




**SEVENTEENTH CONGRESS OF THE REPUBLIC
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SENATE

Senate Bill No. 1284

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Prepared and submitted jointly by the Committees on Public Services; Constitutional Amendments and Revision of Codes; and Finance with Senators Drilon, Ejercito, Cayetano, Gatchallan, Recto, Ejercito, Poe and Zubiri as authors thereof

**AN ACT
COMPELLING THE GOVERNMENT TO ADDRESS THE
TRANSPORTATION AND CONGESTION CRISIS THROUGH THE
GRANT OF EMERGENCY POWERS TO THE PRESIDENT**

*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 "Traffic
2 and Congestion Crisis Act of 2016."
3

4 **SECTION 2. Declaration of Policy and the Existence of Traffic**
5 *and Congestion Crisis.* – Philippine transportation infrastructure at
6 present has become unable to keep up with the demands of a rising
7 economy and growing population. The traffic and congestion crisis in
8 Greater Metro Manila and Metro Cebu, as manifested in the debilitated
9 long hours of daily commute, have assumed the nature and magnitude
10 of a public calamity. It is a crisis of national significance, because losses
11 due to traffic congestion have amounted to three billion pesos a day;
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13

1 thus, requiring urgent, immediate, and focused actions from the
2 government. Likewise, the emergent traffic jams in other highly
3 urbanized areas, such as Davao City and Cagayan de Oro City,
4 although not yet at a critical level, should be mitigated by ensuring the
5 formulation of a transportation master plan to address the impending
6 traffic and congestion crisis in those areas.

7

8 Thus, it is hereby declared the policy of the State to adopt
9 adequate, responsive, comprehensive and effective measures that will
10 immediately address the crisis. Consistent with the Constitutional
11 mandate to promote the general welfare and social justice in all phases
12 of national development, the State shall promote a shift towards safe,
13 secure, efficient, viable, competitive, dependable, integrated,
14 environmentally sustainable, people-oriented, and inclusive
15 transportation system for the benefit of all citizens, the economy, and
16 society.

17

18 Towards this end, the State shall harmonize all traffic rules,
19 regulations, ordinances, issuances, and policies in the Metropolitan
20 Areas to achieve a comprehensive and integrated statutory and
21 regulatory framework for land-based traffic. The State shall also properly
22 plan infrastructure projects that will respond to this paradigm shift in the
23 transportation system, increase mobility options of the general public,
24 and promote the use of alternative modes of transportation to address
25 the crisis and increase economic productivity and tourism appeal.
26 Likewise, it shall adopt a strong system of accountability and
27 transparency in the pursuit of its objectives.

28

29 It is also declared a policy of the State to adopt the use of

1 information and communications technology (ICT) as a tool to manage
2 and mitigate the problem of traffic congestion in the Philippines,
3 especially in Metro Manila and other highly urbanized areas. The State
4 shall therefore establish a holistic enabling environment in promoting
5 and propagating telecommuting, both in the private and public sectors,
6 and to capacitate public sector institutions and their personnel in the
7 adoption of telecommuting and the use of ICT to improve planning,
8 management, delivery of functions and monitoring and evaluation. The
9 State shall likewise adopt telecommuting in the long-term as a means to
10 foster global competitiveness of the Filipino workforce and
11 institutionalize other related and relevant transportation demand-
12 management strategies and incentives in furtherance of this policy.

13

14 The extraordinary remedy of granting emergency powers to the
15 President or his designated officer shall be limited to the period specified
16 in this Act. In line with this, the State shall, after the period of the
17 emergency, adopt mid-term, and long-term development plans for the
18 efficient and cheaper transport of people and delivery of goods and
19 services, as well as a comprehensive long-term national transport policy,
20 in order to sustain the significant gains and to meaningfully reduce the
21 risk of a traffic and congestion crisis from happening again in the future.

