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OF THE PHILIPPINES)
First Regular Session)



Senate
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SENATE
P. S. R. No. 532

RECEIVED BY: ja

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED RESTIVENESS OF CERTAIN STAKEHOLDERS IN THE TRUCKING INDUSTRY, OVER THE MMDA DAYTIME TRUCK BAN IN METRO MANILA; AND TO ENSURE THAT NO UNDUE DISRUPTION OF TRAFFIC IN METRO MANILA MIGHT BE CAUSED BY RESISTANCE TO THE BAN

WHEREAS, the Constitution, Article 2, Section 5 provides, "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, the same, Article 2, Section 25 states, "The State shall ensure the autonomy of local governments";

WHEREAS, Republic Act No. 7160, also known as the Local Government Code, Section 16 provides:

Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

WHEREAS, on 4 February 2014, the Manila City Council has issued Ordinance No. 8336, enforcing a truck ban from 5 a.m. to 9 p.m. every day, except on Sundays and holidays;

WHEREAS, for the next six months, trucks have a window of five hours from 10 a.m. to 3 p.m. to travel in Manila;

WHEREAS, the ordinance by the City of Manila applies to eight-wheel trucks and vehicles with gross weight above 4,500 kilograms;

WHEREAS, the ban exempts trucks carrying perishables and petroleum products, as well as vehicles used for government projects;

WHEREAS, the truck ban imposed by the City of Manila is a valid exercise of police power, which has been defined by the Supreme Court as the “state authority to enact legislation that may interfere with personal liberty or property in order to promote the general welfare”; police power is the power that flows from the recognition that *salus populi est supreme lex* (the welfare of the people is the supreme law);

WHEREAS, the scope of police power is ever-expanding to meet the exigencies of the times, even to anticipate the future where it could be done, provides enough room for an efficient and flexible response to conditions and circumstances thus assuming the greatest benefits¹;

WHEREAS, while police power rests primarily with the national legislature, such power may be delegated to the President, administrative boards, as well as to the lawmaking bodies of municipal corporations;

WHEREAS, Metropolitan Manila Development Authority (MMDA) chair Francis Tolentino urged truckers to support the modified truck ban policy, claiming that truckers now have a total of 13 hours to use the Manila roads after the Manila city government decided to allow a five-hour window period of 10 a.m. to 3 p.m.;

WHEREAS, Tolentino reportedly described the modification as a “win-win solution” for both the government and the truckers, and that the Philippine Ports Authority and Bureau of Customs are willing to adjust their daily operations to accommodate the truckers;

WHEREAS, the MMDA has implemented truck bans in Metro Manila, which achieved success; in December 2013, the MMDA Special Traffic Committee (STC) issued Resolution No. 4, extending the modified uniform truck ban regulation in Metro Manila for another six months, or from 6 January 2014 until 5 July 2014;

WHEREAS, the ban, which was first implemented from 7 December 2012 to 6 January 2013, was extended until 6 June 2013 and was further extended until 6 January 2014;

WHEREAS, the MMDA resolution bans trucks from plying the major thoroughfares of Metro Manila from 6 a.m. to 10 a.m. and 5 p.m. to 10 p.m., except Sundays and holidays;

WHEREAS, the STC has recognized the positive effects on vehicular traffic flow during the period when the truck ban was in effect;

WHEREAS, the resolution also cited the success of the modified truck ban implemented during the Asian Development Bank Summit in 2012;

¹ Goldenway Merchandising Corporation v. Equitable PCI Bank, G.R. No. 195540, 13 March 2013.

WHEREAS, according to the STC, the bulk and size of 39,543 trucks, when plying the roads of Metro Manila in large numbers, not only worsen traffic but also increase the risk of fatal accidents;

WHEREAS, Manila Vice Mayor Isko Moreno reportedly claimed that neighboring ports are underutilized and that the window period for trucks, which will last for six months, will allow neighboring ports – such as the ones in Batangas and Subic – to prepare for the increase in operations on their docks;

WHEREAS, the ban will also help ease traffic in light of the start of the Skyway Stage 3 project, which will affect Manila;

WHEREAS, European countries such as Germany, Austria, France, Switzerland, Denmark, Spain, Great Britain, Hungary Italy, Luxembourg, also impose driving restrictions for trucks travelling on their national highways;

WHEREAS, it was reported that on the first day of the city government's implementation of the expanded truck ban on Monday, 24 February 2014, traffic was light in the streets of Manila as truckers did not ply their routes as they had earlier threatened;

WHEREAS, the truckers, however, staged a mass action against the new policy, threatening the city government of Manila that they would continue their "truck holiday" if their appeal would be denied;

WHEREAS, the Penal Code, Article 286 (Grave coercions) penalizes any person who, without authority of law, shall, by means of violence, threats or intimidation, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong;

WHEREAS, the actions of the truckers in threatening the Manila government officials that they will continue with the "truck holiday" until their demands are met are indicative of grave coercion;

WHEREAS, vehicular traffic congestion has been a perennial problem of citizens living in Metro Manila; it has also spawned other problems such as noise pollution, air pollution, vehicular accidents, and monstrous traffic jams;

WHEREAS, it is therefore imperative for the State to devise ways to solve vehicular traffic congestion to improve the general welfare and the economy;

WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct the committee on local government to conduct an inquiry, in aid of legislation, on the reported restiveness of certain stakeholders in the trucking industry, over the MMDA daytime truck ban in Metro Manila; and to ensure that no undue disruption of traffic in Metro Manila might be caused by resistance to the ban.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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