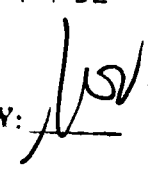


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SENATE
S. B. No. 999

RECEIVED BY: 

INTRODUCED BY SENATOR ALAN PETER "COMPANERO" S. CAYETANO

AN ACT
GRANTING THE PRESIDENT/EXECUTIVE BRANCH OF GOVERNMENT EMERGENCY
POWERS TO MANAGE, MITIGATE AND SOLVE THE TRAFFIC AND CONGESTION CRISIS
ACROSS THE PHILIPPINES, TO EXPEDITIOUSLY AND EFFECTIVELY IMPLEMENT
MEASURES THAT SHALL PROVIDE REAL LASTING SOLUTIONS AS WELL AS THE
EARLIEST RESPITE FROM TRAFFIC AND CONGESTION, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

1 People living in the Greater Metro Manila area (including the provinces of Rizal,
2 Bulacan, Cavite, Laguna and Batangas), Metro Cebu and other growing highly urbanized
3 cities across the Philippines face increasing and more pronounced traffic, congestion, and
4 pollution. This situation leads to more problems such as air pollution, unsafe roads, health
5 risks and, as a result, a deteriorating quality of life.

6
7 Increased traffic, congestion and pollution have also affected trade and commerce,
8 thereby causing delay in the delivery of goods along the road network, additional
9 delivery/distribution time and more transportation and warehousing costs, which all lead
10 to added costs and higher prices of goods and services, thus making life harder for a
11 majority of our people who barely make enough to supply the basic needs of their family.

12
13 Furthermore, even precious quality time with one's family is being sacrificed and
14 wasted on the road and in our ports. A barista living in Cavite would spend two to three
15 hours commuting to his or her workplace in Metro Manila, and another two to three hours
16 going home - a total of six (6) hours in transit which could have been better spent being
17 productive or being with one's family and loved ones. The typical Filipino dream of eating
18 dinner together as a family and building memories with each other every day, has been
19 rendered almost illusory. Hours spent lining up at the MRT or LRT stations, hoping the
20 trains won't breakdown midway, or stuck in traffic at the airport for hours is now the new
21 normal. With a little bit of rain comes flooding and an insurmountable time spent on the
22 road due to gridlock. One stalled car in the highway during rush hour would already add
23 around a thirty-minute delay to normal land travel time, if not cause a standstill altogether,
24 due to the insufficiency of roads. Such hours spent in traffic and congestion also expose the
25 commuter to safety risks and transportation hazards, while his or her family suffers their
26 absence and continues to worry about their safe return home.

27
28 Take the case of Metro Cebu. The province's natural beauty and attraction of being
29 merely thirty (30) minutes to an hour away from the cities, the mountains, or the beach
30 areas, have now become just a myth. Traffic plagues the whole Metro Cebu with no relief in
31 sight. Worse, our Cebuano *kababayans* have to wait for Manila to act and solve their
32 problem. This is the fate that awaits other highly urbanized cities in the years to come if
33 nothing will be done to change the way things currently stand. Slow, inefficient, Metro
34 Manila-centric, highly centralized and at times corrupt: this is what we as a people have
35 come to expect from our existing system.

36
37 As early as 2005, the World Bank¹ noted in its review of the Philippine
38 infrastructure sector that high levels of congestion, poor conditions of parts of the road
39 network, inadequate connectivity for inter-city or inter-regional movement and the lack of

¹ *Philippines: Meeting Infrastructure Challenges*, World Bank, 2005.

1 sustainable road safety strategy had reduced the efficiency of the road sector in promoting
2 economic growth and providing safe access within the country.

3
4 In 2015, Waze, an international traffic application, said that Metro Manila has the
5 worst traffic on Earth.

6
7 Daily cost of traffic in Metro Manila will likely increase to P6 billion from P2.4 billion
8 today if there is no intervention by 2030, according to a Japan International Cooperation
9 Agency (JICA) report entitled the "Roadmap for Transport Infrastructure Development for
10 Metro Manila and Its Surrounding Areas." In 2030, the same low-income households will
11 have to allocate more of their respective incomes because transport cost will be 2.5 times
12 higher.