22

23 **SECTION 3. Objectives and Scope.** – The Act shall be limited in
24 scope, application and effectivity to Greater Metro Manila and Metro
25 Cebu as to projects, programs, policies, rules, and regulations that will
26 have immediate, significant, and measurable impact on the land-based
27 traffic crisis. Accordingly, the following measures shall be undertaken:

28

29 1) Maximize the productivity of existing public and private roads,

- 1 by way of but not limited to the following:
- 2 a. Effective and coordinated traffic management and
- 3 enforcement;
- 4 b. Traffic engineering measures, including expanded
- 5 coverage of an upgraded computerized and coordinated
- 6 traffic signaling system;
- 7 c. Traffic education, particularly drivers of public transport
- 8 conveyances and traffic enforcers;
- 9 d. Adoption of administrative and/or economic measures to
- 10 ration the use of scarce road space efficiently and
- 11 equitably in favor of high-occupancy vehicles.
- 12 2) Make public transport the preferred mode of travel within the
- 13 urban areas by transforming their service delivery model into an
- 14 inter-connected, low emission, comfortable, convenient,
- 15 integrated and reliable mode of transport offering a diverse
- 16 range of services that are priced according to their value
- 17 proposition, by way of but not limited to the following:
- 18 a. Re-structuring of bus and jeepney routes and operations,
- 19 and modifications or cancellation of their corresponding
- 20 Certificates of Public Convenience *motu proprio*;
- 21 b. Replacement of public transport vehicles not compliant
- 22 with internationally-accepted technical standards on
- 23 emission, noise, configuration, safety, and suitability for
- 24 urban usage;
- 25 c. Establishment of a regime of integrated operations either
- 26 through consolidation into one entity, or under one or
- 27 more duly-authorized Traffic Crisis Manager.
- 28 3) Upgrade the capacities of existing rail-based mass transit
- 29 system and fast-track the implementation of mass transit

- 1 projects in the priority list of the applicable master plans for the
2 urban areas;
- 3 4) Fast track the implementation of new roads and road-related
4 projects in the priority list of the applicable master plans for the
5 urban areas, including advancing the completion of projects
6 with subsisting contracts;
- 7 5) Adopt such other measures related and supportive of the above
8 steps, including formulation of plans and adoption of remedial
9 steps towards the following:
- 10 a. Decongestion of the Port of Manila in the case of Metro
11 Manila, and the Port of Cebu in the case of Metro Cebu,
12 and/or reduce truck volumes in their respective urban
13 road network;
- 14 b. Rapid development an alternative airport to relieve the
15 pressures on the congested runways and airspace of
16 Manila's domestic and international airports;
- 17 c. Recommend the construction of parallel runways,
18 buildings of new infrastructure facilities, repair,
19 rehabilitation, improvement of existing airport runways,
20 facilities and other similar infrastructures;
- 21 d. Harmonization of traffic rules and regulations, including
22 those enacted by City and municipal ordinances;
- 23 e. Relocation of the national administrative capital;
- 24 f. Improvement of the Manila International Airport;
- 25 g. Reduction of car-based trips by private and public
26 employers, as well as educational institutions with high
27 concentration of student population by implementing
28 telecommuting programs as defined in Section 4 of this
29 Act or by adopting alternative forms of working as defined

1 in Section 12 of this Act;

2 h. Submission to Congress of proposed amendments or
3 revisions to the charters of the Covered Agencies.

4

5 Notwithstanding the limited scope of this Act, the Traffic Crisis
6 Manager may implement similar systems and mechanisms provided in
7 this Act in Davao City, Cagayan de Oro City, Lipa City, Baguio City, Iloilo
8 City, and other highly urbanized cities and municipalities that are
9 suffering from a land traffic crisis; *Provided*, that immediate solutions
10 shall still form part of a master transportation plan in those areas.

11

12 **SECTION 4. *Definition of Terms.*** - For purposes of this Act, the
13 following terms shall mean:

14

15 a. "Covered Agencies" shall refer to any and all government
16 agencies, officer, bureau, and units tasked or empowered by law or
17 regulation to control, oversee, regulate or manage any aspect of land-
18 based traffic and/or road use in any or all of the Metropolitan Areas;

19 b. "Emergency Powers" shall refer to the authority granted by
20 Congress to the President under Section 23 (2), Article VI of the 1987
21 Philippine Constitution, to exercise, for a limited period and subject to
22 such restrictions as the former may prescribe, powers necessary and
23 proper to carry out a declared policy.

