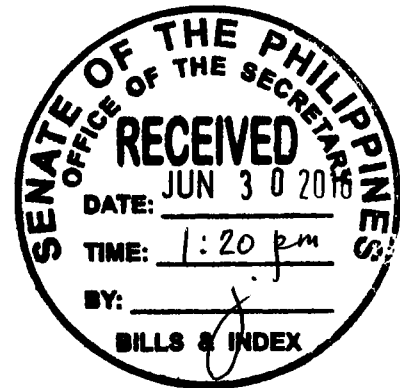


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S.B. No. 11

Introduced by Senator FRANKLIN M. DRILON

**AN ACT PROVIDING FOR EMERGENCY POWERS TO ADDRESS THE
TRANSPORTATION CRISIS IN URBAN AREAS**

EXPLANATORY NOTE

Urban areas in the Philippines are currently facing a different kind of crisis - a transportation crisis that, not only impedes the mobility of people, goods and services, negatively impacts the environment, and decreases road safety, but one that threatens the livability of our cities. A crisis that contributes to an estimated productivity loss of around PHP2.4 billion (\$54 million) a day or more than PHP800 billion (\$18 billion) a year.

The transportation crisis is brought about by unabated urbanization, exponential population growth and high economic development without the corresponding urban transportation infrastructure, quality public transportation services, cohesive traffic management, strong and central enforcement agency, and disciplined motorists.

The lack of transportation infrastructure development is attributed to many factors including slow and often long-drawn out infrastructure bidding process, indiscriminate issuance of Temporary Restraining and Injunction Orders against implementation of awarded projects, right-of-way constraints, among others.

On the other hand, our poor traffic management woes are mainly due to poor enforcement of traffic rules and the overlapping functions of government institutions like Department of Transportation (DOT) and its attached agencies Land Transportation and Fare Regulatory Board (LTFRB) and Land Transportation Office (LTO), Metro Manila Development Authority (MMDA) and local government units (LGUs).

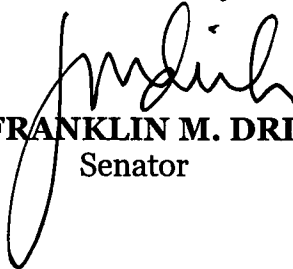
If the traffic congestion continues to be unabated, the traffic cost is expected to increase to P6 billion a day, from today's P2.4 billion.

It is imperative therefore to give the President of the Philippines

emergency powers to immediately address the crisis otherwise, its cost to the economy and environment, as well as to the functionality and livability of our cities will continue to hamper our overall growth and development.

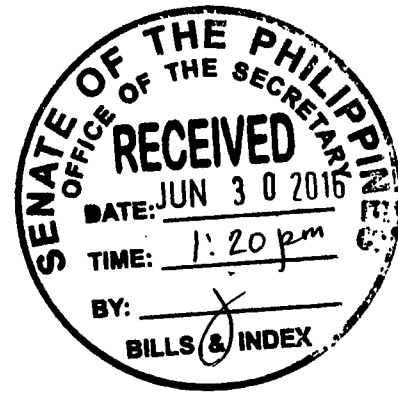
Consequently, the government must immediately implement sustainable transportation and traffic crisis intervention programs/projects such as adoption of intelligent transportation systems, road-based public transportation modernization, provision of adequate and functional road networks, railways, airports and ports. The proposal therefore is to empower the President of the Philippines to adopt alternative modes of procurement for the construction, repair, rehabilitation, improvement or maintenance of these projects. In addition thereto, it is likewise essential to have one central urban traffic authority that will strictly enforce traffic rules and implement transportation policies.

In light of the foregoing, the passage of this bill is earnestly sought.



FRANKLIN M. DRILON
Senator

SEVENTEENTH CONGRESS OF THE)
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SENATE

S.B. No. 11

Introduced by Senator FRANKLIN M. DRILON

**AN ACT PROVIDING FOR EMERGENCY POWERS TO ADDRESS THE
TRANSPORTATION CRISIS IN URBAN AREAS**

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

1 SECTION 1. *Short Title.* — This act shall be known as the "*Transportation*
2 *Crisis Act of 2016.*"

3 SECTION 2. *Declaration of Policy.* — It is hereby declared the policy of the
4 State to adopt adequate and effective measures that will immediately address the
5 transportation crisis that major Philippine urban areas such as Metro Manila,
6 Metro Cebu and Cagayan De Oro are experiencing.

