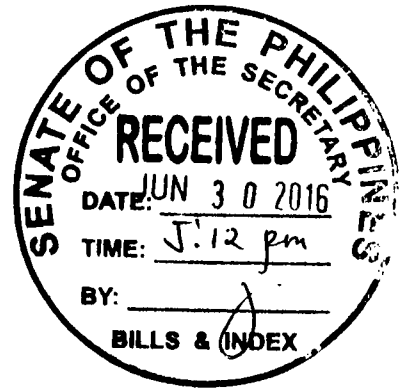


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



SENATE

SENATE BILL NO. 154

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT
GRANTING THE PRESIDENT OF THE PHILIPPINES
SPECIAL POWERS, PRESCRIBING URGENT AND
RELATED MEASURES NECESSARY AND PROPER TO
EFFECTIVELY ADDRESS THE CRISIS IN THE
TRANSPORTATION SECTOR, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Metro Manila is a 638.55 square kilometers region with a population of 12 million in 2010. The region's population is growing at a rate of 1.8% per year and by 2020, the National Statistics forecasted that 13 million people would be living in the region.

In June 2015, the Philippines is ranked 5th out of 59 countries in terms of traffic index. This is a composite index of time consumed in traffic due to job commute, estimation of time consumption dissatisfaction, CO2 consumption estimation in traffic and overall inefficiencies in the traffic system. This ranking should tell us that traffic situation in the country is not just bad but fatal as opposed to what our previous Secretary of Transportation told us.

What is the cost of traffic? In a recent study conducted by JICA, it said that traffic cost the economy Php 2 billion a day in 2012 and could swell up to Php 6 billion in 2030 if not given effective solution.

The negative economic and social impact of the traffic situation in Manila is grave and serious. The state of the transport and traffic situation in Metro Manila can be summed up in a single word. Crisis.

This malady has resulted to higher operating cost in addition to lost income opportunities and productivity in a region that accounts for a third of the economic output of the country; further engendering higher foreign exchange outflow for fuel and redundant transportation equipment. This has also led to the increase in household health medical expenses due to the road congestion and the predominance of 15-year old public utility vehicles, as well as colorum vehicles.

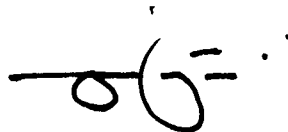
The heavy social cost that this crisis has bred is equally telling. The inordinately long commute has caused undue disruption to family life and social ties. Moreover, unregulated vehicle emissions have degraded public health and the environment. In all, the unchecked gridlock has impaired the efficient functioning of the political nerve center, and has adversely affected the image and competitiveness standing of the country.

This bill seeks to grant the President special powers to address the Transportation Crisis. With this bill, the President shall have ample powers and wider elbowroom to reorganize, coordinate national and local government projects, and harmonize the various government agencies' operational enforcement of traffic management plans.

In accordance with the principle of check and balance, the authority granted to the President under this Act shall be for a period of two years only. In addition, there will be a Congressional Oversight Committee to be created to monitor the implementation of this Act and his exercise of the authority. He shall further be required to submit a quarterly report to Congress.

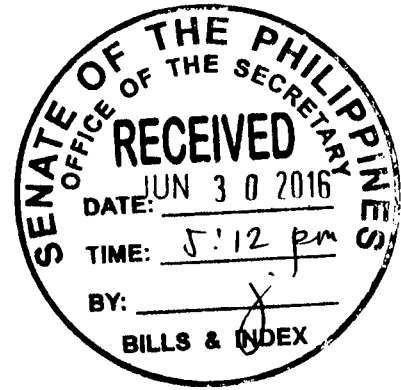
Clearly, no one is spared from this crisis. The ordinary public unnecessarily suffers from the pains of commute in the grungy Metro rail systems, and unkempt and disorganized public utility vehicles. Even those who own private motor vehicles likewise suffer from the horrid traffic conditions. This has to stop.

Hence, the passage of the bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'JOE EJERCITO', with a horizontal line extending to the left.

JOSEPH VICTOR G. EJERCITO

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the
2 “Transportation Crisis Act of 2016.”
3
4

5 **SECTION. 2. *Declaration of Policy.*** – It is hereby declared the
6 policy of the State:
7

8 a) to recognize the vital role of an efficient and reliable
9 transportation system to our country’s economic development
10 and thrust towards sustainable inclusive growth;
11

12 b) to recognize the severe traffic congestion in Metro Manila, the
13 shortage in mass transportation and lack of infrastructure, that
14 resulted to nationwide economic loss, as a crisis in the
15 transportation sector that needs an immediate remedy;

- 1
2 c) to adopt adequate and effective measures to promptly address
3 the transportation crisis;
4
5 d) to provide a modern integrated transportation system that is
6 affordable, efficient, safe and accessible to all;
7
8 e) to promote the use of railway as the primary mode of
9 transportation across the country through development of a
10 modern and efficient railway system;
11
12 f) to enhance public transportation system by developing
13 sustainable and environmental friendly mode of
14 transportation that will result to reduction of road congestion
15 and pollution; and
16
17 g) to promote the use of Official Development Assistance as a
18 source of funding in transportation infrastructure program of
19 the government.