24 c. "DENR" shall refer to the Department of Environment and
25 Natural Resources;

26 d. "DICT" shall refer to the Department of Information and
27 Communications Technology;

28 e. "DOTr" shall refer to the Department of Transportation;

29 f. "DPWH" shall refer to the Department of Public Works and

1 Highways;

2 g. "Congressional Oversight Committee" or COC shall refer to
3 the committee consisting of members of the House of the
4 Representatives and the Senate, to be constituted under Section 26 of
5 this Act;

6 h. "LGUs" shall mean Local Government Units;

7 i. "Traffic and Congestion Crisis" shall refer to the prevailing
8 and exponentially worsening land traffic congestion and gridlock; and
9 infrastructure and mass transportation shortage and inefficiency in
10 Greater Metro Manila and Metro Cebu;

11 j. "Greater Metro Manila" shall mean the National Capital
12 Region (NCR) of the Philippines and its nearby localities, such as,
13 Antipolo, Taytay, Binangonan, and Angono in the province of Rizal; San
14 Pedro, Biñan, Sta. Rosa, Cabuyao, and Calamba in the province of
15 Laguna; Bacoor, Imus, Kawit, Noveleta, and Cavite City in the province
16 of Cavite; San Jose del Monte, Obando, Marilao, Meycauayan, and
17 Bocaue in the province of Bulacan;

18 k. "LTFRB" shall refer to the Land Transportation Franchising
19 and Regulatory Board;

20 l. "LTO" shall refer to the Land Transportation Office;

21 m. "MCDCB" shall refer to the Metro Cebu Development and
22 Coordinating Board;

23 n. "Metro Cebu" shall refer to the cities of Cebu, Mandaue,
24 Talisay, Danao, and Lapu-Lapu; and the municipalities of Carcar, San
25 Fernando, Naga, Minglanilla, Consolacion, Liloan, Compostela, and
26 Cordova;

27 o. "Metropolitan Areas" shall refer to either or both the Greater
28 Metro Manila Area and Metro Cebu, as the case may be;

29 p. "MMDA" shall refer to the Metro Manila Development

1 Authority;

2 q. "NEDA" shall mean the National Economic Development
3 Agency;

4 r. "Procuring Entity" shall mean any branch, department,
5 office, agency, or instrumentality of the government procuring goods,
6 infrastructure, and consulting services for Transportation Projects, as
7 hereinafter defined;

8 s. "Transportation Project" shall refer to a project involving the
9 construction, repair, rehabilitation, improvement, operation, or
10 maintenance of any public transportation facility and mass transportation
11 system that will directly address the Traffic and Congestion Crisis to
12 ensure the safety and convenience of the commuting public, including all
13 projects aimed at reducing traffic congestion in the Metropolitan Areas;

14 t. "Telecommuting" shall refer to a work arrangement in which
15 employees do not commute or travel by land to a central place of work.
16 It shall also refer to a work arrangement in which employees regularly
17 perform their work outside of the traditional on-site working environment.
18 It shall include:

19

20 i. Teleworking – a subset of telecommuting, refers to a
21 form of organizing and/or performing work, using or
22 assisted by information technology, where work is
23 carried out away from centrally located workspace on a
24 regular basis (including work undertaken in the home,
25 outside calls, etc.) or any form of substitution of
26 information technologies (such as telecommunications
27 and/or computers) for normal work-related travel;

28 ii. Telepresence – refers to the use of videoconferencing
29 and remote presence technology to conduct face-to-

- 1 face meetings; and
- 2 iii. Telelearning – refers to the use of ICT to allow
- 3 students and faculty to conduct classes and other
- 4 school activities in remote locations and without having
- 5 to physically appear in campus.

6

7 **SECTION 5. *Grant of Emergency Powers to the***
8 *President/Executive Branch.* - The President is hereby authorized to
9 exercise all powers necessary and proper to carry out the above-
10 declared State policy. As such, the President is hereby granted
11 Emergency Powers to urgently utilize all necessary government
12 resources, exercise police power, including eminent domain, and
13 employ executive actions and measures to ensure the effective
14 implementation, reconfiguration, and harmonization of national and local
15 government projects intended to directly address the traffic and
16 congestion crisis.