7 SECTION 3. *Alternative Methods of Procurement.* — Pursuant to the
8 above policy, the President is hereby authorized to adopt the following alternative
9 methods of procurement for the construction, repair, rehabilitation,
10 improvement or maintenance of transportation projects aimed at the reduction of
11 traffic congestion in the Metro Manila and other urban areas as may be
12 determined by the President:

- 13 1. *Limited Source Bidding, otherwise known as Selective Bidding* - a
14 method of Procurement that involves direct invitation to bid from a
15 set of pre-selected suppliers or consultants with known experience
16 and proven capability relative to the requirements of a particular
17 contract;
18 2. *Direct Contracting, otherwise known as Single Source*

1 *Procurement* - a method of Procurement that does not require
2 elaborate Bidding Documents because the supplier is simply asked
3 to submit a price quotation or a pro-forma invoice together with
4 the conditions of sale, which offer may be accepted immediately or
5 after some negotiations;

6 3. *Repeat Order* - a method of Procurement that involves a direct
7 Procurement of Goods from the previous winning bidder,
8 whenever there is a need to replenish Goods procured under a
9 contract previously awarded;

10 4. *Shopping* - a method of Procurement whereby what is required is a
11 simple request for the submission of price quotations for readily
12 available off-the-shelf Goods or ordinary/regular equipment to be
13 procured directly from suppliers of known qualification; or

14 5. *Negotiated Procurement* - a method of Procurement that may be
15 resorted under the following circumstances:

16 a. In case of imminent danger to life or property during a state
17 of calamity, or when time is of the essence arising from
18 natural or man-made calamities or other causes where
19 immediate action is necessary to prevent damage to or loss
20 of life or property, or to restore vital public services,
21 infrastructure facilities and other public utilities;

22 b. Take-over of contracts, which have been rescinded or
23 terminated for causes provided for in the contract and
24 existing laws, where immediate action is necessary to
25 prevent damage to or loss of life or property, or to restore
26 vital public services, infrastructure facilities and other
27 public utilities;

28 c. Where the subject contract is adjacent or contiguous to an
29 on-going infrastructure project;

30 d. Purchases of Goods from another agency of the
31 Government; or

32 e. Other instances as the President may determine.

1
2 In all instances, the President shall ensure that the most advantageous price
3 for the Government is obtained and that the procedure is undertaken in a
4 transparent manner.

5 SECTION 4. *Prohibition on the Issuance of Temporary Restraining*
6 *Orders, Preliminary Mandatory Injunctions.* – No court, except the Supreme
7 Court, shall issue any temporary restraining order, preliminary injunction or
8 preliminary mandatory injunction against the government, or any of its
9 subdivisions, officials or any person or entity, whether public or private acting
10 under the government direction, to restrain, prohibit or compel the following
11 acts:

- 12 1. Acquisition, clearance and development of the right-of-way and/or
13 site or location of any transportation project identified by the
14 President;
- 15 2. Bidding or awarding of any transportation project identified by the
16 President;
- 17 3. Commencement prosecution, execution, implementation, operation
18 of any transportation project identified by the President;
- 19 4. Termination or rescission of any transportation project identified
20 by the President; and
- 21 5. The undertaking or authorization of any other lawful activity
22 necessary for any transportation project identified by the President.

23 SECTION 5. - *Urban Traffic Management Authority.* - Notwithstanding
24 Sections 16, 21, 129, and 458 of the Local Government Code and R.A. No. 4136, as
25 amended, Executive Order No. 202, as amended, and other pertinent laws and
26 regulations, the Metro Manila Development Authority (MMDA) and Department
27 of Transportation (DOT) shall be the urban traffic management authority in the
28 National Capital Region and other urban areas, respectively. Accordingly, MMDA
29 and DOT shall exercise the powers necessary, appropriate, or incidental for the
30 efficient and effective implementation of traffic crisis management programs and
31 projects.