13
14 Traffic has even reached our airspace! Traffic congestion in the runways of Metro
15 Manila has caused flight delay and productivity losses as well as disrupted work flow. With
16 our growing economy and increasing tourist arrivals, at least 200 flights have been added in
17 a span of four years. Although long hours of flight delay and chaos in Philippine airport
18 terminals already seem to have become commonplace, these problems must immediately be
19 addressed and resolved so that precious hours and efforts are not simply wasted away
20 within an airport's steel and concrete walls.

21
22 A recent study done by the JICA predicted that the Ninoy Aquino International
23 Airport (NAIA) would hit over-capacity in 2015, by which time the terminal will be handling
24 approximately 37.78 million passengers. And by 2040, passenger traffic would reach 101.49
25 million. At the close of 2012, NAIA accommodated 31.88 million passengers, exceeding the
26 30 million passengers yearly capacity of the said terminal. Its maximum handling capacity
27 currently stands at 35 million passengers per year. And presently, we are experiencing the
28 effects of an over-congested NAIA.

29
30 During the Asia-Pacific Economic Cooperation (APEC) Conference held in Manila
31 just last year, many flights were cancelled to accommodate the arrival of various world
32 leaders into the country. Reports claim that the Philippine Airlines (PAL) lost \$18.7 million
33 (over P880 million) for cancelling over 700 flights, while Cebu Pacific Air incurred P400
34 million in revenue loss for cancelling 847 flights.

35
36 The situation has been at crisis levels. The time to act was yesterday.

37
38 The traffic situation in Metro Manila and other highly urbanized cities, both land-
39 based and air-based, has assumed the nature and magnitude of a public calamity. With the
40 increasing volume of motor vehicles plying inadequate roads and highways in the metro
41 and in other growing cities, as well as increasing air passenger traffic which has grown to be
42 beyond the capacity of existing terminals, Philippine transportation infrastructure has
43 clearly become unable to keep up with the demands brought about by a rising economy and
44 growing population, severely disrupting economic productivity and efficiency, with billions
45 of pesos lost in terms of productivity, health risks and social costs.

46
47 The President/Executive Branch of government should thus be granted emergency
48 powers to address this modern day crisis situation faced by the country amidst its fast-
49 growing economy, and all other powers necessarily included therein, with said emergency
50 powers covering not just Metro Manila but also other areas within the country which are
51 experiencing similar level of traffic and congestion or where a traffic and congestion crisis is
52 imminent in the next two to three years.

53
54 The Executive Branch acts through its alter ego in the administration of government
55 functions. Thus, the President of the Philippines acts through the Secretary of the
56 Department of Transportation (DOTr) in planning, programming, coordinating,
57 implementing and regulating networks of transportation systems in order to develop fast,
58 safe, efficient and reliable transport services. As the President's representative in the
59 transport sector, the DOTr Secretary is also tasked with coordinating and working with
60 other departments, agencies, government corporations and the private sector to solve the
61 traffic and congestion crisis. Being the public official tasked to administer and enforce all
62 laws, rules and regulations in the field of transportation, the DOTr Secretary is in fact the
63 country's Traffic Czar.

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To grant sweeping authority to the Executive Branch to solve land and air traffic congestion will be the best solution to end the misery which over the years has caused, and which continues to cause, great damage not just to the Philippine economy but more so to the quality of life of the Filipino people. We should address this crisis now and ensure that it will not happen again for the benefit of our future generations.

In view of the foregoing, the immediate enactment of this measure is hereby sought.



ALAN PETER "COMPAÑERO" S. CAYETANO
Senator

INTRODUCED BY SENATOR ALAN PETER "COMPANERO" S. CAYETANO

AN ACT
GRANTING THE PRESIDENT/EXECUTIVE BRANCH OF GOVERNMENT EMERGENCY
POWERS TO MANAGE, MITIGATE AND SOLVE THE TRAFFIC AND CONGESTION CRISIS
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EARLIEST RESPITE FROM TRAFFIC AND CONGESTION, AND FOR OTHER PURPOSES

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 "Freedom from Traffic and
2 Congestion Act of 2016".
3