17

18 **SECTION 6. *Creation of the Office of the Traffic Crisis Manager.***
19 - There is hereby created an Office of the Traffic Crisis Manager under
20 the Office of the President. The Office of the Traffic Crisis Manager
21 shall be headed by the Traffic Crisis Manager

22

23 The Traffic Crisis Manager shall be appointed by the President
24 and shall have the rank, emoluments, benefits and privileges of a
25 Member of the Cabinet. The President shall exercise supervision and
26 control over the Traffic Crisis Manager and the Office of the Traffic Crisis
27 Manager. The Traffic Crisis Manager shall hold office for the duration of
28 the grant of Emergency Powers to the President as provided in Section
29 27 of this Act. Other pertinent details on the creation of such Office, in

1 consonance with the provisions of this Act, shall be through an executive
2 order issued by the President.

3

4 The Traffic Crisis Manager shall be ultimately responsible for
5 transportation and traffic-related functions; thus, exercising overall traffic
6 management and overseeing the execution of the Traffic Crisis Action
7 and Decongestion Plan. For the duration of the emergency powers, the
8 Traffic Crisis Manager as the delegated representative of the President,
9 shall have all the authority to implement a policy framework and manage
10 agency functions over land, air, and seaport traffic, and shall coordinate
11 with the relevant local government units on the implementation of
12 projects that will facilitate the ease of traffic in the Metropolitan Areas.

13

14 **SECTION 7. Powers of the Traffic Crisis Manager.** - As the alter
15 ego of the President, the Traffic Crisis Manager is hereby authorized to
16 exercise all powers necessary, and to utilize all necessary government
17 resources, exercise police power, and employ executive actions and
18 measures to ensure the effective implementation of the program of
19 action stipulated in Section 3 of the Act. More specifically, the Traffic
20 Crisis Manager shall have the following powers:

21 a. Formulate, coordinate, and monitor policies, standards,
22 programs, and projects to rationalize the existing public
23 transport operations, infrastructure requirements, the use of
24 thoroughfares, and promotion of safe and convenient
25 movement of persons and goods;

26 b. Create such inter-agency task forces and designate Action
27 Officers therefor, comprising of personnel and resources
28 from national and local government units and agencies, as

- 1 may be necessary to achieve specific goals within specified
2 time frames;
- 3 c. Create a centralized air traffic authority to introduce
4 innovative and more responsive aviation management
5 service that shall streamline private and public coordination;
- 6 d. Re-structure the routes and operating protocols imposed on
7 road-based public transport service providers, encompassing
8 provincial and intra-city buses, jeepneys, taxis, shared taxis,
9 garage-to-terminal express, and similar categories;
- 10 e. Order the modification, revision, amendment, substitution,
11 suspension or revocation of franchises issued by the LTFRB
12 and those issued by local government units for tri-mobiles;
- 13 f. Issue a uniform Traffic Code that will harmonize the
14 provisions of all laws that relate to traffic management of
15 both land, air, and seaport; road use; and all rules,
16 regulations, ordinances, and orders duly issued and enacted
17 by the covered agency and local government unit pursuant to
18 such legislation, to the end of having, in each of the
19 Metropolitan Areas: (i) a single traffic coordinator; (ii) single
20 ticketing system for traffic violations; and (iii) a
21 comprehensive, unified road use plan; and if necessary,
22 suspend, modify, revise or amend any affected local
23 ordinances or existing traffic regulations; *Provided*, that in
24 crafting the Traffic Code, the Traffic Crisis Manager shall
25 coordinate with all concerned local government units and
26 pertinent agencies;
- 27 g. Determine the priority infrastructure projects that may be
28 implemented by agencies responsible for roads, railways,

1 traffic engineering, public transport facilities such as
2 terminals, stations, and passenger interchange structures;

3 h. Set a limit, reduce, or manage the volume of users in
4 gateway seaports and airports, for immediate execution of
5 the responsible government authorities;

6 i. Appoint, hire, contract experts and qualified personnel as
7 may be necessary, but not otherwise available in the
8 cooperating agencies; and

9 j. Exercise other powers as may be necessary to fulfill the
10 declaration of policy of this Act.

11
12 At the Traffic Crisis Manager's sound discretion and in the interest
13 of efficiency, he shall consult and may delegate any of the
14 aforementioned powers and authority to the MMDA for Greater Metro
15 Manila, and the MCDCEB for Metro Cebu.

