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REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. No. 408

RECEIVED BY 

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT
AMENDING REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL
GOVERNMENT CODE OF 1991," BY EXPANDING THE SCOPE OF LOCAL
GOVERNMENT UNITS' POWER OVER LOCAL PUBLIC TRANSPORTATION
SYSTEMS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 25 of the Constitution mandates the State to "ensure the autonomy of local governments". This policy is echoed in Section 2(a) of the Local Government Code of 1991, which states that "the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources." Decentralization broadens the base of government power and produces a highly responsive and tailor-fit approach, which makes LGUs more effective partners of the national government in the pursuit of development and social progress.

Undoubtedly, development includes access to sustainable transportation and the freedom of movement. Mobility rights or the right to travel is both a basic human right and an enabling right. Access to social services and enjoyment of civil liberties are intricately tied with an individual's capability to move from place to place. The international community also recognizes this right. As a matter of fact it is part of the United Nation Sustainable Development Goal No. 11 to make cities and human settlements inclusive, safe, resilient and sustainable, and specifically Goal 11.2 which AIMS that by 2030, to provide access to safe, affordable, accessible and

sustainable transport systems for all, improving road safety, notably by expanding public transport. Property rights are affected by the ability to get to the workplace; the right to life may be jeopardized by a traffic jam en route to the hospital; inability to go to school interferes with a child's right to education. These are some of the mobility obstacles that impact the quality of life of citizens.

In a report by Numbeo, a crowd-sourced global statistics database, the Philippines placed ninth among 84 countries with the worst traffic in the world in 2020. The Philippines also placed worst in Southeast Asia. The report studied traffic situations in 84 countries with criteria ranging from CO2 consumption related to traffic, time consumed in traffic, time consumption dissatisfaction, and inefficiencies in the traffic system.

Since March 2022, when government eased quarantine restrictions in light of the drop in COVID-19 infections due to increased vaccinations, long traffic jams are back in Metro Manila and other urban areas in the country.

In light of the present traffic situation of the country, it is crucial to review the functions and capabilities of LGUs in addressing road congestion and creating balanced transport systems. Notably, LGUs not only possess a mastery of their own mobility demands but also institutional memory of local policies addressing local transport problems as well as local transport needs within their jurisdiction.

This bill aims to expand the powers of LGUs over transportation systems through loans, grants, capital investments, partnerships, and joint ventures with both private and public institutions or entities, whether domestic or international, without sovereign guaranty, for the conceptualization, establishment, operation, and maintenance of transportation systems in order to achieve sustainable traffic solutions and mobility similar to best practices in other countries for the creation of livable and sustainable smart cities. Considering the foregoing, the immediate enactment of this bill is respectfully requested.



FRANCIS "TOL" N. TOLENTINO

1 CONSISTENT WITH THE CONCEPT OF LIVABLE AND
2 SUSTAINABLE SMART CITIES, THROUGH LOANS, GRANTS,
3 CAPITAL INVESTMENTS, PARTNERSHIPS, AND JOINT
4 VENTURES WITH BOTH PRIVATE AND PUBLIC
5 INSTITUTIONS OR ENTITIES, WHETHER DOMESTIC OR
6 INTERNATIONAL, WITHOUT SOVEREIGN GUARANTY, FOR
7 THE CONCEPTUALIZATION, ESTABLISHMENT, OPERATION,
8 AND MAINTENANCE OF MODERN AND STATE-OF-THE-ART
9 MASS TRANSPORTATION SYSTEMS; *PROVIDED THAT,*
10 INTERCONNECTIVITY AND INTEGRATION WITH EXISTING
11 AND PROPOSED NATIONAL INTERMODAL
12 TRANSPORTATION SYSTEMS AS WELL AS THOSE OF OTHER
13 LOCAL GOVERNMENT UNITS SHALL BE CONSIDERED AND
14 CONSULTATIONS WITH RELEVANT NATIONAL
15 GOVERNMENT TRANSPORTATION AND PLANNING
16 AGENCIES SHALL BE CONDUCTED.

17 LOCAL GOVERNMENT UNITS MAY, THROUGH
18 APPROPRIATE ORDINANCES, CONSOLIDATE OR
19 COORDINATE THEIR EFFORTS, SERVICES, AND
20 RESOURCES IN THE IMPLEMENTATION OF PROJECTS
21 UNDER THE PROGRAM TO ENSURE THE ENHANCEMENT OF
22 OPERATIONAL EFFICIENCY, EFFECTIVE UTILIZATION OF
23 PUBLIC RESOURCES, REALIZATION OF PROJECT
24 OUTCOMES, AND STRENGTHENING OF MECHANISMS FOR
25 INTER-LOCAL COOPERATION. IN SUPPORT OF SUCH
26 UNDERTAKING, THE LGUS CONCERNED MAY CONTRIBUTE
27 FUNDS, REAL ESTATE, EQUIPMENT, AND OTHER KINDS OF
28 PROPERTY AND APPOINT OR ASSIGN PERSONNEL UNDER
29 SUCH TERMS AND CONDITIONS AS MAY BE AGREED UPON
30 BY THE PARTICIPATING LGUS THROUGH A MEMORANDUM
31 OF AGREEMENT.

1 Costs may also be charged for the delivery of basic services
2 or facilities enumerated in this Section.”

3 **Sec. 3. *Implementing Rules and Regulations.*** – Within sixty (60) days
4 from the effectivity of this Act, the Department of the Interior and Local
5 Government, in consultation with the Department of Budget and Management, the
6 Department of Transportation, the Department of Public Works and Highways,
7 Department of Finance, the National Economic and Development Authority, League
8 of Provinces, League of Cities, League of Municipalities, Liga ng mga Barangay and
9 other government agencies concerned, shall jointly promulgate the implementing
10 rules and regulations to effectively implement the provisions of this Act.

11 **Sec. 4. *Separability Clause.*** – If any provision of this Act is held
12 unconstitutional or invalid, the other provisions not otherwise affected shall remain
13 in full force and effect.

14 **Sec. 5. *Repealing Clause.*** – All laws, decrees, executive orders,
15 proclamations, and other executive issuances which are inconsistent with or contrary
16 to the provisions of this Act are hereby modified, amended, or repealed accordingly.

17 **Sec. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
18 following its publication in the *Official Gazette* or in a newspaper of general
19 circulation.

Approved,