

**Republic of the Philippines**  
**HOUSE OF REPRESENTATIVES**  
*Quezon City*

**SEVENTEENTH CONGRESS**  
**First Regular Session**

**House Bill No. 3442**

HOUSE OF REPRESENTATIVES	
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**INTRODUCED BY REPRESENTATIVES**  
**EVELINA ESCUDERO AND MARIA VIDA ESPINOSA BRAVO**

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**EXPLANATORY NOTE**

The traffic mess in Metro Manila has undoubtedly become a crisis. Getting stuck for long hours in Metro Manila's roads is not only a very unpleasant experience but has caused commuters loss of precious time that could have been used for productive work or quality time for their families. In fact, government figures indicate that traffic in the metropolitan areas nationwide costs the country roughly P 3 billion a day or about 0.8% of the Gross Domestic Product (GDP).

The main culprit is that there are just too many vehicles but roads are no longer sufficient to accommodate them. The situation is steadily worsening as an emerging middle class fuels an auto boom where car sales rose 23% in 2015 with nearly 300,000 new vehicles hitting the roads. Compounding the problem, decades of infrastructure neglect has left Metro Manila with a just a few major roads across the city and their gridlock "peak hours" often last for 3 to 4 hours. As if to make matters worse, during rush hour, accidents can cause gridlock for even longer hours.

Finally, the traffic problem remains unresolved because of restraining orders, injunctions, right of way issues, local government regulations and even social issues. Losing bidders have often delayed the implementation of important infrastructure projects.

The current traffic crisis in the country calls for bold solutions.


This bill seeks to grant the President special powers to effectively address the pestering traffic and transportation problem in Metro Manila and other metropolitan areas in the country. Under the bill, the President will be authorized to adopt alternative methods of procurement for the construction repair, rehabilitation, improvement or maintenance of transportation

projects, and shall be given greater leeway to reorganize and coordinate national and local government traffic management plans.

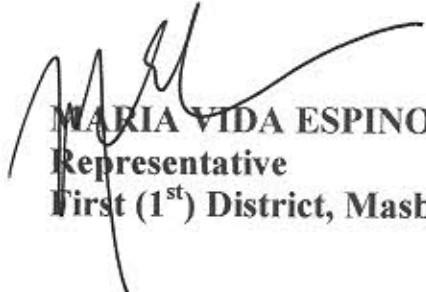
Moreover, under the proposed measure, no court, except the Supreme Court, shall issue any temporary restraining order, preliminary injunction or preliminary mandatory injunction against the government or any of its officials or any person or entity acting under the government direction to restrain, prohibit, or compel the acquisition, clearance, and development of the right of way; and bidding or awarding of any transportation project identified by the President, among others.

The emergency powers to be given to the President are already a necessity given the gravity of the present traffic and transportation crisis that not only disrupts the mobility of our people and hamper the flow of goods and services, but also threatens the very viability of a convenient and healthy living in our metropolitan centers.

It is in this view that the immediate passage of the bill is earnestly sought.



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**Republic of the Philippines**  
**HOUSE OF REPRESENTATIVES**  
*Quezon City*

**SEVENTEENTH CONGRESS**  
**First Regular Session**  
**3442**  
**House Bill No. \_\_\_\_\_**

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**INTRODUCED BY REPRESENTATIVE**  
**MARIA VIDA ESPINOSA - BRAVO**

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**AN ACT**  
**GRANTING THE PRESIDENT OF THE PHILIPPINES**  
**SPECIAL POWERS NECESSARY AND PROPER TO**  
**EFFECTIVELY ADDRESS THE CURRENT CRISIS IN**  
**THE TRANSPORTATION SECTOR,**  
**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  
2   ‘Transportation Crisis Act of 2016’.

3       **SECTION 2.   *Declaration of Policy*** - It is hereby declared the policy  
4   of the State to:

- 5       a) To recognize the vital role of an efficient and reliable transportation  
6       system to the country’s economic development and thrust towards  
7       sustainable inclusive growth;
- 8       b) To recognize the severe traffic congestion in Metro Manila and other  
9       metropolitan areas in the country, shortage in mass transportation and  
10      lack of infrastructure that result to nationwide economic loss, as a  
11      crisis that needs an immediate remedy; and,

1 c) To adopt adequate and effective measures to promptly address the  
2 transportation crisis.

