


'11 JUL 25 P 7:00

SENATE
S. No. 2908

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Section 9, Article II of the 1987 Constitution states that *"the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all."* Further, Section 18 of Article II also states that *"the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."*

The transport sector, particularly the Public Utility Vehicle drivers continues to be one of the most neglected sectors in the country. For instance, most bus drivers and conductors plying in Metro Manila do not have basic daily wages and do not have an eight-hour working day. In fact, most of these drivers earn on a commission basis while some earn from a "boundary" scheme which only aggravates their poor working conditions.

According to a report from the Metro Manila Development Authority (MMDA), more than 6,000 passenger buses ply the roads in Metro Manila and at least 10 bus accidents occur every day in 2010. The Philippine National Police (PNP) also reported that traffic accidents from 2001 to 2006 were caused mainly by driver's error (26-28%), mechanical defect (12%), speeding (18%), and damaged roads (5%). (<http://bulatlat.com>) Indeed, it is timely and appropriate for the government to formulate and implement measures that will improve the working condition of PUV drivers.


This measure seeks to provide additional benefits and protection to all Public Utility Vehicle drivers to raise the standard of living of drivers and their families. As such, PUV drivers shall be covered in the Social Security System, the Philippine Health Insurance Corporation, the Home Development Mutual Fund and the Employees Compensation Commission. Livelihood and credit assistance will also be available to help augment their family income. PUV drivers will also be required to undergo continuing safety education and skills development training to enhance driving competencies and road safety rules. In view of the foregoing, immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

'11 JUL 25 P7:00

SENATE

S. No. 2908

RECEIVED BY: 

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AN ACT
PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION TO PUBLIC
UTILITY VEHICLE DRIVERS THROUGH THE IMPLEMENTATION OF A
COMPREHENSIVE ASSISTANCE PROGRAM

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

SECTION 1. Short Title. – This Act shall be known as the
“Comprehensive Assistance Program for Public Utility Vehicle Drivers Act.”

SEC. 2. Declaration of Policy. – It is the policy of the State to affirm labor
as a primary social force. It shall protect the rights of workers and promote their
welfare. As such,

SEC. 3. Coverage. – Article 82 of Presidential Decree No. 442 is hereby
amended to read as follows:

“ART. 82. Coverage. – The provisions of this Title shall apply
to employees in all establishments and undertakings whether for
profit or not, but not government to government employees,
managerial employees, field personnel, members of the family of
the employer who are dependent on him for support, domestic
helpers, persons in the personal service of another, and workers
who are paid by results as determined by the Secretary of Labor in
appropriate regulations. IT SHALL ALSO COVER PUBLIC UTILITY
VEHICLE DRIVERS.”

SEC. 4. Additional Benefits. – All Public Utility Vehicle drivers shall be
covered by the Social Security System (SSS), the Philippine Health Insurance
Corporation (PHILHEALTH), the Home Development Mutual Fund or PAG-IBIG
and Employees Compensation Commission (ECC) in accordance with the
guidelines and be entitled to all benefits provided by law.

The public utility vehicle operators are hereby mandated to pay the
equivalent amount of the monthly contribution paid for by the Public Utility
Vehicle drivers.

SEC. 5. Livelihood and Credit Assistance. - The Office of the Transport
Cooperative under the Land Transportation Office, in coordination with the
Cooperative Development Authority and other concerned agencies shall be

tasked to formulate and implement a comprehensive Livelihood and Credit Assistance Program for all Public Utility Vehicle drivers to improve their socio-economic condition.

SEC. 6. Continuing Safety Education and Skills Development Training. – The Technical Education and Skills Development Authority (TESDA), in coordination with the Department of Transportation and Communications (DOTC) shall undertake a Continuous Education and Skills Development Training Program for Public Utility Vehicle drivers to enhance their basic and advanced driving competencies, maintenance procedures, driving preparation and post-driving procedure, road safety rules and accident response procedure.

All Public Utility Vehicle drivers shall be required to undergo safety re-training every two years as a prerequisite in the renewal of driver's license.

SEC. 7. Appropriation. - Such sums as may be necessary for the initial implementation of this Act shall be taken from the current appropriations of the agency concerned. Thereafter, the fund to carry out the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

SEC. 8. Penalties. – Failure of the Public Utility Vehicle corporations and/or operators, including the President, Chief Operating Officer and the Board of Directors, to comply with the provisions, shall subject them to imprisonment of not less than six (6) months nor more than one (1) year or a fine of not less than Fifty Thousand Pesos (P50,000.00) not more than One Hundred Thousand Pesos (P100,000.00) without prejudice to any civil or administrative liability which may also arise therefrom.

SEC. 9. Implementing Rules and Regulations. – The Department of Transportation and Communications (DOTC) and the Department of Labor and Employment (DOLE), in collaboration with other government agencies charged with the implementation of the provisions of this Act shall, within a period of thirty days (30) days from the date of the effectivity of this Act, promulgate the necessary implementing rules and regulations.

SEC. 10. Separability Clause. – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 11. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SEC. 12. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,