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SENATE
P.S. Res 512

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Introduced by Senator Poe

RESOLUTION

URGING THE PROPER SENATE COMMITTEES TO REVIEW, IN AID OF LEGISLATION, EXISTING STATE POLICIES IN PROVIDING SAFETY OF COMMON CARRIERS, WITH THE OBJECTIVE OF RECOMMENDING A MORE EFFICIENT AND EFFECTIVE REGULATORY SYSTEM, A SUFFICIENT SAFETY POLICY AND A SPEEDY CLAIM PROCEDURE TO FURTHER PROTECT THE COMMUTING PUBLIC

Whereas, a common carrier owes its passengers the highest duty of care consistent with the practical operation of its conveyances;

Whereas, Article 1733 of Republic Act No. 386 or the Civil Code of the Philippines states that "Common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all the circumstances of each case";

Whereas, Article 1755 of the Civil Code also states that "A common carrier is bound to carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances";

Whereas, public transportation such as bus transit provides inter-city and intra-city connections and plays an important economic role by providing an affordable mode of transportation;

Whereas, On February 7 at 7:20 a.m., Florida bus with plate number TXT-872 operated by G.V. Florida Transport Inc. fell into a ravine in Sitio Pagang in Barangay Talubin in Bontoc, Mountain Province. The accident killed 14 people, including one Dutch and one Canadian national, and Filipino actor and comedian Arvin "Tado" Jimenez;

Whereas, the Land Transportation and Franchising Regulatory Board ruled that the mechanical failure and the driver's negligence led to the tragedy as the agency ordered a 30-day suspension of the operating franchise of more than 200 units of Florida Transport on February 10;

Whereas, in 2013, at least three major fatal bus accidents occurred: a speeding Don Mariano Bus Transit fell from Skyway in Taguig City on December 16, leaving 21 killed and 24 injured; a wayward Elena Liner bus rammed into another bus waiting at a loading bay on the EDSA southbound lane in Magallanes, Makati and plowed through a group of rush-hour commuters that killed six and injured 30 on November 14 ; and a Superlines bus was involved in an eight-vehicle smashup on a remote downhill stretch of a highway in Atimonan, Quezon province on October 19 that left 20 people dead and 54 others injured, including a baby girl;

Whereas, official government data compiled from the Department of Transportation and Communications, Land Transportation Office and the National Statistics office indicate that an estimated 31,672 road accidents occurred from 2009-2012, 4,679 of which were considered "fatal";

Types	2009	2010	2011	2012 (up to April)
Fatal	1,117	1,262	1,171	1,129
Non-fatal	7,570	6,480	8,111	4,904
Total	8,687	7,670	9,282	6,033
No. of vehicles involved	18,460	17,979	19,640	9,153

Whereas, common causes of accidents were traced to faulty brakes, human error and overspeeding;

Whereas, the Department of Health cited that road accidents were the 4th leading cause of death in the Philippines in 2008, due to fatigue as drivers try to reach their quota¹;

Whereas, the Metropolitan Manila Development Authority had proposed a "safety performance bond three times of the bus acquisition cost" to expedite the process for bus accident victims who are pressing claims against erring bus companies and to enforce discipline among bus drivers and operators²;

¹ <http://www.abs-cbnnews.com/nation/metro-manila/11/06/08/road-accidents-now-4th-leading-cause-death-doh>


² <http://newsinfo.inquirer.net/549467/heard-on-inquirer-radio-990am-mmda-chair-on-proposed-bus-safety-bond>

Whereas, as of the end of 2012, there were 8,077 bus franchises registered nationwide with a combined fleet of 26,483 units. In Metro Manila, there were 391 franchises covering a total of 5,342 units³;

Whereas, there is also a need to review the utilization of the Road Users Tax, also known as the Motor Vehicle Users Charge, as specific purposes for its use are mandated under Republic Act No. 8794 enacted in June 2000;

NOW, THEREFORE BE IT RESOLVED, as it is hereby resolved, that the proper Senate committees review, in aid of legislation, existing state policies with regard to providing safety of common carriers, with the objective of recommending a more efficient and effective regulatory system, a sufficient safety policy and a speedy claim procedure to further protect the commuting public.

Adopted,


GRACE POE

³ <http://newsinfo.inquirer.net/563997/in-the-know-metro-manilas-most-dangerous-buses>