3 **SECTION 3. *Grant of Special Powers to the President of the***  
4 ***Philippines*** - The President of the Republic of the Philippines is hereby  
5 granted special powers to be able to urgently utilize the necessary  
6 government resources and exercise or employ executive actions and  
7 measures to address the transportation crisis.

8 The President may reform or harmonize national and local  
9 government projects and rationalize operational enforcement of traffic  
10 management plans and programs by governmental agencies that are directly  
11 or indirectly involved in transportation and traffic management to address  
12 the transportation crisis.

13 **SECTION 4. *Creation, Reorganization and Abolition of Offices*** -  
14 The President may abolish or create offices that are directly or indirectly  
15 involved in transportation and traffic management; split, group or merge  
16 positions; transfer functions, equipment, properties, records and personnel;  
17 and institute other related actions necessary to carry out the purposes herein  
18 declared.

19 Nothing in this section shall result in the diminution of the present  
20 salaries and benefits of the personnel of these agencies: *Provided*, That any  
21 official or employee of the concerned agencies who may be phased out by  
22 reason of the reorganization authorized herein shall be entitled to such  
23 benefits as may be determined by the Office of the President, in coordination  
24 with the Commission on Audit and the Civil Service Commission subject to  
25 existing laws.

1        **SECTION 5. *Appointment of a Transport Manager*** - The

2        President may designate and appoint a 'Transport Manager' tasked to  
3        address and avert the transport and traffic crisis, who may concurrently be  
4        the Secretary of Transportation or his designated representative, to exercise  
5        all powers and authority delegated by the President, including the  
6        extraordinary powers under this Act, to sufficiently and purposely discharge  
7        his duties and responsibilities for the soonest abatement of the crisis.

8        For the period of the emergency under this Act, the powers, authority  
9        and functions over land, air, and sea traffic management of the Metro Manila  
10       Development Authority (MMDA) under Republic Act No. 7924, of the local  
11       government units (LGUs) of Metro Manila and other metropolitan areas  
12       under Republic Act No. 7160, as amended, of the Philippine National Police  
13       (PNP), of the Land Transportation Office (LTO), of the Land Transportation  
14       Franchising and Regulatory Board (LTFRB), of the pertinent Departments  
15       or governmental agencies, shall be vested in the Transport Manager.

16       As such, the Transport Manager shall have the power to override  
17       MMDA or Metro Manila Council, LGU traffic and related ordinances,  
18       permits and licenses, including but not limited to those allowing the  
19       operation of public conveyances, parking of vehicles, operation of  
20       businesses, construction of structures, public utility vehicle terminals that  
21       impede traffic flow on major and secondary roads needed as alternate routes.

22       The Transport Manager shall however periodically coordinate with  
23       LGU executives and their officials and the private sector in the execution of  
24       traffic and transport plans, programs and measures; and may likewise enlist  
25       and deputize the traffic enforcement units of the MMDA, LGUs and

1 Highway Patrol Group (HPG) of the PNP and such other agencies as  
2 exigencies shall require.

3 **SECTION 6. *Formulation of Transport and Traffic Plans and***  
4 ***Programs*** - The President may formulate a holistic National Transportation  
5 System Plan consisting of long-term plans and programs for transport and  
6 traffic management that shall include the following:

- 7 a) Formulate necessary rules, regulations and standards to optimize all  
8 government infrastructure resources, such as the road system, airports  
9 and seaports, including regulated private toll roads, and ensure  
10 intermodal connectivity;
- 11 b) Prescription of rules, regulations and standards for large mixed-use  
12 property developments to ensure adherence to best practices for long-  
13 term sustainability, avoid disturbance to adjoining communities and  
14 public convenience, and minimize adverse environmental impact; and,
- 15 c) Implement rules, regulations and standards for a comprehensive  
16 roadmap for land and transportation development to promote urban  
17 area expansion to the North and South Areas outside of Metro Manila.

