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SENATE

Senate Bill No. 775

RECEIVED BY: _____

Introduced by Senator FRANCIS N. PANGILINAN

AN ACT
PROVIDING FOR A MAGNA CARTA FOR DIGNIFIED COMMUTING,
CREATING THE NATIONAL OFFICE OF COMMUTER AFFAIRS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Mobility, or the ability of a person to travel from one place to another to conduct daily and extraordinary activities or business, is a fundamental human need. Without mobility, persons cannot access basic necessities, such as food, water, healthcare, education, and livelihood opportunities.

Unfortunately, Filipinos have long suffered mobility issues from severe traffic congestion to lack of adequate, affordable, safe, and alternative public transportation services. In a 2017 study done by the Boston Consulting Group, Metro Manila commuters and motorists spend an average of sixty-six (66) minutes daily stuck in traffic – third worst in Southeast Asia. According to the Japan International Cooperation Agency, the country is losing at least PhP3.5 billion daily due to traffic congestion in Metro Manila and surrounding areas.

In solving the country's mobility issues, the government should focus on improving public transportation services and promoting the use of active transport, e.g., walking and biking.

Current road and mobility infrastructure does not promote the use of public transportation services and active transport. Commuters who travel using public transportation services and active transport comprise 70% of the total trips in Metro Manila, but are only given 20% of road space.¹ The remaining 80% of road space are occupied by private motorized vehicles, comprising of only 30% of the total trips in Metro Manila.² Persons-with-disabilities are also rarely considered in road infrastructure.

The safety of commuters is also constantly in peril. According to a 2016 Philippine Statistics Authority study, at least 32% of deaths are due to road crashes, majority of the victims of which are pedestrians. In addition, due to the boundary or commission-based revenue system in place, drivers of buses and jeepneys have unsafe driving practices because they are competing with each other for passengers.

¹ Regidor, J. F., & Javier, S. D. (2015). *The Philippines. A Study of Long-Term Transport Action Plan for ASEAN*.

² *Id.*

Lastly, commuters also suffer from worsening air quality. According to the World Health Organization, there were about 45.3 deaths per 100,000 individuals due to outdoor air pollution in the Philippines, ranking third worldwide.

This bill seeks to recognize, guarantee, and enforce the right of each person, especially of commuters who rely on public transportation services and active transport in their daily lives, to travel safely, conveniently, reliably, affordably, and with dignity. This shift to a more sustainable transportation policy shall provide safe access and mobility to all, promote economic development, preserve the environment, and ultimately uplift the lives of all commuters.

In view of the foregoing, the immediate approval of this measure is earnestly sought.

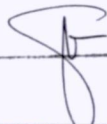


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AN ACT
PROVIDING FOR A MAGNA CARTA FOR DIGNIFIED COMMUTING,
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APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

I
General Provisions

SECTION 1. *Short Title.* – This Act shall be known as “The Dignity in Commuting Act.”

SEC. 2. *Declaration of Policy.* – Recognizing that mobility is a fundamental human need, it is hereby declared the policy of the State to guarantee and protect the right of each person to travel safely, conveniently, reliably, affordably, and with dignity. The State recognizes that mobility is indispensable for persons to enjoy fundamental freedoms and access work opportunities and basic services, such as health and education.

The State shall afford protection to commuters, and assure mobility of people of all ages, physical ability, gender, and economic status. The State shall protect the welfare of commuters at all times, especially in decisions related to the provision of mobility infrastructure and transportation services.

II
Definition of Terms

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *“Active Transport”* shall refer to non-motorized means of travel, including walking or using a bicycle;

(b) *“Activity Center”* shall refer to an area in a city or municipality where people gather regularly for work, worship, education, social events, trade, exercise, leisure, or other similar activities;

(c) *“Advance Notice”* shall refer to the provision of early information regarding any consultation with stakeholders at least ten (10) working days prior to such consultation;

(d) *“Commuter”* shall refer to a person who needs to travel from one place to another, often using a combination of transportation modes;

(e) *“Greenway”* shall refer to a road, street, or path with ample greenery and shade where private motorized transport is not allowed, that also serves as recreational space or a public park in order to welcome and encourage environmentally sustainable transportation modes, especially walking and cycling;

(f) *“High-Volume Transport Corridor”* shall refer to walkways, paths, roads, bridges, streets, or mass transportation terminals where the flow of people is at least 2,000 persons per hour per direction during peak travel periods;

(g) *“Local Office”* shall refer to the Local Office of Commuter Affairs in each city or urbanized municipality;

(h) *“Micro Mobility”* shall refer to travel using electronic or non-motorized vehicles weighing not more than 100 kilograms;

(i) *“Mobility”* shall refer to the ability of a person to travel from one place to another to conduct daily and extraordinary activities and business;