4 **SECTION 2. Declaration of the Existence of Traffic and Congestion Crisis.** - The traffic
5 and congestion situation in Greater Metro Manila, other highly urbanized cities and other
6 areas in the country have assumed the nature and magnitude of a public calamity. With the
7 increasing volume of motor vehicles plying inadequate roads and highways in the metro
8 and in other growing cities, as well as increasing air passenger traffic beyond the capacity of
9 the country's existing terminals, and the heavy congestion of ports, Philippine
10 transportation infrastructure at present has become unable to keep up with the demands of
11 a rising economy and growing population. These result in severe disruption of the normal
12 Filipino family life, the nation's economic productivity, and the competitiveness and
13 efficiency of businesses, thereby resulting in billion-peso losses in terms of over-all
14 productivity, health risks and social costs.
15

16 Thus, the existence of a traffic and congestion crisis in Greater Metro Manila, in other highly
17 urbanized cities and other areas in the country is hereby declared.
18

19 **SECTION 3. Declaration of Policy.** It is hereby the declared policy of the State to adopt
20 adequate and effective measures that will immediately address the crisis brought about by
21 land and air traffic, congestion and mass transportation shortage in Greater Metro Manila,
22 other highly urbanized cities and other areas around the country.
23

24 In conformity with the provisions of the Constitution to promote the general welfare and
25 social justice in all phases of national development, the State shall hereby promote a shift
26 towards safe, secure, efficient, viable, competitive, dependable, integrated, environmentally
27 sustainable, people-oriented, seamless and inclusive transportation system for the benefit
28 of all citizens, the economy and society.
29

30 Towards this end, the State shall adopt a strong system of accountability and transparency
31 in the pursuit of its objectives. The State shall strengthen measures that will restore order
32 on the streets, rails, runways, and ports, properly plan and establish facilities and
33 infrastructure projects that will respond to this paradigm shift in the transportation system,
34 increase mobility options of the general public and promote the use of alternative modes of
35 transportation in order to reduce travel time, air pollution and congestion while increasing
36 economic productivity and tourism appeal.
37

38 The extraordinary remedy of granting emergency powers to the President/Executive
39 Branch is for emergency purposes only and is limited to the period specified in this Act. In
40 line with this, the State shall, after the period of the emergency, adopt short-term, mid-term,

1 and long-term development plans for the efficient and cheaper transport of people and
2 delivery of goods and services, as well as a comprehensive long-term national transport
3 policy, in order to sustain the significant gains and to meaningfully reduce the risk of a
4 traffic and congestion crisis from happening again in the future.

5
6 **SECTION 4. *Definition of Terms.*** The following terms shall mean:

7
8 (a) "Emergency Powers" shall refer to the authority granted to the President of the Republic
9 of the Philippines under Section 23 (2), Article VI of the 1987 Philippine Constitution by the
10 Congress for a limited period and subject to such restrictions as it may prescribe to exercise
11 powers necessary and proper to carry out a declared national policy;

12
13 (b) "Traffic and Congestion Crisis" shall refer to the current traffic situation, both land and
14 air-based, which has assumed the nature and magnitude of a public calamity;

15
16 (c) "Greater Metro Manila" shall refer to the National Capital Region (NCR) of the
17 Philippines, the seat of government and the most populous region of the country composed
18 of the cities of Manila, Quezon City, Caloocan, Las Piñas, Makati, Malabon, Mandaluyong,
19 Marikina, Muntinlupa, Navotas, Parañaque, Pasay, Pasig, San Juan, Taguig, and Valenzuela
20 and the Municipality of Pateros, as well as the provinces of Rizal, Bulacan, Cavite, Laguna
21 and Batangas;

22
23 (d) "Other Highly Urbanized Cities" shall refer to identified cities in the Philippines, such as
24 but not limited to Metro Cebu and Metro Davao, which are on the threshold of full
25 urbanization and motorization, with the carrying capacities of the road network in urban
26 centers, notably at the city centers or Central Business Districts (CBDs), on the verge of
27 being unable to cope with the increasing volume of vehicles using said network;

28
29 (e) "Other Areas" shall refer to other areas all over the Philippines not part of the Greater
30 Metro Manila and Other Highly Urbanized Cities which are also experiencing a high level of
31 congestion and traffic, or where traffic and/or congestion is already imminent, which shall
32 be necessarily covered by the emergency measures to be undertaken by the Executive
33 Branch.