20
21 **SECTION 3. *Grant of Special Powers to the President of the***
22 ***Philippines.*** -The President of the Republic of the Philippines is hereby
23 granted special powers to be able to urgently utilize the necessary
24 government resources, and exercise or employ executive actions and
25 measures to address the transportation crisis..
26

27 The President may reform and harmonize national and local
28 government projects, and rationalize operational enforcement of traffic
29 management plans by Governmental agencies that are directly or
30 indirectly involved in transportation and traffic management to address
31 the Transportation Crisis."
32
33

34 **SECTION. 4. *Creation, Reorganization and Abolition of Offices.***
35 - The President may abolish or create offices that are directly or
36 indirectly involved in transportation and traffic management; split,
37 group, or merge positions; transfer functions, equipment, properties,
38 records and personnel; institute drastic cost-cutting measures and take
39 such other related actions necessary to carry out the purpose herein
40 declared.
41

42 Nothing in this Section shall result in the diminution of the
43 present salaries and benefits of the personnel of these agencies:

1 Provided, That any official or employee of the concerned agencies who
2 may be phased out by reason of the reorganization authorized herein
3 shall be entitled to such benefits as may be determined by the Office of
4 the President, in coordination with the Commission on Audit and Civil
5 Service Commission subject to existing laws.

6
7
8 **SECTION 5. *Appointment of a Transport Manager***- The
9 President may designate and appoint a "Transport Manager" tasked to
10 address and avert the transport and traffic crisis, who may concurrently
11 be the Secretary of the Department of Transportation or his designated
12 representative, to exercise all powers and authority delegated by the
13 President, including the extraordinary powers under this Act, to
14 sufficiently and purposely discharge his duties and responsibilities for
15 the soonest abatement of the crisis.

16
17 For the period of the emergency under this Act and pending
18 reorganization of the pertinent government offices under the preceding
19 Section, the powers, authority and functions over land, air, and sea
20 traffic management of the MMDA under Section 3 (b), Section 5 (e) and
21 (f) and other related provision of Republic Act No. 7924, the Local
22 Government Units (LGU) of Metro Manila and nearby local
23 government units under Republic Act No. 7160 as amended, or the
24 Local Government Code, the Philippine National Police (PNP), Land
25 Transportation Office (LTO), Land Transportation Franchising and
26 Regulatory Board (LTFRB), pertinent Departments or government
27 institutions, shall be vested in the Transport Manager.

28
29 As such, the Transport Manager shall have the power to override
30 MMDA, or Metro Manila Council, LGU traffic and related ordinances,
31 permits and licenses, including but not limited to those allowing the
32 operation of public conveyances, parking of vehicles, operation of
33 businesses, construction of structures, public utility vehicle terminals
34 that impede traffic flow on major and secondary roads needed as
35 alternate routes.

36
37 The Transport Manager shall however periodically coordinate
38 with LGU executives and their officials and the private sector in the
39 execution of traffic and transport plans, programs and measures; and
40 may likewise enlist and deputize the traffic enforcement units of the
41 MMDA, LGUs and Highway Patrol Group (HPG) of the Philippine
42 National Police (PNP) and such other agencies as exigencies shall
43 require.

1
2
3 **SECTION 6. *Transportation System Reform.*** - Public
4 transportation shall be reformed into an efficient, sustainable, safe,
5 clean and integrated air, land, and sea mass transportation system
6 through the following, among others:
7

- 8 a) modification and rationalization of the franchising framework
9 for public utility operation;
10
11 b) re-organization of transport groups and rationalizing their
12 deployment for better efficiency and convenience of the
13 commuting public;
14
15 c) adoption of a new compensation scheme for franchise
16 operators and transportation workers, different from the
17 current boundary scheme;
18
19 d) enforcement of prescribed minimum operating standards and
20 design specifications for public conveyances;
21
22 e) adoption of a common fare system;
23
24 f) development of a modern integrated railway system; and
25
26 g) improvement and development of air transportation system
27 and infrastructure.

28
29 **SECTION 7. *Formulation of Transport and Traffic Plans and***
30 ***Programs.*** - The President may formulate holistic and long-term plans
31 and programs for transport and traffic management (National
32 Transportation System Plan) that shall include the following:
33

- 34 a) Formulate necessary rules, regulations and standards to
35 optimize all government infrastructure resources, such as the
36 road system, airports and seaports, including regulated
37 private toll roads, and ensure intermodal connectivity;
38
39 b) Prescription of rules, regulations and standards for large
40 mixed-use property developments to ensure adherence to best
41 practices for long term sustainability, avoid disturbance to

1 adjoining communities and public convenience, and minimize
2 adverse environmental impact; and,
3

- 4 c) Implement rules, regulations and standards for a
5 comprehensive roadmap for land and transportation
6 development to promote urban area expansion to the North
7 and South Area outside of Metro Manila.