16
17 **SECTION 8.** *Advisory Council to the Traffic Crisis Manager.* – A

18 Traffic Crisis Advisory Council is hereby created to guide and advise the
19 Traffic Crisis Manager in his exercise of the powers and performance of
20 the functions granted to him under this Act. The Council shall be
21 composed of the following:

22 (a) A representative of the National Center for Transportation
23 Studies of the University of the Philippines, who shall serve as Chairman
24 of the Council;

25 (b) Two (2) technical experts in traffic management or traffic
26 engineering from civil society;

27 (c) The Secretary of the DPWH or one of his undersecretaries;

28 (d) The Assistant Secretary of the LTO;

29 (e) The Chairman of the LTFRB;

- 1 (f) The Chairman of the MMDA;
- 2 (f) The Chairman of the MCDCB;
- 3 (g) A representative from the commuters' group in Greater
4 Metro Manila, to be designated by the Traffic Crisis Manager;
- 5 (h) A representative from the commuters' group in Metro Cebu
6 to be designated by the Traffic Crisis Manager;
- 7 (i) A representative of the transportation sector in Greater
8 Metro Manila to be designated by the Traffic Crisis Manager; and
- 9 (j) A representative of the transportation sector in Metro Cebu
10 to be designated by the Traffic Crisis Manager;

11

12 The Council shall make periodic recommendations to the Traffic
13 Crisis Manager with respect to his exercise of the powers and functions
14 granted to him under this Act; *Provided*, that, such recommendations
15 shall not be binding on the Traffic Crisis Manager.

16

17 **SECTION 9. *Involvement of Local Government Units and Other***
18 *Agencies.* – The effectivity of local ordinances and regulations that are
19 inimical or contrary to the borderless flow of people, goods, and motor
20 vehicles may be suspended by the Traffic Crisis Manager subject to five
21 (5) working days' notice. The LGUs shall not issue or pass any rule or
22 ordinance in conflict with the provisions of this Act.

23

24 The DPWH shall continue to be responsible for all road works on
25 national roads and shall accelerate the completion of on-going
26 construction, upon instruction from the Traffic Crisis Manager.

27

28 The Metro Manila Development Authority shall exercise all the
29 powers and functions of the Metro Manila Council as provided under

1 Section 4 of Republic Act No. 7924, and shall coordinate with the LGUs
2 with regard to land-use planning.

3

4 The National Housing Authority, in cooperation with the
5 Department of Interior and Local Government, the Commission on
6 Human Rights, and other relevant agencies shall be responsible for the
7 resettlement of informal settler families. They shall be given additional
8 budget, if necessary, to carry out their mandate to support the projects
9 to be implemented through this Act.

10

11 In coordination with the Traffic Crisis Manager, the DICT shall take
12 the lead in promoting telecommuting and other alternative forms of
13 working, the extensive use of car-sharing and car-pooling application,
14 the adoption of virtual conferencing by public sector agencies, the
15 change in government transaction procedures that will reduce the
16 number and need for the public to travel.

17

18 The Civil Service Commission shall undertake a job exchange
19 program within the bureaucracy to reduce home-to-work and work-to-
20 home trip distances of government employees.

21

22 **SECTION 10.** *Formulation of the Traffic Crisis Action and*
23 *Decongestion Plan.* - The Traffic Crisis Manager, in coordination with the
24 Traffic Crisis Advisory Council, shall create a Traffic Crisis Action and
25 Decongestion Plan, which shall sufficiently detail the concrete steps to
26 be taken to immediately and effectively alleviate the traffic crisis in the
27 Greater Metro Manila and Metro Cebu in a measurable/quantifiable
28 manner. The Traffic Crisis Action and Decongestion Plan shall include
29 the following minimum components:

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- a. Organizational structure allocating the respective duties and responsibilities of the Covered Agencies for traffic management and regulation, including traffic law enforcement;
- b. Priority Projects as defined in Section 14 of this Act;
- c. Expedite route rationalization of public utility vehicles (PUVs);
- d. Coordinated odd-even, number coding, or other vehicle volume reduction scheme throughout the Metropolitan Areas;
- e. Synchronized truck ban throughout the Metropolitan Areas;
- f. Creation of a traffic flow system, including identification and designation of one-way streets and U-turn slots;
- g. Identification of friendship routes and private village/subdivision roads to serve as alternate or secondary routes;
- h. Designation of PUV terminals, including the relocation of existing and/or removal of illegal terminals;
- i. Removal of traffic signs and PUV stops which block or encroach upon the right of way to or along major thoroughfares;
- j. Prohibition against and designation of parking areas on certain roads;
- k. Moratorium on the construction of high-density commercially oriented mixed-use developments along main avenues;
- l. Clearing of sidewalks and identification of need for elevated crosswalks;
- m. Comprehensive traffic rules and regulations handbook which

- 1 identifies traffic-related violations and offenses and imposes
2 corresponding graduated penalties;
- 3 n. Traffic system for roads leading to airport terminals and
4 ports;
- 5 o. A system to expedite the reporting and clearing of vehicular
6 accidents, which shall include the admissibility of videos and
7 digital photographs of the accident as sufficient and
8 acceptable basis of any police report and insurance claims;
- 9 p. Upgrade the drainage systems of affected areas and
10 improve surface pavements of major streets;
- 11 q. A Clark Airport Development Plan, to be developed in
12 coordination with the Clark International Airport, Clark
13 Development Authority, Department of Tourism, POEA, and
14 the Regional Development Council; and
- 15 r. A recommendation on whether to buy-out MRT3 or to
16 commence negotiations/procurement of a maintenance
17 contract that will be coterminous with the MRT concession
18 period in 2025.

19

20 Except for the Route Rationalization plan for public utility
21 vehicles, which must be studied and completed within six (6) months
22 from the approval of this Act, the Traffic Crisis Action and Decongestion
23 Plan must be completed within thirty (30) calendar days from approval of
24 this Act. The Traffic Crisis Action and Decongestion Plan shall also
25 consider the local development investment program of cities and
26 municipalities in the affected Metropolitan Areas.

27

28 The Traffic Crisis Manager may also submit a Transportation
29 Reform Plan for Davao City, Cagayan de Oro City, Lipa City, Baguio

1 City, Iloilo City, and other highly urbanized cities and municipalities,
2 which he deems to be undergoing an impending traffic crisis.

3

4 **SECTION 11.** *Transportation Master Plan for Greater Metro*
5 *Manila and Metro Cebu.* – The Traffic Crisis Action and Decongestion
6 Plan shall not preclude the implementation of NEDA-approved long-term
7 projects For Greater Metro Manila and Metro Cebu under their
8 respective master plans. The applicable master plan for Greater Metro
9 Manila shall be the Roadmap for Transport Infrastructure Development
10 as approved by the NEDA Board in June 2014. For Metro Cebu, the
11 applicable master plan shall be the Roadmap Study for Sustainable
12 Development in Metro Cebu as approved by the NEDA Board
13 Infrastructure Committee in July 2015.

14

15 **SECTION 12.** *Alternative Forms of Working.* – In order to reduce
16 total daily trips during working days, all private and public entities, as
17 well as educational institutions, shall be allowed to adopt and implement
18 telecommuting, telelearning, telepresence, car-pooling, share-a-ride
19 programs, flexible working hours and school days, staggered schedules
20 of attendance, and similar transport demand management schemes.
21 The provisions of labor laws and regulations that restrict or prohibit
22 these acts shall be deemed suspended during the effectivity of this Act.

23

24 The Traffic Crisis Manager, in consultation with the Civil Service
25 Commission and the Department of Education shall implement
26 staggered working or school hours between the government
27 employment sector and public elementary and secondary schools.

28

1 **SECTION 13. *Alternative Methods of Procurement.*** – Pursuant to
2 the above policy declaring the traffic and congestion crisis a national
3 public calamity, the existence of emergency and/or extraordinary cases
4 is presumed. To expedite the implementation of all projects covered by
5 this Act, the Alternative Methods of Procurement provided in Article XV
6 of Republic Act No. 9184 and Rule XVI of its Implementing Rules and
7 Regulations shall be utilized.