34
35 **SECTION 5. *Grant of Emergency Powers to the President/Executive Branch.*** - The
36 President/Executive Branch is hereby authorized to exercise powers necessary and proper
37 to carry out the above-declared national policy. As such, the President, along with the heads
38 of the departments and agencies under the Executive Branch related to the transportation
39 sector, are hereby granted emergency powers to urgently utilize all necessary government
40 resources, employ executive actions and measures, and reconfigure and harmonize national
41 and local government projects to address the traffic and congestion crisis, unhampered by
42 existing laws, regulations, and procedures that would cause severe delay in addressing the
43 said crisis.

44
45 **SECTION 6. *Creation, Reorganization and Abolition of Offices.*** The President may
46 abolish or create offices; split, group, or merge positions; transfer functions, equipment,
47 properties, records and personnel; institute drastic cost-cutting measures and take such
48 other related actions necessary to carry out the purpose herein declared. Nothing in this
49 Section shall result in the diminution of the present salaries and benefits of the personnel of
50 these agencies: Provided, That any official or employee of the concerned agencies which are
51 phased out and his or her employment terminated by reason of the reorganization
52 authorized herein shall be entitled to such benefits as may be determined by the Office of
53 the President, in coordination with the Commission on Audit (COA) and the Civil Service
54 Commission (CSC).

55
56 For this purpose, the President may realign funds to carry out the creation and/or
57 reorganization of offices.

58
59 **SECTION 7. *Formulation of the Decongestion and Transportation Network Reform***
60 ***Plan.*** - The Executive Branch shall direct the formulation of a comprehensive, integrated
61 and sustainable Decongestion and Transportation Network Reform Plan. This aims to
62 provide a roadmap/blue print for the national and local transportation system, both land,
63 sea and air, in order to decongest Greater Metro Manila, other highly urbanized cities and

1 other areas, with the end in view of spurring development in all regions in the country,
2 providing sufficient transport infrastructure and linkages and ensuring transport safety and
3 security.

4
5 This shall include strategies relating to the integration of national and local land use plans
6 for transit-oriented development, the creation of an integrated public transport
7 infrastructure network, the enforcement of a seamless and inclusive public transportation
8 system as a primary mobility option to the general public, the optimization of existing
9 airports and increased utilization of alternative terminals, the expansion of the capacity of
10 existing seaports and use of alternative ports, the adoption of non-motorized transport and
11 green infrastructure and facilities and the shift towards transportation demand
12 management measures.

13
14 **SECTION 8. *Appointment of a Traffic Czar.*** - The Secretary of the Department of
15 Transportation (DOTr) is designated as the Traffic Czar. He/She shall take over-all full-time
16 management and control of the traffic and congestion crisis and oversee the
17 implementation of the Decongestion and Transportation Network Reform Plan. He/She
18 shall sufficiently and purposely exercise all powers and authority delegated by the
19 Executive Branch in order to mobilize resources of the different national government
20 agencies and to expeditiously and effectively implement measures to provide the earliest
21 respite from land and air traffic congestion. He/She shall coordinate with other relevant
22 national government agencies, government-owned and -controlled corporations,
23 government financial institutions and private stakeholders in the exercise of his/her
24 functions.

25
26 For the period of the emergency under this Act and pending reorganization of the pertinent
27 government offices under the succeeding Section, the powers, authority and functions over
28 land traffic management of the Metro Manila Development Authority (MMDA) under
29 Section 3 (b), Section 5 (e) and (f) and other related provisions of Republic Act No. 7924,
30 Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board
31 (LTFRB), Philippine National Police (PNP), Toll Regulatory Board (TRB) and Philippine
32 Ports Authority (PPA); the powers, authority and functions over air route and airway
33 facilities, air traffic service and air navigation of the Civil Aviation Authority of the
34 Philippines (CAAP), Civil Aeronautics Board (CAB), Manila International Airport Authority
35 (MIAA) and other pertinent Departments or government institutions; and the powers,
36 authority and functions over seaports of the Philippine Ports Authority (PPA) shall be
37 vested in the Traffic Czar.