8
9 **SECTION 8. *Re-orientation of Traffic Enforcement Units.*** The
10 traffic enforcement units of the MMDA, PNP, participating LGUs,
11 Government agencies, and organization/s, shall be reviewed, reformed,
12 re-oriented and re-trained, with focus on effectivity and efficiency,
13 imposition of disciplinary measures, enhancement of compensation and
14 benefits or rewards system.

15
16 Upon consultation with MMDA, PNP, LGUs and other concerned
17 agencies, the Traffic Manager shall create a Single Traffic Violation
18 Ticketing System for violation of traffic laws, rules and regulations to be
19 implemented by all traffic enforcement units nationwide.
20
21

22 **SECTION 9. *Immediate Resolution of Transport and Traffic***
23 ***Infrastructure Issues.*** – In coordination with the concerned Government
24 agencies, the Transport Manager shall resolve current issues and
25 bottlenecks on transport and traffic infrastructure projects and
26 programs, foremost of which are the determination of the common
27 station, extension and expansion of present operations and construction
28 of new bus and railway transit systems.
29
30

31 **SECTION 10. *Power to exercise Eminent Domain.*** – Whenever
32 necessary, the President shall have the power to acquire real property
33 needed as right-of-way site or location for any government
34 transportation infrastructure through expropriation with payment of
35 just compensation, negotiated sale, donation, or any other mode of
36 acquisition as provided for by law. This power shall include the power
37 to open private roads for public use or under a toll system.
38
39

40 **SECTION 11. *Exemption from Procurement Rules.*** – The
41 President may waive the application of Section 10 of Republic Act No.
42 9184 (RA No. 9184) or the Government Procurement Reform Act in
43 entering into transport and traffic infrastructure, service and supply

1 contracts. He can resort to any of the alternative methods of
2 procurement defined in RA No. 9184 including but not limited to: (a)
3 Limited Source Bidding; (b) Direct Contracting; (c) Repeat Order; (d)
4 Shopping; (e) Negotiated Procurement, provided that any agreement
5 entered into shall not be grossly disadvantageous to the government.
6
7

8 **SECTION 12. *Exemption from Injunctions.*** – No court, except the
9 Supreme Court, shall issue any Temporary Restraining Order,
10 Preliminary Injunction or Preliminary Mandatory Injunction against
11 any executive decisions and actions in the implementation of this Act.
12
13

14 **SECTION 13. *Duration of Grant of Powers.*** – The authority
15 granted to the President under this Act shall subsist, be valid and
16 effective for a period of two (2) years from the effectivity of this Act,
17 unless sooner withdrawn by a resolution of Congress, without
18 prejudice to rights and benefits that may have been vested, and
19 culpabilities and liabilities that may have been incurred.
20
21

22 **SECTION 14. *Appropriations.*** – The amount needed for the
23 implementation of this Act shall be taken from the current fiscal year's
24 appropriation of the MMDA, DOTC and its attached agencies.
25

26 In addition, funds for the implementation of any programs,
27 activities or projects pursuant to this Act shall be included in the
28 General Appropriations Act or in a Supplemental Appropriations.
29
30

31 **SECTION 15. *Preferred Source of Funds.*** – Any plans, projects, or
32 programs, to be implemented to achieve the objective of this Act shall
33 be sourced preferentially from an Official Development Assistance as
34 defined in Republic Act No. 8182 otherwise known as the ODA Act of
35 1996.
36
37

38 **SECTION 16. *Oversight Committees.*** – There is hereby created
39 an Oversight Committee in each House of Congress to be composed of
40 five (5) members of each, to be designated by the Senate President and
41 the Speaker of the House of Representatives, to monitor the
42 implementation of this Act and the exercise of the authority granted
43 hereunder.

1 The Oversight Committees shall submit periodic reports,
2 evaluations and recommendations to the Senate and the House of
3 Representatives.
4

5
6 **SECTION 17. *Report to Congress.*** – The President shall submit
7 a quarterly report to Congress on the Implementation of this Act.
8

9
10 **SECTION 18. *Separability Clause.*** – In the event that any
11 provision of this Act is declared unconstitutional, invalid, or illegal, the
12 constitutionality, validity, or legality of the remainder of the provisions
13 of this Act shall not be affected thereby.
14

15
16 **SECTION 19. *Repealing Clause.*** – All laws, presidential decrees,
17 letters of instructions, executive orders, rules, regulations, and other
18 issuances or parts thereof which are contrary to or inconsistent with the
19 provisions of this Act are hereby revoked, repealed, amended or
20 modified accordingly.
21

22
23 **SECTION 20. *Effectivity.*** – This Act shall take effect immediately
24 following the completion of its publication in two (2) newspapers of
25 general circulation.
26

27
Approved,