



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 14
Wednesday, August 24, 2016

**SEVENTEENTH CONGRESS
FIRST REGULAR SESSION**

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CALL TO ORDER

At 3:14 p.m., the Senate President, Hon. Aquilino "Koko" Pimentel III, called the session to order.

PRAYER

Sen. Emmanuel "Manny" D. Pacquiao led the prayer, to wit:

PRAYER FOR THE SENATE

Lord God, the Father, Creator of heaven and earth, Creator of everything, in Jesus' Name:

We thank You and praise You today.

Thank You for Your goodness, for the inner strength and the courage through the power of Your Holy Spirit.

Thank You, Lord, for the divine wisdom, knowledge and understanding.

Lord God, teach us how to humble ourselves before You and before others. Grant us the desire to do what pleases You and guide us into all truth for the glory of Your Name. Bless all the people who are here today and make us a blessing to others.

Thank You for everything, for what You have done, and for what You are about to do in the future of this country, for without You we are nothing.

Thank You, Lord, that You have good plans for us, plans to prosper us and not to harm us, and plans to give us hope in the future.

We pray all these in the Mighty Name of the Lord Jesus Christ.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Atty. Lutgardo B. Barbo, called the roll, to which the following senators responded:

Angara, S.	Pacquiao, E. M. D.
Aquino, P. B. IV B.	Pangilinan, F. N.
Binay, M. L. N. S.	Pimentel III, A. K.
Drilon, F. M.	Recto, R. G.
Ejercito, J. V. G.	Sotto III, V. C.
Gatchalian, W.	Trillanes IV, A. F.
Gordon, R. J.	Villanueva, J.
Hontiveros, R.	Villar, C. A.
Lacson, P. M.	Zubiri, J. M. F.
Legarda, L.	

ps

With 19 senators present, the Chair declared the presence of a quorum.

Senators Cayetano, De Lima, Escudero and Honasan arrived after the roll call.

Senator Poe was on official mission as she was conducting “additional consultations with relevant stakeholders and ocular inspection of another transport infrastructure in connection with the conduct of the public hearing the next day by the Committee on Public Services which she chairs, on the emergency power bills” as indicated in the letter of her chief of staff dated August 24, 2016.

SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session to allow the members to greet Senators Sotto and Pangilinan on the occasion of their birthday.

It was 3:16 p.m.

RESUMPTION OF SESSION

At 3:18 p.m., the session was resumed.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 13 (August 23, 2016) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the following guests:

- Mayor Ezel Villanueva of Calamba, Misamis Occidental, and her husband, Dr. Junjun Villanueva;
- Tarlac City Mayor Ma. Cristina Angeles, together with Vice Mayor Genaro Mendoza and members of the City Council, namely, Councilors delos Reyes, Aguas, Quiroz, Diolazo, Rodriguez, Basangan, Go, and other municipal officials;
- Vice Governor Humerlito “Bonz” Dolor of Oriental Mindoro;
- Hon. Horacio Franco of the Provincial Board of the 4th District of Cebu; and

- Dr. Rene Catan, Cebu Provincial Health Officer.

Senate President Pimentel welcomed the guests to the Senate.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following Senate bills which the Chair referred to the committees hereunder indicated:

BILLS ON FIRST READING

Senate Bill No. 1057, entitled

AN ACT MAKING THE TERM OF OFFICE OF THE CHAIRMAN OF THE COMMISSION ON HIGHER EDUCATION (CHED) COTERMINOUS WITH THE APPOINTING PRESIDENT, AMENDING FOR THE PURPOSE SECTION 5 OF REPUBLIC ACT NO. 7722, OTHERWISE KNOWN AS THE “HIGHER EDUCATION ACT OF 1994,” AND FOR OTHER PURPOSES

Introduced by Senator Aquilino “Koko” Pimentel III

To the Committee on Education, Arts and Culture

Senate Bill No. 1058, entitled

AN ACT REMOVING THE ALLOWABLE SYSTEMS LOSS FROM PRIVATE UTILITY COMPANIES AND REDUCING THE CAP OF RECOVERABLE SYSTEM LOSSES OF RURAL ELECTRIC COOPERATIVES FROM FOURTEEN PERCENT (14%) TO FIVE PERCENT (5%), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7832, AS AMENDED BY SECTION 43(f) OF REPUBLIC ACT NO. 9136, AND REPUBLIC ACT NO. 8424, AS AMENDED BY REPUBLIC ACT NO. 9337, AND FOR OTHER PURPOSES

Introduced by Senator Emmanuel “Manny” D. Pacquiao



**To the Committees on Energy; Public Services;
and Ways and Means**

Senate Bill No. 1059, entitled

AN ACT PROVIDING FOR THE
PROTECTION OF THE RIGHTS OF
AIRLINE PASSENGERS

Introduced by Senator Emmanuel "Manny"
D. Pacquiao

**To the Committees on Public Services; and
Finance**

Senate Bill No. 1060, entitled

AN ACT PENALIZING THE DISSEMINA-
TION OF FALSE INFORMATION AS
TO THE PRESENCE OF BOMBS,
EXPLOSIVES AND OTHER INCEN-
DIARY DEVICES IN HIGH DENSITY
OR SENSITIVE PLACES AND PRO-
VIDING PENALTIES THEREFOR