18 **SECTION 7. *Re-orientation of Traffic Management Units*** - The  
19 traffic enforcement units of the MMDA, PNP, participating LGUs,  
20 government agencies, and organizations shall reviewed, reformed, re-  
21 oriented and re-trained with focus on effectivity and efficiency, imposition  
22 of disciplinary measures, enhancement of compensation and benefits or  
23 rewards system.

24 Upon consultation with MMDA, PNP, LGUs and other concerned  
25 agencies, the Transport Manager shall create a Single Traffic Violation



1 Ticketing System for violation of traffic laws, rules and regulations to be  
2 implemented by all traffic enforcement units nationwide.

3       **SECTION 8. *Immediate Resolution of Transport and Traffic***  
4 ***Infrastructure Issues*** - In coordination with concerned government  
5 agencies, the Transport Manager shall resolve current issues and bottlenecks  
6 on transport and traffic infrastructure projects and programs, foremost of  
7 which are the determination of the common stations, extension and  
8 expansion of present operations and construction of new bus and railway  
9 transit systems.

10       **SECTION 9. *Power to Exercise Eminent Domain*** - Whenever  
11 necessary, the President shall have the power to acquire real property needed  
12 as right-of-way site or location for any government transportation  
13 infrastructure through expropriation with payment of just compensation,  
14 negotiated sale, donation, or any other mode of acquisition as provided for  
15 by law. This power shall include the power to open private roads for public  
16 use or under a toll system.

17       **SECTION 10. *Exemption from Procurement Rules*** - The  
18 President may waive the application of Section 10 of Republic Act No.  
19 9184, or the 'Government Procurement Reform Act', in entering into  
20 transport and traffic infrastructure service and supply contracts. He can  
21 resort to any of the alternative methods of procurement defined in RA 9184:  
22 *Provided*, that any agreement entered into shall not be grossly  
23 disadvantageous to the government.

24       **SECTION 11. *Exemption from Injunctions*** - No court, except the  
25 Supreme Court, shall issue any Temporary Restraining Order (TRO), Order,

1 Preliminary Injunction or Preliminary Mandatory Injunction against any  
2 executive decisions and actions in the implementation of this Act.

3 **SECTION 12. *Duration of Grant of Powers*** - The authority  
4 granted to the President under this Act shall subsist, be valid and effective  
5 for a period of two (2) years from the effectivity of this Act, unless sooner  
6 withdrawn by a resolution of Congress, without prejudice to rights and  
7 benefits that may have been vested, and culpabilities and liabilities that may  
8 have been incurred.

9 **SECTION 13. *Appropriations*** - The amount needed for the  
10 implementation of this Act shall be taken from the current fiscal year's  
11 appropriations of the MMDA, DoTr and its attached agencies.

12 In addition, funds for the implementation of any programs, activities  
13 or projects pursuant to this Act shall be included in the General  
14 Appropriations Act or in a Supplemental Appropriations.

15 **SECTION 14. *Preferred Source of Funds*** - Any plans, projects or  
16 programs to be implemented to achieve the objectives of this Act shall be  
17 sourced preferentially from an Official Development Assistance (ODA) as  
18 defined in Republic Act No. 8182, otherwise known as the ODA Act of  
19 1996.

20 **SECTION 15. *Oversight Committees*** - There is hereby created  
21 an Oversight Committee in each House of Congress to be composed of five  
22 (5) members each to be designated by the Senate President and the Speaker  
23 of the House of Representatives to monitor the implementation of this Act  
24 and the exercise of the authority granted hereunder.



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

3       **SECTION 16. *Report to Congress*** – The President shall submit a  
4       quarterly report to Congress on the implementation of this Act.

5       **SECTION 17. *Separability Clause***. - If any provision of this Act is  
6       declared invalid or unconstitutional, the other provisions not affected  
7       thereby shall remain in full force and effect.

8       **SECTION 18. *Repealing Clause***. - All laws, acts, decrees, executive  
9       orders, issuances, and rules and regulations or parts thereof which are  
10      contrary to and inconsistent with this Act are hereby repealed, amended or  
11      modified accordingly.

12      **SECTION 19. *Effectivity***. - This Act shall take effect after fifteen  
13      (15) days from its publication in at least two (2) national newspapers of  
14      general circulation

**APPROVED.**