8
9 The benefits of shorter completion time may, at the discretion of
10 the Head of the Procuring Entity concerned, be applied in the
11 determination of the Lowest Calculated Bid or Highest Rated
12 Responsive Bid. The Approved Budget for Contract (ABC) under R.A.
13 No. 9184 shall incorporate such costs necessary for shorter completion.
14 The amount stipulated for penalties of delay in the Contract of Award
15 shall also be the same amount for incentive bonus of early completion,
16 which shall be explicitly indicated in the contract. In the absence of such
17 valuation, the NEDA shall determine the value of such benefits
18 applicable to the contract for purposes of granting the incentive bonus.

19
20 The time duration specified in the Implementing Rules and
21 Regulations (IRR) of Republic Act No. 6957, as amended by R.A. No.
22 7718, may also be shortened or abbreviated, without prejudice to or
23 constraining competition, and Rule 9 of the same IRR invoked;
24 *Provided*, that the modality exclude contractual arrangements that entail
25 sovereign guarantees or regular payments from the government.

26
27 The Government Procurement Policy Board and the NEDA, in
28 consultation with the Traffic Crisis Manager, shall issue the proper
29 guidelines within fifteen (15) days upon effectivity of this Act with regard

1 to this section.

2

3 **SECTION 14. *Priority Projects.*** – Priority projects are those listed
4 in the Three-year Rolling Infrastructure Program (TRIP) of NEDA for
5 years 2017 to 2019. These projects shall be in the medium-term
6 program up to year 2020 of the applicable master plan. Projects with
7 capital cost below One Billion Pesos (Php 1,000,000,000) not otherwise
8 eligible, may still be undertaken through Section 13 of this Act, if and
9 only if they are approved by the NEDA.

10

11 Projects with a capital cost above One Billion Pesos (Php
12 1,000,000,000) may still be undertaken if these are i) approved by the
13 NEDA and ii) undergo the regular procurement process as specified
14 under R.A. No. 9184. However, these projects shall be covered by the
15 other provisions of this Act, with the exception of Section 13.

16

17 The contracts for Projects to be carried out pursuant to and in
18 accordance with this Act shall be awarded only to contractors or project
19 proponents with: (i) proven competence in, and capability and
20 experience with similar projects; (ii) competent and qualified key
21 personnel and sufficient and reliable equipment and facilities; and (iii)
22 sound financial capacity.

23

24 All Priority Projects shall be subject to existing government
25 auditing rules and regulations governing negotiated contracts. Contracts
26 or concession agreements covering Priority Projects shall have no
27 confidentiality clause, except with respect to matters protected by the
28 Intellectual Property Code of the Philippines. In case of technology-
29 related Priority Projects, the terms of reference (TOR) and

1 contract/agreement must explicitly provide for technology transfer and
2 assignment of any and all Source Code to the DOTr.

3

4 The Protest Mechanism under Article XVII of R.A. No. 9184 is
5 deemed suspended or may be disregarded by the Traffic Crisis Manager
6 for expediency.

7

8 **SECTION 15. *Responsibilities and Liabilities.*** – The Traffic Crisis
9 Manager shall be principally responsible for ensuring that all projects
10 covered by this Act are implemented and completed in a timely, cost-
11 effective and efficient manner. In addition, the Traffic Crisis Manager
12 shall be liable for violations of Republic Act No. 9184 and other related
13 laws in procurements, contracts and projects in which he has direct
14 participation.

15

16 With respect to the implementing agencies, the Head of Procuring
17 Entity shall be liable for violations of Republic Act No. 9184 and other
18 related laws in procurements, contracts and projects covered by this Act.

19

20 The President, Chief Executive Officer and members of the boards
21 of directors of suppliers, contractors and concessionaires of projects
22 covered by this Act shall be solidarily liable with such suppliers,
23 contractors or concessionaires for violations of their contractual
24 obligations, warranties and representations with respect to procurements
25 and contracts for projects covered by this Act.

26

1 The foregoing shall be without prejudice to the liabilities, whether
2 civil, criminal or administrative, which the above-named persons may
3 incur under existing laws, rules or regulations.