Introduced by Senator Grace Poe

**To the Committee on Public Order and
Dangerous Drugs**

Senate Bill No. 1061, entitled

AN ACT ERADICATING ABUSIVE
CONTRACTUALIZATION
PRACTICES AND PENALIZING
EMPLOYERS AND CONTRACTORS
WHO COMMIT SUCH ABUSES, BY
AMENDING FOR THIS PURPOSE
BOOK THREE, TITLE TWO AND
BOOK SIX, TITLE I OF PRESIDEN-
TIAL DECREE NO. 442, OTHERWISE
KNOWN AS THE LABOR CODE OF
THE PHILIPPINES, AS AMENDED

Introduced by Senator Grace Poe

**To the Committee on Labor, Employment
and Human Resources Development**

Senate Bill No. 1062, entitled

AN ACT RESTRUCTURING THE INCOME
TAX IMPOSED ON INDIVIDUALS

AMENDING SECTION 24(A)(2) OF
THE NATIONAL INTERNAL REVE-
NUE CODE OF 1997, AS AMENDED,
AND FOR OTHER PURPOSES

Introduced by Senator Joel Villanueva

To the Committee on Ways and Means

Senate Bill No. 1063, entitled

AN ACT AMENDING SECTIONS 2 AND
3 OF REPUBLIC ACT NUMBER 8187,
OTHERWISE KNOWN AS THE
"PATERNITY LEAVE ACT OF 1995"
AND FOR OTHER PURPOSES

Introduced by Senator Joel Villanueva

**To the Committees on Labor, Employment
and Human Resources Development; and Civil
Service, Government Reorganization and Profes-
sional Regulation**

Senate Bill No. 1064, entitled

AN ACT PROVIDING FOR PARENTAL
LEAVE AND OTHER BENEFITS TO
WORKERS IN PRIVATE AND
PUBLIC SECTORS

Introduced by Senator Joel Villanueva

**To the Committees on Labor, Employment
and Human Resources Development; and Civil
Service, Government Reorganization and Profes-
sional Regulation**

Senate Bill No. 1065, entitled

AN ACT INSTITUTING BUDGET
REFORM THAT WILL ENSURE THE
EQUITABLE DISTRIBUTION OF
FUNDS FOR BOTH THE NATIONAL
AND LOCAL GOVERNMENT UNITS
FOR THE PURPOSE OF PROMOTING
LOCAL GOVERNMENT EMPOWER-
MENT IN ORDER TO ACHIEVE
INCLUSIVE GROWTH, APPROPRIAT-
ING FUNDS THEREFOR AND FOR
OTHER PURPOSES

Introduced by Senator Joel Villanueva



To the Committee on Finance

Senate Bill No. 1066, entitled

AN ACT PROHIBITING THE SALE OF TOBACCO PRODUCTS AND MANUFACTURE AND SALE OF OBJECTS IN THE FORM OF CIGARETTES, CIGARS, TOBACCO AND SIMILAR TOBACCO PRODUCTS TO MINORS AND FOR OTHER PURPOSES

Introduced by Senator Joel Villanueva

To the Committees on Health and Demography; and Trade, Commerce and Entrepreneurship

Senate Bill No. 1067, entitled

AN ACT GRANTING PRESIDENT RODRIGO ROA DUTERTE EMERGENCY POWERS, TO ADDRESS THE AIR TRAFFIC PROBLEM IN THE COUNTRY AND PRESCRIBING THE MEASURES NECESSARY TO CARRY OUT THE OBJECTIVES OF THE NATIONAL POLICY

Introduced by Senator Win Gatchalian

To the Committees on Public Services; and Constitutional Amendments and Revision of Codes

Senate Bill No. 1068, entitled

AN ACT INCREASING THE MINIMUM MONTHLY PENSION UNDER THE SOCIAL SECURITY SYSTEM, AMENDING FOR THE PURPOSE SECTION 12 OF REPUBLIC ACT NO. 1161, AS AMENDED, OTHERWISE KNOWN AS THE SOCIAL SECURITY ACT OF 1997

Introduced by Senator Sotto III

To the Committees on Government Corporations and Public Enterprises; and Labor, Employment and Human Resources Development

PRIVILEGE SPEECH OF SENATOR ZUBIRI

Availing himself of the privilege hour to speak on a matter of public interest, Senator Zubiri spoke on an issue affecting everyone — the traffic situation in Metro Manila, presenting his proposal for elevated walkways and bike lanes for safer and healthier citizens via an inclusive mobility scheme:

The full text of his speech follows:

Where does the traffic situation in Metro Manila stand?

A quick reply would be – it is always at a standstill! Levity aside, we can all relate to the traffic mess in Metro Manila that we have to deal with every single day. Words are not enough to describe our frustrations, our agony, how it increases our daily stress, and how it affects our lives, albeit negatively. Waze, the GPS-based navigation app, even tagged Metro Manila as having the “worst traffic on earth.” Still, that label pales in comparison to how Dan Brown described Manila as the “gates of hell,” in his novel *Inferno*, with our six-hour traffic jams, poverty, pollution, and sex trade.

For the record, here are the numbers for us to better understand the gravity of the situation.

