

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



SENATE
Office of the Secretary

SENATE
S. No. 1012

'19 SEP -4 P2:38

RECEIVED BY

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
AMENDING REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991, BY EXPANDING THE SCOPE OF LOCAL
GOVERNMENT UNITS' POWERS OVER LOCAL PUBLIC TRANSPORTATION
SYSTEMS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II Section 25 of the Constitution mandates the State to "ensure the autonomy of local governments". This policy is echoed in Section 2(a) of the Local Government Code of 1991 which states that "the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources." Decentralization broadens the base of government power and produces a highly responsive and tailor-fit approach, which makes LGUs more effective partners of the national government in the pursuit of development and social progress.

Undoubtedly, development includes access to sustainable transportation and the freedom of movement. Mobility rights or the right to travel is both a basic human right and an enabling right. Access to social services and enjoyment of civil liberties are intricately tied with an individual's capability to move from place to place. The international community also recognizes this right. As a matter of fact it is part of the United Nation Sustainable Development Goal No. 11 to make cities and human settlements inclusive, safe, resilient and sustainable, and specifically Goal 11.2 which

aims that by 2030, to provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport. Property rights are affected by the ability to get to the workplace; the right to life may be jeopardized by a traffic jam en route to the hospital; inability to go to school interferes with a child's right to education. These are some of the mobility obstacles that impact the quality of life of citizens.

Trade and Commerce in the country have been gravely affected by the condition of traffic and public transportation in the country. In 2018, the Philippine Chamber of Commerce and Industry, the biggest group of businessmen in the country, has expressed that on average, businesses are losing P3 trillion to 4 trillion per year to traffic. Trade and commerce are highly dependent on transport logistics and in view thereof, solving the transportation problem will not only improve cost of doing business in the country but also attract more foreign investors as well as improve tourism in the country.

In light of the present traffic situation of the country, it is crucial to review the functions and capabilities of LGUs in addressing road congestion and creating balanced transport systems. Notably, LGUs not only possess a mastery of their own mobility demands but also institutional memory of local policies addressing local transport problems as well as local transport needs within their jurisdiction(s).

To give effect to the Constitutional mandate, this bill aims expand the powers of Highly Urbanized Cities over transportation systems through loans, grants, capital investments, partnerships, and joint ventures with both private and public institutions or entities, whether domestic or international, without sovereign guaranty, for the conceptualization, establishment, operation, and maintenance of transportation systems in order to achieve sustainable traffic solutions and mobility similar to best practices in other countries for the creation of livable and sustainable smart cities. Considering the foregoing, the immediate enactment of this bill is respectfully requested.



FRANCIS "TOL" N. TOLENTINO

Senator

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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 "LGU Transportation Act
2 of 2019."

3 Section 2. Section 17 of Republic Act No. 7160, otherwise known as the "Local
4 Government Code of 1991", hereinafter referred to as the Code, is hereby amended
5 as follows:

6 "(b) Such basic services and facilities include, but are not limited to, the
7 following:

8 XXXX

9
10 **(5) FOR A HIGHLY URBANIZED CITY:**

11 **ALL THE SERVICES AND FACILITIES OF THE MUNICIPALITY,**
12 **PROVINCE, AND CITY AND IN ADDITION THERETO, THE FOLLOWING:**

1 **(I) SAFE, AFFORDABLE, ACCESSIBLE AND SUSTAINABLE MASS**
2 **PUBLIC TRANSPORTATION SYSTEMS, SUCH AS MODERN RAIL-BASED**
3 **SYSTEMS, PERSONAL RAPID TRANSIT SYSTEMS, MONORAILS,**
4 **RAILWAYS, SUBWAYS, CABLE CARS, TRAMS, BUS RAPID TRANSITS,**
5 **AND OTHER MEANS OF TRANSPORTATION CONSISTENT WITH THE**
6 **CONCEPT OF LIVABLE AND SUSTAINABLE SMART CITIES, THROUGH**
7 **LOANS, GRANTS, CAPITAL INVESTMENTS, PARTNERSHIPS, AND**
8 **JOINT VENTURES WITH BOTH PRIVATE AND PUBLIC INSTITUTIONS**
9 **OR ENTITIES, WHETHER DOMESTIC OR INTERNATIONAL, WITHOUT**
10 **SOVEREIGN GUARANTY, FOR THE CONCEPTUALIZATION,**
11 **ESTABLISHMENT, OPERATION, AND MAINTENANCE OF MODERN AND**
12 **STATE-OF-THE-ART MASS TRANSPORTATION SYSTEMS. PROVIDED**
13 **THAT, INTERCONNECTIVITY AND INTEGRATION WITH EXISTING**
14 **AND PROPOSED NATIONAL INTERMODAL TRANSPORTATION**
15 **SYSTEMS SHALL BE CONSIDERED.”**

16
17 Section. 3. *Separability Clause.* – If any provision of this Act shall be held
18 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
19 full force and effect.

20 Section. 4. *Repealing Clause.* – All laws, decrees, executive orders,
21 proclamations and other executive issuances which are inconsistent with or contrary
22 to the provisions of this Act are hereby amended or repealed accordingly.

23 Section. 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
24 following its complete publication in the Official Gazette or in two (2) national
25 newspapers of general circulation.

 Approved,