(j) *“Mobility Infrastructure”* shall refer to physical facilities, such as foot paths, bicycle lanes, roads, public utility vehicle (PUV) loading/unloading bays, PUV terminals, and public transport systems, that support and enhance a person’s mobility;

(k) *“National Office”* shall refer to the National Office of Commuter Affairs;

(l) *“Passenger”* shall refer to persons who avail public transportation services;

(m) "*Private Motorized Transport*" shall refer to travel using motorized vehicles weighing more than 100 kilograms;

(n) "*Public Transport*" shall refer to travel using public transportation services;

(o) "*Public Transportation Service Drivers*" shall refer to persons who operate public transportation vehicles;

(p) "*Public Transportation Services*" shall refer to public sector and franchised private sector services that transport people over land or water, including jeepneys, PUVs, buses, minibuses, railways, ferries, taxis, and tricycles;

(q) "*Public Transportation Service Terminals*" shall refer to areas where passengers (i) board and disembark public transportation vehicles, or (ii) purchase tickets for public transportation services;

(r) "*Public Transportation Service Vehicles*" shall refer to the vehicles used to provide public transportation services to the public;

(s) "*Transport Operators*" shall refer to persons or entities who provide public transportation services to the public;

(t) "*Urbanized Municipality*" shall refer to a municipality in the Philippines where the aggregate area zoned as residential, commercial, or industrial exceeds forty percent (40%) of the total land area of the municipality; and

(u) "*Vulnerable Road Users*" shall refer to students, senior citizens, and persons with disabilities.

III Office of Commuter Affairs

SEC. 4. *National Office of Commuter Affairs.* – To administer and implement the provisions of this Act, and to monitor and ensure compliance of the country with international standards set for mobility, there is hereby created the National Office of Commuter Affairs under the Department of Transportation (DOTr), which shall have the following functions:

(a) Coordinate with the respective government agencies dealing with road, rail, air, and maritime transportation policy to ensure the safe, efficient, and comfortable travel of commuters;

(b) Operate help desks for commuters;

(c) Assist commuters whenever the safety and efficiency of travel is compromised;

(d) Undertake massive information dissemination campaigns on commuter education;

(e) Ensure legal assistance for commuters, when necessary; and

(f) Ensure adequate representation of commuters in any public consultation that will impact their welfare and interest.

The National Office shall be under the direct supervision of an Assistant Secretary.

SEC. 5. *Local Office of Commuter Affairs.* – To administer and implement this Act in the local level, each city and urbanized municipality shall establish its own Local Office of Commuter Affairs, which shall be under the direct supervision of the city or municipal administrator.

IV Rights of Commuters

SEC. 6. *Right to Adequate Public Transportation Services.* – The State shall ensure that adequate public transportation services are available to meet the needs of commuters. For purposes of this Act, public transportation services shall be considered adequate when:

(a) Public transportation service vehicles are:

i. sufficient in quantity and frequency, to ensure that commuter waiting time at stops and terminals does not exceed ten (10) minutes even during peak demand periods;

ii. accorded priority in the use of road space and traffic signal operations, to ensure that commuters are able to traverse fifteen (15) kilometers within one (1) hour, including all scheduled stops; and

1 iii. designed to accommodate all persons, including those with disabilities
2 or special needs;

3 (b) Public transportation service terminals and stops are:

4 i. available within five hundred (500) meters from any residence or activity
5 center;

6 ii. connected to another public transportation service terminal within three
7 hundred (300) meters to promote seamless connectivity of travel; and

8 iii. properly equipped, adequately sized, well maintained, and designed to
9 promote commuter safety and comfort and accommodate all persons,
10 including persons with disabilities or special needs.

11 **SEC. 7. *Right to Affordable Public Transportation Services.*** – The State shall
12 ensure that public transportation services are affordable to the general public.

13 Vulnerable road users shall continue to benefit from concessional or discounted
14 fares, as provided for by law.

15 The State shall promote the use of public transportation services by providing
16 financial and non-financial incentives to ensure that it is more economical for
17 commuters to use public transportation services more frequently than to use private
18 motorized transport.

19 **SEC. 8. *Right to Alternative Public Transportation Services.*** – When public
20 transportation services are deficient, the State shall provide alternatives to ensure the
21 mobility of the people, including the use of public resources, such as government-
22 owned vehicles, and through State charter or lease of private vehicles.

23 **SEC. 9. *Right to Road Safety.*** – The State shall ensure that road crashes are
24 eliminated. The DOTr, through the National Office, shall implement a comprehensive
25 road safety program and shall implement the activities under the five pillars of the
26 Philippine Road Safety Action Plan, namely: Road Safety Management, Safer Roads,
27 Safer Vehicles, Safer Road Users, and Post-Crash Response.