There are now 2,317,204 registered vehicles in Metro Manila. This is 26.6% of the total registered vehicles in the country as of 2015. The vehicle density in Metro Manila is 3,643 per square kilometer, higher than Singapore at 1,360, Tokyo at 967, or New York City at 2,504 per square kilometer.

Metro Manila has a total road network of 4,755 kilometers. This road network is comprised of 1,032 kilometers of national arterial and secondary roads, and 3,723 kilometers of local roads. The ideal road network for our situation should be 8,000 kilometers, or almost double of what we currently have.

The volume of vehicles plying EDSA, one of our main thoroughfares, is 7,500 vehicles per hour in one direction, or 360,000 vehicles per day in both directions. Other estimates place it as high as 520,000 vehicles a day. Compare this to the vehicle capacity of EDSA, which is only 6,000 vehicles per hour or 288,000 per day in both directions – it is easy to see that EDSA carries vehicles way beyond its capacity every single day.

Of the total vehicles plying EDSA, 300,000 or 83% are private vehicles. Only 17% are public utility vehicles.



For mass rail transit, the number of commuters taking the rail on a normal week-day are the following: on LRT1, about 518,600 commuters, and its designed capacity is 560,000 per day; on LRT2, it is 212,000 daily commuters and its designed capacity is 472,000 per day; and MRT (Line 3) is supposed to service 570,000 commuters and its designed capacity is only 350,000 per day.

Of the 12 million Metro Manila population, 12.5 million trips are made daily, of which 17% are to and from work and 15% are to and from school. About 70% of these trips use public transport, of which 39% use jeepneys, 14% use the bus, and less than 9% account for rail system.

This grim picture of the horrendous traffic situation in the Metro brings me to an incident last July 25 when the nation was aghast to witness a viral video of another road rage victim. Biker Mark Vincent Garalde was shot in close range by a Hyundai Eon driver after a traffic altercation resulting in a fistfight. Vincent Garalde died instantly from multiple shots in his body. Another victim, Rosell, was also hit by a stray bullet and was seriously injured. The car driver was later identified as Vhon Martin Tanto, an inactive military reservist. Thankfully, after a few days, Mr. Tanto was arrested in Masbate and is now in jail facing charges.

I could not rest to let the issue go down as a simple traffic altercation which led to a violent death by a biker, someone who supposedly has a right to share the road with motorists. It cannot be just another number in the statistics of road rage incidents leading to death. There must be a deeper problem to this issue and it begs to be answered.

I realized that the bigger issue here is road sharing, respecting each other's right to use the road – motorists, bikers, pedestrians and PWDs alike. It is also about discipline, sensitivity, and consideration for others. We may take to task the LTO or LTFRB for not educating our drivers properly and for issuing drivers' licenses indiscriminately, even to psychotics and drug dependents. But that is another issue, deserving of another privilege speech.

But really, how safe, walkable and bike-able are our sidewalks in Metro Manila?

We see that our sidewalks, supposedly for pedestrians and PWDs, are narrow and crowded with vendors, parked vehicles, electric posts, and plant boxes. Pickpockets, snatchers, and robbers lurking for their next victims make our sidewalks unsafe for pedestrians and bikers

alike. In navigating our sidewalks, locals have a term for it - *"para kang nakikipag-patintero kay kamatayan, kung hindi sa mga snatchers at hold-uppers."* We can even make Olympic athletes for the hurdles event out of our Metro Manila pedestrians.

However, the non-motorized transport or NMT users such as bikers and pedestrians are still struggling to claim their own share in road space. Thus, there are those who advocate for the designation of a lane in our major roads for bikers and pedestrians. This is in line with the concept of inclusive mobility. If there is inclusive growth in the country's development goals, there is inclusive mobility in transport planning.

The Philippines' Inclusive Mobility Network, a multisectoral coalition of over 20 organizations and agencies, is advocating inclusive mobility in the country, defining inclusive mobility as "a transport system that works for the poor and vulnerable. To move around the city, every person should be able to carry himself, if not all the way, then part of the way. Everyone who can must walk, bike, commute and, only as a last resort, take the car."

With our roads becoming virtually the longest parking lots in the world, such clamor to designate a lane for bikers and pedestrians seems to be wishful thinking. We keep expanding our roads, many times even taking space from our sidewalks, with motorists as our primary consideration and with total disregard for non-motorized transport.

In the last APEC meeting in Manila, the Philippines was successful in pushing for the approval by the APEC Transportation Ministers of a framework that will promote inclusive mobility in the region to ensure that all sectors of society have access to safe and efficient transport systems.

The inclusive framework espoused by the Philippines is now covered by the Joint Ministerial Statement that will be the roadmap for the APEC to work on for the next two years.

In the joint statement, the APEC's transport ministers endorsed the initiative to create an inclusive mobility framework for the region, as "such would increase productivity and support acceleration of economic growth."

Under the Philippines' proposal, the inclusive mobility framework means that access to safe and efficient transport shall be provided for all sectors, especially the less privileged, persons with disability, women and children, and the elderly.

How then can we promote accessibility of our transport systems for non-motorized transport or pedestrians, bikers and even PWDs? How can we transform our cities into walkable and bike-able communities that promote safer and healthier mobility for our citizens? How can we implement inclusive mobility?

This brings me to a business trip I had in Shanghai, China where I saw elevated walkways interconnected to business districts, offices and shopping malls.