- 32 1. The following functions shall be performed by MMDA for the

1 National Capital Region and DOT for the other urban areas:

- 2 a. Prescribe and regulate routes of service, economically viable
3 capacities and zones or areas of operation of public land
4 transportation services provided by motorized vehicles;
5 b. Issue, amend, revise, suspend or cancel Certificates of Public
6 Convenience or permits authorizing the operation of public
7 land transportation services provided by motorized vehicles,
8 and to prescribe the appropriate terms and conditions
9 therefor;
10 c. Determine, prescribe and approve and periodically review
11 and adjust, reasonable fares, rates and other related charges,
12 relative to the operation of public land transportation
13 services provided by motorized vehicles;
14 d. Issue, suspend and revoke driver licenses;
15 e. Issue, amend, revise, suspend and cancel permits
16 authorizing the operation of tricycles and other allowable
17 modes of transportation and to prescribe the appropriate
18 terms and conditions therefor;
19 f. Regulate the use of all national and local roads, alleys, parks,
20 or squares;
21 g. Regulate traffic within all national and local roads;
22 h. Regulate parking areas and prescribe the appropriate terms
23 and conditions therefor;
24 i. Formulate and implement transportation and traffic
25 programs and regulations.
26 2. The President is hereby empowered to reorganize the DOT, Land
27 Transportation Franchising Regulatory Board (LTFRB), Land
28 Transportation Office (LTO), and MMDA.

29 For this purpose, the President may abolish or create offices;
30 split, group, or merge positions; transfer functions, equipment,
31 properties, records and personnel; institute drastic cost-cutting
32 measures and take such other related actions necessary to carry out

1 the purpose herein declared. Nothing in this Section shall result in
2 the diminution of the present salaries and benefits of the personnel
3 of these agencies: *Provided*, That any official or employee of the
4 mentioned offices who may be phased out by reason of the
5 reorganization authorized herein shall be entitled to such benefits
6 as may be determined by the Civil Service Commission, with the
7 approval of the President.

8 3. During the period of the emergency, the Chairman of the MMDA
9 shall exercise all the powers and functions of the Metro Manila
10 Council as provided under Section 4 of Republic Act No. 7924.

11 4. The LTFRB, LTO and LGUs shall not issue or pass any rule or
12 ordinance in conflict with the provisions of this Act.

13 SECTION 6. *Funding*. — The amount needed for the implementation of
14 this Act shall be taken from:

- 15 1. The Motor Vehicle User's Charge Fund created under Republic
16 Act No. 8794;
- 17 2. Ten per centum (10%) of the Philippine Amusement and Gaming
18 Corporation (PAGCOR) annual aggregate gross earnings; and
- 19 3. Current fiscal year's appropriation of the agencies involved in the
20 implementation of this Act.

21 Thereafter, the amount needed for the implementation of this Act shall
22 be included in the General Appropriations Act.

23 SECTION 7. *Duration of Grant of Powers*. — The authority granted to
24 the President under this Act shall subsist, be valid and effective for a period of
25 two (2) years from the effectivity of this Act, unless sooner withdrawn by a
26 resolution of Congress, without prejudice to rights and benefits that may have
27 been vested, and culpabilities and liabilities that may have been incurred.

28 SECTION 8. *Oversight Committees*. — To monitor the implementation
29 of this Act and the exercise of the authority granted hereunder, a Congressional
30 Oversight Committee is hereby constituted composed of four (4) members of
31 each House.

32 SECTION 9. *Report to Congress*. — The President shall submit a

1 quarterly report to Congress on the implementation of this Act.

2 SECTION 10. *Separability Clause.* — If for any reason any provision of
3 this Act is declared unconstitutional or invalid, other parts or provisions hereof
4 which are not affected thereby shall continue to be in full force and effect.

5 SECTION 11. *Repealing Clause.* — All laws, decrees, orders, rules and
6 regulations, or portions thereof, inconsistent with this Act are hereby repealed
7 or modified accordingly.

8 SECTION 12. *Effectivity Clause.* — This Act shall take effect upon its
9 publication in at least two (2) newspapers of general circulation.

10 *Approved,*

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