38
39 **SECTION 9. *Powers of the Traffic Czar.***- The powers of the Traffic Czar are herein
40 prescribed, as follows:

41
42 *a. Land-based transportation.* - The Traffic Czar shall have the power to override MMDA,
43 LTO, LTFRB, PNP and TRB permits and licenses, as well as the relevant and existing
44 procedures pertinent thereto, and implement such other measures as exigencies shall
45 require. These include, but are not limited to, the following:

- 46
47 a) integration of different transportation modes to the public transport
48 infrastructure network;
49 b) operation of certain public conveyances;
50 c) rationalization and reorganization of bus, jeepney and tricycle routes;
51 d) transfer and relocation of transport terminals;
52 e) car ownership policies in relation to proof of parking and air pollution;
53 f) imposition of parking regulations for vehicles;
54 g) issuance and revocation of driver's licenses;
55 h) construction of structures or implementation of roadworks that impede traffic
56 flow;
57 i) rapid response to road safety and traffic-blocking accidents and incidents;
58 j) implementation of the number coding scheme and other traffic reduction
59 schemes;
60 k) opening up of private roads, whether or not with the imposition of toll fees, as
61 additional access points for motorists;
62 l) implementation of staggered work hours in government offices; and

1 m) encouraging ride-sharing and other transportation demand management
2 programs, with the establishment of carpool lanes in main thoroughfares.
3

4 The LTFRB and LTO shall not issue any rule or circular in conflict with the provisions of this
5 Act.
6

7 The Traffic Czar shall periodically coordinate with LGU executives and their officials and the
8 private sector in the execution of traffic and transport plans, programs and measures and
9 may likewise enlist and deputize traffic enforcement units of the MMDA, LGUs, Highway
10 Patrol Group (HPG) of the PNP and such other agencies as may be required.
11

12 *b. Air-based Transportation.* - The Traffic Czar shall have the power to override CAAP, CAB,
13 and other pertinent Departments or government institutions' regulations, permits and
14 licenses, as well as the relevant and existing procedures pertinent thereto, and implement
15 such other measures as exigencies shall require. These include, but are not limited to, the
16 following:
17

- 18 a) comprehensive evaluation of the airport's current airspace, runway, and
19 terminal capacities, air traffic and surface operation, and runway access points;
- 20 b) optimization of existing airports and transfer to alternative airports;
- 21 c) development of new airports;
- 22 d) augmentation of the air- and land-side facilities;
- 23 e) relocation of general aviation activities to Sangley Point, Cavite;
- 24 f) exemption from travel tax and excise tax on aviation fuel for Clark International
25 Airport and other identified airports to increase utilization thereof; and
- 26 h) hastening of ground servicing of aircrafts and adjustment on passenger loading
27 times.
28

29 The Traffic Czar shall, however, periodically coordinate with airport executives and their
30 officials and the private sector in the execution of air transport plans, programs and
31 measures.
32

33 *c. Seaports* - The Traffic Czar shall have the power to override PPA's regulations, permits
34 and licenses, as well as the relevant and existing procedures pertinent thereto, and
35 implement such other measures as exigencies shall require. These include, but are not
36 limited to, the following:
37

- 38 a) expansion of the capacity of the Port of Manila to receive cargo;
- 39 b) shifting of international container traffic to Batangas and Subic ports;
- 40 c) staffing of Batangas and Subic ports with sufficient Bureau of Customs (BOC)
41 and PPA personnel;
- 42 d) provision of cargo handling equipment, berth capacity, and container yard
43 capacity that are commensurate to the volume of cargo and transaction that are
44 targeted to be diverted from the Port of Manila;
- 45 e) construction of a new and large deep-sea port at a location outside Manila to be
46 identified under the Decongestion and Transportation Network Reform Plan;
47 and
- 48 f) adoption of a rationalization plan for future port development and investment
49 programs for ports in the National Capital Region (NCR) and the neighboring
50 Central Luzon and Southern Tagalog Region.
51

52 The Traffic Czar shall, however, periodically coordinate with PPA executives and their
53 officials and the private sector in the execution of plans, programs and measures for
54 seaports.
55

56 **SECTION 10. Power of Eminent Domain.** - In coordination with the concerned government
57 agencies, the Traffic Czar shall work for the immediate resolution of issues and bottlenecks
58 on transport and traffic infrastructure, as may be identified by the Executive Branch. This
59 shall include the exercise of the power of eminent domain by expropriating private
60 property with just compensation for right-of-way acquisition necessary for infrastructure
61 projects or public convenience.