With our roads turning into a total gridlock many hours of the day, I believe that the elevated walkway, like the one in Makati, and bike lane are ripe for implementation in Metro Manila. This scheme will answer our inclusive mobility programs for the metro and other highly-urbanized cities in the country. It will promote health among citizens and provide a safer transport system for all.

For a start, we can put up several kilometers of this along EDSA, from the Ortigas business district to Ayala in Makati. I have actually discussed this idea with Secretary Tugade and he absolutely loved the idea. This is actually quicker to build than an elevated skyway. These elevated walkways and bike lanes can be interconnected with the existing footbridges in these commercial and business districts, providing a seamless, well-connected and accessible transport system. These elevated walkways should be covered or roofed to encourage people to use them even during the rainy season or under the midday sun. These should be well-lighted at night, and equipped with CCTVs and roving security.

This will provide our commuters with the option to use bikes to and from their offices or schools, or to walk if their destination is within walking distance, especially in between work hours if one is going to a meeting. This will make our cities and urban areas truly walkable communities. This can even become the main transport system for metro commuters when our streets are flooded during stormy weather or monsoon rains.

I understand that the City of Manila has been constructing several footbridges over its major intersections and commercial districts at no cost to the government. These footbridges are covered, equipped with CCTVs, and provided with security guards. We also have a similar system in the Makati Central Business District along Dela Rosa Street all the way to Greenbelt area. We used to have an office there and we used to utilize that walkway all the time, rain or

shine. So it shows that Filipinos would rather walk, similar to major, large and developed nations. With their penchant for healthy lifestyle, what they do is they walk to work or they walk back from work.

If we can widen these footbridges to accommodate bike lanes and stretch them along EDSA and other major thoroughfares, we can easily have a safe and efficient alternative mode of transport.

At this juncture, Senator Zubiri presented videos and slides on the engineering design of the proposed elevated sky bridges.

This is a picture of EDSA and we can put this, a bit larger walkway. In another picture, we will show you how it would be like on top of walkways. We have bike lanes going one way and another bike lane going the other way and people walking to and fro these elevated sky bridges.

I will not belabor the engineering design or budget for this program, as the government agencies concerned can provide them in hearings to be conducted. But I enjoin my distinguished colleagues to also bear in mind the debilitating economic cost of traffic in Metro Manila which, according to a 2012 JICA study, is about P2.4 billion daily. Former NEDA Secretary Balisacan actually pegs it at a conservative estimate of P3 billion daily in 2015.

With the enormity of the traffic problem in Metro Manila, and maybe soon in Cebu or Davao, solving it would require a multi-pronged or multi-disciplinary approach. Inclusive mobility through elevated walkways and bike lanes is my humble contribution to the discussion. I ask this august Body to join me in requesting our executive agencies to seriously consider this approach.

Maraming salamat at mabuhay po tayong lahat! Let us move forward to a healthier lifestyle and better mobility for our brothers.

INTERPELLATION OF SENATOR PACQUIAO

Senator Pacquiao noted that the bigger issue mentioned by Senator Zubiri was on road sharing and respecting people's right to use the road and that Senator Zubiri was proposing a space for motorists, especially bikers, and the designation of pedestrian lanes. But Senator Pacquiao expressed concern that the highways, which are already not enough to



accommodate the volume of cars traversing every day, would become more crowded and the lanes for vehicles would be reduced if a part of them would be allotted as bike lanes.

Agreeing with Senator Pacquiao's observation, Senator Zubiri said that precisely he was proposing the construction of elevated steel walkways and bike lanes.

Asked by Senator Pacquiao how long the proposed walkway would be, Senator Zubiri said that Monumento to Taft Avenue is a short distance of 22 kilometers requiring a travel time of only about 20 to 25 minutes using the bike lanes. He said that there are lightweight collapsible bicycles that could convert into backpacks that can be used in the elevated walkways.

Senator Pacquiao expressed his support for the proposal espoused by Senator Zubiri.

INTERPELLATION OF SENATOR SOTTO

Preliminarily, Senator Sotto stated that he drives himself to and from work every day and that as his passion, every now and then he would drive all the way from Pagudpud, Ilocos Norte to Matnog, Sorsogon.

Asked by Senator Sotto on the top two major reasons for the horrendous traffic in Metro Manila, Senator Zubiri said that the number one reason would be the volume of vehicles plying EDSA which stands at 400,000 vehicles everyday which is way beyond its carrying capacity of 250,000 vehicles. In addition, he said that more people use private vehicles not only because of the poor metro rail transit system but also because buses use the same road network as the cars, which is EDSA.

Senator Zubiri said that the second reason for the traffic problem is the lack of discipline on the part of both the public utility vehicle drivers and the commuting public.

Senator Sotto agreed with Senator Zubiri, in particular on the number two reason for the traffic problem which is the lack of discipline among drivers. He recalled that he used to have a television program called *Brigada Siete* where they showed how easy it was to acquire a driver's license in the Philippines that even a blind man could get a license because applicants for driver's license are not even required

to take real driver's examination. He said that he would venture to guess that if all the drivers in the Philippines would take a real driver's examination much like in the United States, 50% of them will not pass. He lamented that many Filipino drivers are incorrigible, unruly and delinquent.