1 The State shall also promote safe and efficient driving behavior by public
2 transportation drivers through mandatory training programs and more stringent
3 licensing. The National Office, in coordination with the Land Transportation
4 Franchising and Regulatory Board (LTFRB), is hereby mandated to monitor the location
5 and speed of public transportation vehicles, and the status of their public transportation
6 drivers in real time, by requiring the installation of electronic vehicle tracking devices
7 and CCTVs. The State shall repeal all laws, rules, and regulations which incentivize
8 public transportation drivers in relation to ridership or fare revenue, to eliminate
9 dangerous on-street competition and behavior among public transport drivers.

10 **SEC. 10. *Right to Proper Mobility Infrastructure.*** – The State shall provide proper
11 mobility infrastructure to promote the welfare of commuters. In all renovations of
12 existing infrastructure or construction of new infrastructure, the improvement of travel
13 time impact on public transport service users, cyclists, and pedestrians shall be
14 prioritized.

15 Road infrastructure shall be designed and engineered to ensure the safety and
16 access of non-motorized commuters, as well as the disadvantaged or vulnerable groups.
17 Every road where a speed limit of over 20 kilometers per hour (kph) and under 60 kph
18 is imposed shall feature an unobstructed walking path at least 2.5 meters wide in each
19 direction. Every road where a speed limit of over 60 kph is imposed shall feature
20 dedicated bike lanes wide enough to accommodate at least two bikes.

21 The State shall develop adequate sidewalks and bicycle lane networks that
22 encourage active transport and provide safe and direct access to priority destinations,
23 such as housing, schools, business centers, and public transportation terminals. Such
24 walking and cycling infrastructure shall be included in the Comprehensive Land Use
25 Plan of every city and urbanized municipality incorporated in the design and
26 implementation of road transport projects at national and local government levels.

1 The Local Office of a city or urbanized municipality shall ensure that each barangay
2 includes:

3 (a) safe, well-protected, and unobstructed community-wide foot paths, sidewalks,
4 and bicycle lanes, compliant with universal design guidelines, to enable travel around
5 the city or urbanized municipality entirely by foot, bicycle, or other forms of micro
6 mobility;

7 (b) networks of greenways to promote healthy commuting and encourage active
8 transport;

9 (c) proper lighting on all roads and footpaths to allow safe travel even after dark;

10 (d) tactile paving on sidewalks along high-volume transport corridors for the
11 benefit of blind pedestrians;

12 (e) bicycle racks in every public transportation terminal or stop and activity center
13 that can accommodate at least ten percent (10%) of its anticipated users; and

14 (f) safe intersections and pedestrian crossings, equipped with raised pedestrian
15 platforms, highly visible advance warning signages, adequate street lighting, mid-
16 crossing refuges, traffic calming, and curb outstands to reduce road pavement crossing
17 width.

18 The State shall require all government offices and buildings to be equipped with
19 shower facilities for commuter use. The DOTr, through the National Office, and the
20 Local Offices shall develop and support measures to incentivize the private sector to
21 include shower facilities in their respective activity centers.

22 **SEC. 11. *Right to a Fair Share of Public Road Space.*** – The State shall ensure that
23 public road space is efficiently used. Modes of transportation that move more people,
24 such as public transportation services, active transport, and micro mobility, shall have
25 priority over the use of road space.

Public road space and foot paths shall not be appropriated or acquired for parking, commerce, or other activities which restrict public use of, or access to, public roads.

SEC. 12. *Right to Breathe Clean Air During Travel.* – In line with the provisions of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, the State shall take measures to ensure that commuters are able to travel using public transportation services or active transport without compromising their health, by:

(a) strengthening enforcement measures for private motorized transportation and public transportation vehicles to comply with the emission standards set by the Department of Environment and Natural Resources and/or the LTFRB, whichever affords greater protection for clean air;

(b) measuring air quality along the major transport corridors in all cities and provide this information to the public in real time; and

(c) activating emergency procedures to reduce public exposure to emissions when air quality exceeds safe levels.

SEC. 13. *Right to Information for Efficient and Convenient Travel.* – The State shall provide timely and adequate information to commuters to enable them to develop safe, convenient, and efficient travel plans, including selection of transportation modes and routes, by:

(a) requiring all public transport services to prominently display route maps, fares, schedules, and real time vehicle location and availability, in all public transportation service terminals and other strategic locations;

(b) establishing technical standards and regulations for the display of street maps at strategic locations in each neighborhood;

(c) ensuring that all public transportation terminals, ports, and airports have a twenty-four (24)-hour information assistance counter to serve commuter needs; and

(d) ensuring the collection, processing, and availability to the public of data on mobility, including geo-referenced data on road crashes, air pollution levels, public transportation service travel times.