1 **SECTION 11. Exemption from Procurement Laws.** - The Executive Branch may, in its
2 discretion, waive the application of Republic Act No. 9184 or the Government Procurement
3 Reform Act (RA 9184) and Republic Act No. 6957, as amended, or the Build-Operate
4 Transfer (BOT) Law, in entering into transport and traffic infrastructure and service and
5 supply contracts on a case to case basis, provided that these agreements shall not be grossly
6 disadvantageous to the government. As such, alternative methods of procurement defined
7 in RA 9184 and other relevant laws may be allowed, including but not limited to:

- 8 a) Limited Source Bidding;
- 9 b) Direct Contracting;
- 10 c) Repeat Order;
- 11 d) Shopping;
- 12 e) Negotiated Procurement, including agency-to-agency procurement and
13 procurement originating from unsolicited proposals.
- 14 f) Competitive Challenge or Swiss Challenge for unsolicited proposals, with
15 concomitant right to match, to be completed within a period of fifteen (15)
16 days.

17
18 **SECTION 12. Right to Information.** - Upon perfection of each contract entered into by the
19 Government pursuant to Section 11 hereof, the terms and conditions of the same, with the
20 name and qualification of the contractor, together with the description, the budgetary
21 estimates involved and other salient features, shall be published in a website created for
22 this purpose.

23
24 **SECTION 13. Prohibition on the Issuance of Temporary Restraining Orders,
25 Preliminary Mandatory Injunctions.** - No court, except the Supreme Court, shall issue any
26 temporary restraining order, preliminary injunction or preliminary mandatory injunction
27 against the government or any of its subdivisions or officials or any person or entity,
28 whether public or private, acting under the government's direction, to restrain, prohibit or
29 compel the following acts:

- 30
31 a) Acquisition, clearance and development of the right-of-way and/or site or
32 location of any transportation project identified by the Executive Branch;
- 33 b) Negotiations, bidding or awarding of any transportation project identified by
34 the Executive Branch;
- 35 c) Commencement of prosecution, execution, implementation, operation of any
36 transportation project identified by the Executive Branch;
- 37 d) Termination or rescission of any transportation project identified by the
38 Executive Branch; and
- 39 e) The undertaking or authorization of any other lawful activity necessary for any
40 transportation project identified by the Executive Branch.

41
42 **SECTION 14. Duration of Grant of Powers.** - The authority granted to the Executive
43 Branch under this Act shall subsist and be valid and effective for a period of three (3) years
44 from the effectivity of this Act, unless sooner withdrawn by a joint resolution of Congress,
45 without prejudice to rights and benefits that may have been vested and culpabilities and
46 liabilities that may have been incurred under its provisions.

47
48 **SECTION 15. Oversight Committees.** - There is hereby created an Oversight Committee in
49 each House of Congress to be composed of five (5) members each to be respectively
50 designated by the Senate President and the Speaker of the House of Representatives, which
51 committees shall be tasked with monitoring the implementation of this Act and the exercise
52 of the authority granted hereunder.

53
54 The Oversight Committees shall submit periodic reports, evaluations and recommendations
55 to the Senate and the House of Representatives.

56
57 **SECTION 16. Report to Congress.** - The Executive Branch shall submit a quarterly report
58 to Congress on the implementation of this Act.

59
60 **SECTION 17. Separability Clause.** - In the event that any provision of this Act is declared
61 unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the
62 remainder of the provisions of this Act shall not be affected thereby.

1 **SECTION 18. *Repealing Clause.*** - All laws, presidential decrees, letters of instructions,
2 executive orders, rules, regulations, and other issuances or parts thereof which are contrary
3 to or inconsistent with the provisions of this Act are hereby revoked, repealed, amended or
4 modified accordingly.

5
6 **SECTION 19. *Effectivity.*** - This Act shall take effect fifteen (15) days following the
7 completion of its publication in two (2) newspapers of general circulation.

8
9 *Approved,*