As to the number one reason for the traffic problem, Senator Sotto pointed out that the side streets of Manila are almost impassable because of illegally parked vehicles, the reason why most motorists use EDSA instead of the side streets. He said from Jose Diokno Boulevard going to Libis, Quezon City through EDSA would take two or more hours because everyone passes there but passing through Gil Puyat or Taft Avenue and taking Jacinto Zamora Bridge or Nagtahan Bridge would only take about a little over an hour. He added that travel could even be faster if the roads are clear. He said that this is one area that should be looked into, in addition to Senator Gatchalian's bill proposing a "no-garage, no car" policy to help decongest the roads. He said that he would also propose that vehicles should not be allowed to park on major roads and side streets from six o'clock in the morning to ten o'clock in the evening as another way of decongesting Metro Manila roads.

Agreeing with Senator Sotto's observations, Senator Zubiri said that President Duterte himself has always been upset with LTO and LTFRB because of corruption in those agencies.

INTERPELLATION OF SENATOR HONTIVEROS

Referring to Senator Zubiri's statement that 26.6% of the total registered vehicles in the country as of 2015 are in Metro Manila, Senator Hontiveros asked whether it is a reasonable distribution to allow more than one-fourth of all registered vehicles in the Philippines to be in just one metropolis. Senator Zubiri replied that the reason for this imbalance could be the sheer number of people who live and do business in Metro Manila, noting that its daytime population is between 12 million to 16 million.

Asked if it was a fair observation that the vehicle density in the area at 3,643 per square kilometer is higher than Singapore, Tokyo and New York City when, in fact, they are as populous as Metro Manila, Senator Zubiri replied in the affirmative, explaining that people decide to buy cars, which are very

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affordable at present, because of the poor state of the country's mass transport system or the lack of it.

Senator Zubiri explained that in addition to improving the mass transport system, like adding more coaches to the MRT trains, fixing its lines and making it more convenient for the riding public, the people should be given the option to use elevated pedestrian lanes, and he believed that they would take this option to walk for a few minutes than waiting in the horrendous traffic for three hours.

Senator Hontiveros noted that Senator Zubiri's recommendations about the elevated walkways in addition to fixing the country's mass transport system were actually pointed out by Walden Bello and James Matthew Mirafior in a "Talk of the Town" piece published a few months back, specifically on the MRT problem.

She also noted that as Senator Zubiri pointed out, Metro Manila has a total road network of 4,755 kilometers, almost half of the ideal road network of 8,000 kilometers, thus, the need to address the capacity of road networks in the metropolis. She also acknowledged Senator Zubiri's call to reduce the vehicle volume on the road because as he earlier pointed out, at any one time, there are 7,500 vehicles plying EDSA per hour going in one direction and 360,000 vehicles per day in both directions, when the actual vehicle capacity of EDSA is only 6,000 vehicles per hour in one direction or 288,000 per day in both directions.

Senator Hontiveros further observed that for so long the focus has been on car ownerships and not enough on public transport riders, the walkers or the bikers when, in fact, the public buses have the lowest carbon footprint per person in any city compared to private vehicle owners and riders. Relative thereto, she noted that of the total vehicles plying EDSA, 83% are private vehicles and only about 17% are public utility vehicles.

Asked if there is a need to shift in favor of public utility vehicles or of walkers, Senator Zubiri replied that in countries like Singapore and Hong Kong, car ownership can be so expensive because of additional costs like taxes and permits, thus limiting the cars on the road. But he explained that some proposals that he presented to ease traffic are those that could be done without trampling on the human right to buy and utilize a vehicle. He hoped

that eventually innovative measures could be conceptualized so that people could be convinced not to use their cars. He cited London which imposes a heavy vehicle use tax, the reason why people opt to use the public transport network, specifically the London tube.

Senator Hontiveros agreed that the proposal does not look undemocratic or violative of human rights. She said that if the citizens would support it, then it would lead to a more healthful life and livable cities.

At this point, Senator Zubiri showed an actual picture of a major thoroughfare in Shanghai, China where the elevated portion is not a road network but a sky walkway which, if adopted in the Philippines and half of it is a biking lane, would be perfect in EDSA as it would not disrupt the traffic below.

Noting that 70% of daily trips are made to and from work and 15% to and from school, Senator Hontiveros asked on the feasibility of vehicle-sharing like carpooling. She said that since 70% use public transport, there should be incentives to improve the mass transport system. She commended Senator Zubiri for pointing out the bigger issue of road sharing and the different modes of road sharing that could be explored. She said that one of the most important concepts that was shared by Senator Zubiri was the concept of inclusive mobility in transport planning which is a transport system that works for the poor and vulnerable. She said that it is actually a call to all citizens to move towards mass transport and personal mobility or walking as part of the overall transport system in cities.

Senator Hontiveros said that she was looking forward to Senator Zubiri proposing the roadmap for the Philippines as part of the framework that was drawn by the APEC transportation ministers during the last APEC meeting in Manila.

Senator Zubiri lauded Senator Hontiveros for espousing healthy lifestyle. He explained that what was being promoted was not only an infrastructure development program but also a healthier lifestyle for Filipinos. He said that if the number of vehicles would be brought down, and more people would be encouraged to walk, to take the MRT, and public buses are converted into using LPG, LNG or electric buses are utilized, then the city would be cleaned from all the pollutants and healthier lifestyle would be promoted.



REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Sotto, there being no objection, the Chair referred the speech of Senator Zubiri and the interpellations thereon to the Committee on Public Services as the primary committee and to the Committee on Public Works as the secondary committee.

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

At this juncture, Senator Sotto acknowledged the presence in the gallery of Mayor Ronaldo Golez of Dumangas, Iloilo.

Senate President Pimentel welcomed Mayor Golez to the Senate.

PRIVILEGE SPEECH OF SENATOR EJERCITO

Availing himself of the privilege hour, Senator Ejercito delivered a speech on the railway system as a solution to the country's traffic problem.

Following is the full text of Senator Ejercito's privilege speech:

PH's SOLUTION TO TRAFFIC CONGESTION AND THE CATALYST FOR ECONOMIC GROWTH

In 2013, there was a single phrase that immortalized our hellish traffic and pollution situation. That phrase was "the gates of hell" that Dan Brown wrote of Manila. I remember how I felt insulted with that description of our capital. As a matter of fact, many of us took offense with that phrase that several of our officials had to be up in arms and told off Brown about it.

Unfortunately, that reference may have served as a predictive warning on our traffic situation. We have learned that in hell, there are various forms of senseless punishments, and somehow we cannot help but feel the same as going around Metro Manila. It is now a daily struggle to go to work or school, and to come back home. We dread being stuck in traffic because it feels like living in a realm of suffering wherein we are being punished for sins we do not know of.

But this is the new normal for us living in Metro Manila. Everyday, we sit in traffic for

hours. Monstrous jams are seen in major highways and roads such as EDSA, C5, SLEX, NLEX, and even roads in Cebu and other cities. Delivery trucks are visibly seen on standstill along their designated lanes, adversely affecting businesses and employment and disrupting the flow of cargo. Quality time with family is sacrificed as a result of long hours spent on the road. Everywhere we look, and at any time of the day, the traffic is just getting worse and feels like living closer at the hellish gates.

This road congestion can be mainly attributed to the influx of brand-new vehicles plying our streets. *Carmaggedon*, as it was aptly coined by social media. According to the Chamber of Automotive Manufacturers of the Philippines, Inc. or CAMPI, car sales in April 2016 reached 30,317 units, or 31% more than the car sales in May 2015.

This is a major problem. Our current infrastructure cannot cope with the thousands of cars being added on the road every month. The Metro Manila Development Authority (MMDA) cites, as mentioned by Senator Zubiri, that EDSA only has a 6,000 vehicle capacity per direction per hour. In their latest data taken just last month, EDSA presently accommodates 7,500 vehicles per direction per hour, or 25% more than its capacity.

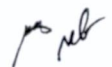
Because of the absence of a reliable mass transit system, people prefer using private vehicles to get to their destination. This compounds the traffic congestion, not just in EDSA and other major thoroughfares, but also in secondary roads.

What can we do to resolve this hellish traffic congestion? The solution is to improve our mass transportation system by pursuing a modernized and efficient railway system.

Mr. Gustavo Petro, the former mayor of Bogota, Colombia, said that "A developed country is not a place where the poor have cars. It's where the rich use public transportation."

This quote briefly explains our transportation goals. If we lay down the railway system, it will solve a lot of problems, not only congestion. It will spread out development to the countryside and, at the same time, bring down the cost of living of employees and the cost of transport of goods.

It is about time that we provided long-term traffic solutions and prioritized transportation projects that would occupy less space but can move more goods and more people. Traffic



congestion within Metro Manila and around other hubs is already an economic hemorrhage. This transportation crisis should be dealt with much urgency, time and resources as much as how we deal with other crises.

Present Situation

I have been vocal in sharing my advocacy of upgrading the railways across the country, particularly of the Philippine National Railway (PNR) in the last five years. Unfortunately, the same traffic and transport concerns that we had in 2010 when I was still a member of the House of Representatives remain unresolved up to this day, and the situation is much more aggravated. Now, traffic costs us at least not only P2.4 billion but probably about P3 billion daily.

Almost every day, we hear in the news interrupted Metro Rail Transit (MRT), Light Rail Transit or PNR operations due to mechanical hitches. Commuters had to endure long queues to buy their tickets and squeeze themselves in the wagons. Some trains were also derailed from the MRT and PNR tracks. In several cases, train passengers had to endure the worst breakdowns and were forced to walk along the railway tracks, even at six o'clock a.m.

All of these cases I cited are unacceptable. That is why I join our people in asking, "When will this suffering ever end?"

That is why imagine my joy when President Rodrigo Roa Duterte vowed that his first big project will be the railway system. In psychology, the first step to successful problem-solving is problem recognition, and this is the strength that we can draw from the new administration. President Rodrigo Duterte's and Secretary Arturo Tugade's eagerness and political will to resolve the transportation crisis may be the light at the end of this tunnel that we have all been looking for.

Recommendations

As vice chairperson of the Committee on Public Services, I would like to lay down some recommendations on how to resolve the transportation crisis.

One of the earliest measures I have filed this 17th Congress is Senate Bill No. 154 which seeks to grant special powers to the President to address the transportation crisis. I have also filed Proposed Senate Resolution No. 63 to probe on the distressing air traffic congestion in Ninoy Aquino International Airport (NAIA) which has caused inconvenience to travelers and has adversely affected tourism and huge

businesses in the country. Other related measures are the PNR Modernization Act and the Train Protection Act which I have pushed for in the 16th Congress and refiled in the current Congress.

