creation of parallel runways, if feasible, to decongest
19 airport traffic, in order to relieve and alleviate traffic situation
20 and spread through less congested areas near or adjacent
21 Metro Manila;
- 22 c. the transfer of public markets located on busy highways;
- 23 d. the establishment of "Friendship Routes", or alternate routes
24 by opening an otherwise private subdivision road to non-
25 resident motorists, with the option to provide non-fiscal
26 incentives in return for the use of said private roads; gated
27 communities and gated military camps parallel to major
28 thoroughfares may likewise be opened, subject to conditions
29 and restrictions;
- 30 e. the issuance and implementation of rules, requirements,
31 conditions, and qualifications for ownership, registration,
32 possession and maintenance of public and private vehicles
33 to relieve the roads of old, decrepit, unsafe and ecologically-
34 adverse vehicles plying the roads;
- 35 f. the issuance and implementation of rules on the working
36 hours of employees and workers in government, and
37 whenever it becomes necessary, in the private sector to
38 alleviate traffic congestion during rush hours;

1 (4) Exercise state power of eminent domain in order to appropriate
2 private property for establishment of easement or right of way,
3 expansion of public roads or other public purposes, with
4 payment of reasonable compensation usually based on the fair
5 market value of the property. If there is only partial taking of a
6 piece of property, the owner should be compensated both for
7 the value of the strip of land and for any effect the
8 condemnation of that strip has on the value of the owner's
9 remaining property;

10 (5) Formulate, coordinate and regulate the implementation of
11 medium and long-term plans and programs for the delivery of
12 nationwide transportation-related services, consistent with
13 national development objectives and priorities;

14 (6) Whenever it is advantageous to the Government, the President
15 may enter into negotiated contracts for the construction, repair,
16 rehabilitation, improvement or maintenance of roads, bridges,
17 railways, toll roads, expressways, skyways, airport runways and
18 facilities, and similar infrastructure and facilities,
19 and the procurement of coaches, subject to the following
20 requirements:

21 a. In order to inform competitive contractors the list of projects
22 to be undertaken, the budgetary estimates involved and
23 other salient features shall be published in a newspaper of
24 general circulation thirty (30) days after the effectivity of this
25 Act;

26 b. Upon the perfection of the contract, the terms and conditions
27 of the same, with the name and qualifications of the
28 contractor shall likewise be published in a newspaper of
29 general circulation two (2) weeks before the signing of the
30 contract;

31 c. The contract shall be awarded only to contractors with;

- 32 i. proven competence in similar projects;
- 33 ii. competent key personnel and sufficient reliable
34 equipment;
- 35 iii. sound financial capacity

36 d. All the awarded projects shall be subject to existing
37 government auditing rules and regulations governing
38 negotiated contracts.

- 1 (7) Establish new infrastructure by building new platforms
2 levels, roads, mass rapid transit systems and expressways to
3 facilitate land transportation, and new runways to alleviate
4 airport congestion;
5
- 6 (8) To provide suitable, cost-effective and long-term traffic
7 solutions even for roll on/roll off (RORO) carriage through the
8 full integration of planning and logistics collaboration of port
9 management services and terminal operations to ensure
10 smooth and efficient multi-location transfers;
- 11 (9) Implement the "Roadmap for Transport Infrastructure
12 Development for Metro Manila and Its Surrounding Areas"
13 approved by the NEDA board known as the "dream plan"
14 roadmap estimated to cost the government P2.3 trillion.
- 15 (10) To temporarily take over or direct the operation of any
16 transportation franchise which is found to have redundantly
17 violated the herein declared national policy: *Provided*, however,
18 that to the extent feasible, management shall be retained, under
19 the direction and supervision of the President or his duly
20 designated representative who shall render a full accounting to
21 the President of the operations of the transportation services
22 taken over: *Provided, further*, That whenever the President shall
23 determine that the further use or operation by the Government
24 of such transportation service or enterprise is no longer
25 necessary under existing conditions, the same shall be restored
26 to the person entitled to the possession thereof;
- 27 (11) To call upon and deputize recognized nongovernment and
28 people's organizations and volunteers as well as local
29 government units to assist the Government to carry out these
30 powers through the monitoring or implementation of orders,
31 rules and regulations, as the case may be;
- 32 (12) To undertake such other measures as may be reasonable and
33 necessary to enable the President to carry out the declared
34 national policy subject to constitutional guarantees.

35 **Section 4. Reports to Congress.** – The President shall submit a monthly
36 report to Congress on the efficiency and effectiveness of the measures
37 undertaken to implement this Act.

38 The DOT and all other agencies of the government involved in the
39 implementation of this Act shall issue bi-monthly progress reports to the
40 Committees on Transportation of the House of Representatives and the Senate,
41 respectively.

1 **Section 5. Congressional Oversight Committee.** There is hereby
2 created a Congressional Oversight Committee to monitor and oversee the
3 implementation of the provisions of this Act. The Committee shall be composed
4 of six (6) members from the Senate and six (6) members from the House of
5 Representatives with the Chairpersons of the Committees on Transportation of
6 both Houses as Joint Chairpersons. The Minority from both Chambers shall have
7 at least a representative to the Congressional Oversight Committee.

8 **Section 6. Validity.** The authority granted to the President under this Act
9 shall subsist, be valid and effective for a period of two (2) years from the
10 effectivity of this Act unless sooner withdrawn by a resolution of Congress.

11 **Section 7. Separability Clause.** - If any provision of this Act or the
12 application of such provision to any person or circumstance is declared invalid,
13 the remainder of this Act or the application of such provision to any other person
14 or circumstances shall not be affected by such declaration.

15 **Section 8. Repealing Clause.** - All laws, decrees, ordinances, rules and
16 regulations, executive or administrative orders and other presidential issuances
17 inconsistent with this Act, are hereby repealed, amended or modified accordingly.

18 **Section 9. Effectivity.** - This Act shall take effect after fifteen (15) days
19 from publication in two (2) national newspapers of general circulation.

20 Approved,