SEC. 14. *Right to Compensation for Public Transportation Service Breakdowns.* –

The State shall ensure that passengers are compensated in case of service breakdowns in public transportation services. During public transportation service breakdowns, transport operators shall:

(a) give passengers a full refund of the fare for the trip affected by the breakdown;

(b) assist the affected passengers in reaching their final destination;

(c) inform passengers how they will be redirected to their final destination; and

(d) provide food, water, ventilation, and access to waiting areas and bathrooms if the passengers are stranded for more than one (1) hour.

SEC. 15. *Right to Participation in Decision-Making Processes Involving Mobility and Public Transportation Services.* – The State shall consult commuters and consider their welfare and interest in all decision-making processes involving mobility and public transportation services by:

(a) giving commuters, including civil society organizations, advance notice which shall contain all relevant information on any proposed policy, regulation, project, or service affecting mobility at the local or national level;

(b) allowing commuters to comment and make suggestions on the proposed policy, regulation, project, or service, through official traditional and social media channels and other similar channels;

(c) responding to comments and suggestions from commuters within twenty (20) working days from receipt; and

(d) setting public consultation meetings at a time and place that will maximize participation from commuters.

V

Public Transportation Services and Infrastructure Plan

SEC. 16. *Public Transportation Services and Infrastructure Plan.* – Within one hundred eighty (180) days from the effectivity of the rules and regulations implementing this Act, in consultation with relevant government agencies, the National Office and Local Offices shall publish a Public Transportation Services and Infrastructure Plan, which should satisfy the evolving mobility requirements at the national and local levels, respectively. To ensure that these mobility requirements are kept up to date, the National and Local Offices shall publish an updated Public Transportation Services and Infrastructure Plan on or before December of each year.

The Public Transportation Services and Infrastructure Plan shall ensure that all the rights mentioned in Section V of this Act shall be enforced.

VI Miscellaneous Provisions

SEC. 17. *Implementing Agencies.* – In the implementation of the provisions of this Act, the DOTr shall lead and coordinate the implementation activities of the Department of Public Works and Highways, Department of the Interior and Local Government, Metropolitan Manila Development Authority, and concerned local government units.

SEC. 18. *Implementing Rules and Regulations.* – The DOTr, in consultation with the other implementing agencies and concerned agencies, civil society organizations, and stakeholders, shall promulgate the implementing rules and regulations within one hundred eighty (180) days from the effectivity of this Act.

SEC. 19. *Penalties.* –

(a) Any transport operator whose public transportation service terminals violate Sections 6(b)(iii), 13(a), and 13(c) of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) and suspension of the franchise for a period of one (1) year for the third and succeeding offenses;

(b) Any transport operator whose public transportation service vehicles violate Sections 6(a)(iii), 9, and 12 of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) and suspension of the franchise for a period of one (1) year for the third and succeeding offenses;

(c) Any transport operator or public transportation services driver who fails to honor concessional or discounted fares under Section 7, Paragraph 2 of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) and suspension of the franchise or driver's license for a period of one (1) year for the third and succeeding offenses;

(d) Any transport operator or public transportation services driver who fails to compensate commuters for public transportation service breakdowns under Section 14 of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) and suspension of the franchise or driver's license for a period of one (1) year for the third and succeeding offenses;

(e) Any public transportation service driver who engages in dangerous on-street competition and behavior under Section 9 of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) and suspension of the driver's license for a period of one (1) year for the third and succeeding offenses;

(f) Any person who appropriates or acquires public road space and foot paths for parking, commerce, or other activities which restrict public use of, or access to, public roads shall be fined One hundred thousand pesos (P100,000.00) for the first offense;

Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) for the third and succeeding offenses;

(g) Any registered owner of private motorized transport or public transportation service vehicles who fails to meet the emission standards referred to in Section 12 of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) for the third and succeeding offenses; and

(h) Any government official or employee who violates Sections 6, 7, 8, 10, 11, 12, 13, 14, and 15 of this Act shall be fined One hundred thousand pesos (P100,000.00) for the first offense; Two hundred thousand pesos (P200,000.00) for the second offense; and Five hundred thousand pesos (P500,000.00) for the third and succeeding offenses. In addition to these fines, an administrative complaint may also be filed against government officials or employees who violate this Act.

SEC. 20. Appropriations. – The initial amount necessary for the implementation of this Act shall be charged against the current appropriation of the DOTr: *Provided, That* the fines that may be collected in the enforcement of this Act shall be used exclusively for its implementation: *Provided, further, That* such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 21. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 22. Repealing Clause. – All laws, executive orders, administrative orders, and rules and regulations inconsistent with this Act, are hereby repealed or amended accordingly.

SEC. 23. Effectivity. -- This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,