Granting President Duterte emergency powers for two years is simply the tip of the iceberg. This is just to promptly resolve the worsening traffic congestion. My bill, the Transportation Crisis Act of 2016, seeks to reform the country's transportation sector in the long run through a comprehensive roadmap which shall reform national public transportation into an efficient, sustainable, safe, clean and integrated air, land, and sea transportation system.

While the administration is crafting plans to address the traffic, I urge the Duterte administration to start building as soon as possible infrastructures that would provide for a convenient, cost-effective, safe and reliable transportation system in Metro Manila and across the nation. This can be pursued through a modernized, efficient, and integrated or seamless railway system which shall serve as the backbone of our economy.

I believe there is no other way other than the railway system that we could address the traffic congestion and hasten the movement of goods and shipments in Metro Manila to other areas. Singapore has tried and tested the impact of investing on a modernized and efficient railway system. In a study tour in Singapore, officials of the Ministry of Transport have personally attested to me that it is only through a good railway system that their nation was able to resolve and rise above their transport problems. I dream of the same for our country.

Aside from rehabilitating the trains, upgrading the service and operations, fixing other infrastructures and facilities such as elevators, escalators and washrooms, and providing for additional wagons for the MRT, LRT, and PNR, the new administration also needs to give priority to major infrastructure projects such as the North-South Railway Project, and the Mindanao Railway Project. We already have the Japanese, Europeans and even the Chinese as willing foreign investors, and local contractors willing to start up the construction of the North-South Railway Project. Many of our Asian neighbors are also keen to invest on the Mindanao Railway. I trust that we are giving primacy to these projects that would surely bring in economic development since it is expected to lower the cost of movement of goods and to lower the cost of living not just in major cities but also in the countryside. It is about time that we distributed

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the concentrated economic growth across the nation which is the vision of President Duterte.

For the PNR, I am open to its temporary suspension of operations so that its train wagons and railroad tracks could finally be subjected to rehabilitation and modernization. To expedite the construction of the NSRP, I am also in favor of awarding contracts to several contractors so that simultaneous and round-the-clock work could be done by various firms and its completion would be at the earliest possible time.

By investing and establishing a national railway system that would serve as our primary transportation mode, the Duterte administration would also be changing the mindset of Filipinos, and even the government, about transportation. If we provide for an enticing public transport system, thousands of Filipino motorists may finally be converted into commuters. If we invest on using freight trains instead of massive trucks to transport goods and materials, the movement of goods will surely be quicker and more economical for businesses. Further, this will lessen the volume of trucks plying along major roads, and there will also be less mishaps in which speedy trucks are often involved. In these cases, we would be successful in terms of focusing on the movement of people and goods using less space.

Likewise, the government ought to consider rationalizing road investments and other infrastructures such as parking spaces and terminals. Once the railway system is integrated and efficiently working, we can again push for the establishment of public parking buildings in areas where there are nearby terminals and revive the park-and-ride system that we used to have.

Moreover, the government could also promote other alternative modes of public transportation such as expanding and developing the current operation of Metro ferries, and the use of a Bus Rapid Transit or BRT which was first introduced in Bogota, Colombia. According to studies, the BRT along EDSA could have as much as one million passengers the whole day.

To complete the transportation reform, I finally urge the Duterte administration to advocate and put forward a long-term Urban Master Plan that would intentionally transcend administrations for a minimum of 30 years. The goal is that whoever sits in Malacañang, this comprehensive blueprint would be implemented with the technical help of transport groups, interested private groups and individuals, and people's organizations. This may prove difficult,

but again it is possible if we are determined to achieve complete transportation reform.

Conclusion

Our serious transport problems need serious solutions. It is high time that we seriously developed our mass public transportation system and addressed our weakness in public infrastructure. As I have registered in the past, this is probably one of the reasons why our economy has not fully taken off in spite of the improvement of ratings and good perception towards the Philippines. Foreign direct investments continue to shy away because of our poor infrastructure.

Let me reiterate that an efficient, reliable, cost-effective, environment-friendly and modern railway system that would move people and transport goods can be the catalyst for economic growth. Definitely, the railway system will cost us a lot of money and investment, but the returns to the economy will be enormous. It will stimulate and spread out development to the countryside. The railway system will eventually become the backbone of our economy.

We are now again being challenged to take the necessary steps to improve our quality of life. Let us grab this rare opportunity that the new administration is giving us. As servants of our people, let us not fail them in our collective march towards progress and development.

INTERPELLATION OF SENATOR VILLANUEVA

At the outset, Senator Villanueva commended Senator Ejercito for calling the attention of the Body to the importance not only of the transportation system of the country but, more importantly, of the railways, citing, for instance, Phase 1 of the railway system from Caloocan to Malolos City and Phase 2 from Malolos City to Clark. He then inquired if granting powers to President Duterte would have huge positive effect, especially in terms of expediting the improvement of the country's railway system.

