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SENATE  
P. S. Res. No. 432

RECEIVED BY: *jc*

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Introduced by Senator Joseph Victor G. Ejercito

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**RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE IN AID OF LEGISLATION, TO INVESTIGATE THE INVOLVEMENT OF THE DON MARIANO TRANSIT CORP. IN VARIOUS ROAD ACCIDENTS IN METRO MANILA FOR THE END PURPOSE OF REVIEWING THE RULES AND REGULATIONS REGARDING THE PROCESS OF SUSPENSION AND CANCELLATION OF FRANCHISES OF COMMON CARRIERS INVOLVED IN ROAD MISHAPS**

**WHEREAS**, the 1987 Philippine Constitution, Article 2, Section 5 provides: "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

**WHEREAS**, on December 16, 2013, at around 5am Don Mariano bus fell off the Skyway near Bicutan while on its way to Pacita Complex, Laguna which caused the death of 22 passengers and around 20 injured;

**WHEREAS**, in an official list of the most dangerous buses in Metro Manila, based on accident reports submitted by all public utility buses and issued by the Land Transportation Franchising and Regulatory Board (LTFRB) covering the whole of 2010 and first half of 2011, Don Mariano Bus ranks number one in terms of accidents causing damage to properties.<sup>1</sup>

**WHEREAS**, Don Mariano Bus has not been removed from the list of the most dangerous buses. In fact, on July 4, 2012, one of its buses rammed the railing of EDSA-Ortigas flyover leaving at least five wounded.<sup>2</sup> On Aug. 5,

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<sup>1</sup> Most Dangerous Metro Manila Buses by Paolo G. Montecillo of Philippine Daily Inquirer; retrieve from <http://newsinfo.inquirer.net/547289/operator-of-bus-that-fell-off-skyway-was-on-2011-list-of-most-dangerous#ixzz2ndLx1pOt>

<sup>2</sup> Don Mariano Bus firm has history of accidents by Dharel Placido of ABS-CBNNews.com; retrieve from <http://rp2.abs-cbnnews.com/focus/12/16/13/don-mariano-bus-firm-has-history-accidents>

2012, a Don Mariano bus hit a motorcycle on the north-bound Magallanes flyover in Makati City, resulting in the death of the motorcycle rider;<sup>3</sup>

**WHEREAS**, the LTFRB also claim that they had received complaints that the Don Mariano Transit owner, Dr. Melissa Lim, also operates other bus companies, such as the Nova Auto Transport, which is also included in the list of the most dangerous operators because of the number of deaths and number of passengers injured;<sup>4</sup>

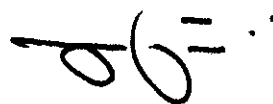
**WHEREAS**, under Article 1733 of the New Civil Code, Art. 1733, "Common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all the circumstances of each case";

**WHEREAS**, bus companies as common carriers must exercise extraordinary diligence required by law in ensuring the safety of the commuting public;

**WHEREAS**, despite the alarmingly recurring involvement of Don Mariano bus in fatal road mishaps, it continues to operate after only several days of suspension of its franchise;

**NOW THEREFORE, BE IT RESOLVED**, *as it is hereby resolved*, for the Senate to direct the proper committee in aid of legislation, to investigate the involvement of the Don Mariano Transit Corp. in various road accidents in Metro Manila with the end purpose of reviewing the rules and regulations regarding the process of suspension and cancellation of franchises of common carriers involved in road mishaps.

*Adopted,*



**JOSEPH VICTOR G. EJERCITO**  
Senator

<sup>3</sup> 22 killed, scores hurt as bus falls from Skyway by Florante Solmerin of Manila Standard Today; retrieve from <http://manilastandardtoday.com/mobile/2013/12/17/22-killed-scores-hurt-as-bus-falls-from-skyway/>

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