Senator Ejercito affirmed, saying that the transportation crisis is the reason behind the bill granting President Duterte emergency powers. He said that while he does not want to use the word "crisis," the country is admittedly already choking with the traffic problem. He pointed out that with vehicle sales roughly at 25,000 units a month, or about 300,000 new vehicles a year flooding the streets, the country would be choking and would

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not be moving in a few years' time. He noted that traffic was not as bad in 2010 as it is at present.

Senator Ejercito underscored the need for Congress to act fast because the development of the railway system has long been overdue. He explained that the special emergency powers would give the President the authority to waive some provisions of the Government Procurement Reform Act on the condition that all transactions, projects and everything connected to it will be FOI-compliant for check and balance.

Moreover, Senator Ejercito lamented that whenever there are big projects that are bidded out, the losing bidders more often than not would file cases or seek court injunctions, delaying, in the process, the implementation of these projects. Thus, he explained that under the proposed emergency powers act, which would only be for two years, big projects would be exempted from injunctions, unless when such injunctions are issued by the Supreme Court itself, so that they could proceed smoothly.

Senator Villanueva recalled that during the public hearing, it was agreed that the exercise of emergency powers should not only be FOI-compliant but also fiscally responsible. He then asked Senator Ejercito if he has an idea as to when Congress would be able to pass the proposed emergency powers act.

Senator Ejercito informed the Body that during the hearing on the PNR, Transportation Undersecretary Noel Kintanar stated that the Phase 1 railway from Manila to Malolos would probably be completed by 2021; however, the Committee reminded Undersecretary Kintanar that the emergency powers were meant to move the project faster and would only be good for two years. He said that the Committee was hoping that the project would be completed by 2020 even as it has to address the right-of-way problems in Bulacan. He expressed hope that with the emergency powers, Phase 1 would be done expeditiously.

Likewise, he informed the Body that the Mindanao railway would be built simultaneously with the Manila-to-Malolos line, and that the NEDA was also proposing the construction of the Digos-to-Davao line. He believed that the government should not only consider traffic but also the economic factor in transporting goods. He hoped that the Manila-to-Malolos commuter line would be completed between 2020 to 2021.

Senator Villanueva agreed that having a railway system at the outskirts could decongest the city and companies could relocate to places like Visayas and Mindanao.

Senator Ejercito replied that the Iligan-Cagayan de Oro-Butuan-Davao railway would be the government's priority. He opined that the loop would be more practical because the major economic activities in Mindanao would be undertaken in those areas.

Lastly, Senator Villanueva pointed out that constructing railways will not only promote economic growth in the area but will also generate employment. He then expressed his full support for the grant of emergency powers to the President as well as for the urban master plan. He said that he was glad to hear that the transportation department would pursue its 30-year blueprint for the transport system. He added that it was about time that Congress took the matter into serious consideration.

INTERPELLATION OF SENATOR DE LIMA

Senator De Lima stated that the proposal to grant emergency powers to the President has very good and compelling reasons given the enormity of the traffic problem especially in Metro Manila.

Adverting to Senator Ejercito's measure seeking to rehabilitate the Philippine National Railways (PNR), Senator De Lima stated that she too filed a similar bill because growing up in Bicol, she used to ride the train when travelling to Manila. She believed that the rehabilitation of the PNR would greatly benefit not only Bicol but also the other provinces where the railway would pass. Asked to cite his specific proposals that are contained in his bill calling for the rehabilitation of the PNR, Senator Ejercito confirmed that he filed a bill seeking to rehabilitate the PNR. He pointed out that the only asset left with the PNR is its right-of-way which, if not harnessed, would immediately fall into the hands of illegal settlers. He said that he was elated upon knowing that Senator De Lima also filed a similar bill, noting that the sad state of the railways prevented development from reaching the Bicol region which is considered one of the poorest provinces despite its rich natural resources. He believed that Bicol was left behind in terms of economic progress because of limited transport system, saying that with the passage of the bill into law, development could finally reach Bicol, not only to serve the commuters but also to achieve the vision of

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the transport system which is to become the backbone of the economy.

Saying that the proposal to rehabilitate the PNR would cost the government billions of pesos, Senator De Lima proposed that the project go through a Public-Private-Partnership (PPP) agreement. Senator Ejercito agreed that the initiative would be costly, but he said that he was looking at three possible ways to fund the project: through a PPP agreement as the first option, the second could be a government-to-government scheme, and the most feasible could be a hybrid PPP in combination with ODA financing given its very cheap interest rates. He clarified that the PNR would not be a money-making business but a railway system that would be of service to the people and that even if it would cost much, the returns would still be enormous. He said that the railway system would still be maintained and operated by the government.

Senator De Lima stated that while she supports the proposal to grant emergency powers to the President, it would be a matter of getting into the specifics on the part of the concerned agencies, particularly the Department of Transportation, to make sure that they are in line with the purpose of relaxing certain provisions or certain requirements of the law, for instance, the Procurement Law. Also, she said that she wanted to ensure the propriety of the period within which to exercise the special emergency powers.

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Sotto, there being no objection, the speech of Senator Ejercito and the interpellations thereon were referred to the Committees on Public Services; and Public Works.

COAUTHOR


With the concurrence of Senator Trillanes, Senator Sotto manifested the coauthorship of Senator Villanueva to Senate Bill No. 574.

ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Tuesday, August 30, 2016.

It was 4:43 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate
Barbo *ms* *pk* *AS* *Barbo*

Approved on August 30, 2016