4
5 **SECTION 16.** *Issuance of Permits/Licenses.* – To promptly
6 address the Traffic Crisis, the following are hereby temporarily
7 suspended throughout the effectivity of this Act, only insofar as they
8 apply to the Priority Projects under this Act:

- 9
- 10 a) Provisions of the Local Government Code requiring prior
11 consultation with, and approval of, local government units with
12 respect to traffic-related projects within their respective
13 localities;
 - 14 b) Provisions of the Local Government Code requiring the
15 issuance of a building permit;
 - 16 c) Provisions of the National Building Code requiring building
17 permits before any work is started, and other clearances or
18 certifications;
 - 19 d) Provisions of the P.D. No. 1586 and its IRR requiring an
20 Environmental Clearance Certificate from the DENR;
 - 21 e) Provisions of the Labor Code of the Philippines requiring
22 clearances and permits for the employment of foreigners with
23 regard to foreign technicians and expert working in traffic-
24 related projects.

25
26 To improve the efficiency of telecommuting and to improve internet
27 connectivity in the country as a means to address the traffic crisis, the
28 Traffic Crisis Manager, together with the DICT, shall streamline and limit
29 the number of licenses, certificates, and/or permits necessary to

1 construct cellular sites in the country. The Traffic Crisis Manager and the
2 DICT shall prescribe a uniform set of fees for the construction of cellular
3 sites. For the duration of this Act, all Tower Fee Ordinances shall be
4 suspended.

5

6 **SECTION 17. *Acquisition of Rights-of-Way, Project Sites, and***
7 *Relocation Sites.* – In the implementation of projects covered by this Act,
8 the Traffic Crisis Manager or the implementing agency concerned is
9 hereby authorized to acquire rights-of-way, project sites and relocation
10 sites through negotiated sale as provided in Section 5 of Republic Act
11 No. 10752. If the registered owner of the property sought to be acquired
12 as a right-of-way, project site or relocation site does not accept the offer
13 of payment for his property within a period of thirty (30) calendar days
14 from his receipt of the offer, the implementing agency concerned may
15 take possession of the property after depositing in escrow with the Land
16 Bank of the Philippines the fair market value of the property, and with
17 notice of such deposit to the property owner. For purposes of this
18 section, the fair market value of the property shall be the sum of the
19 following:

20

21 (a) The current market value of the land,

22 (b) The replacement cost of structures and improvements
23 therein; and

24 (c) The current market value of crops and trees therein.

25

26 To determine the appropriate fair market value, the implementing
27 agency may engage the services of a government financial institution
28 with adequate experience in property appraisal, or an independent
29 property appraiser accredited by the Bangko Sentral ng Pilipinas (BSP)

1 or a professional association of appraisers recognized by the BSP,
2 Government financial institutions shall issue free of charge the appraisal
3 and valuation report for the private property to be expropriated.

4 In the case of land occupied by informal settler families, the
5 implementing agency shall not take possession of the property until such
6 informal settler families (ISFs) shall have been transferred to a
7 temporary or permanent relocation site. This provision shall not preclude
8 the NHA from formulating and implementing long-term resettlement
9 plans for ISFs or from carrying out its mandate.

10 Additional funding for the relocation of ISFs to be given to the
11 implementing agency or LGU shall be through a special budget enacted
12 by Congress or shall be sourced from any savings from the Special
13 Purpose Funds of the President as provided for in Section 30 of this Act.

14
15 **SECTION 18. *Right of Transport Operators.*** – In the event that the
16 route re-structuring plan promulgated under Section 3 of this Act shall
17 greatly displace existing public transport operators with valid and
18 subsisting Certificate of Public Convenience (CPC), these public
19 transport operators shall have the first option to choose their routes or
20 service areas based on the route re-structuring plan, unless the total
21 number of units is in excess of the allowable fleet size, in which case,
22 the immediately succeeding section shall apply.

23
24 **SECTION 19. *Compensation to PUV Operators.*** - Public
25 transportation operators affected by projects or policies carried out
26 pursuant to this Act that lead to a revocation of franchise, shortening of
27 routes, or reduction of covered PUV units shall be compensated. This

1 Section shall not apply to vehicles under a Transportation Network
2 Vehicle Service.

3

4 For PUV Operators who shall have inoperative vehicles dues to
5 route rationalization, they shall have the option to sell such vehicles to
6 the government. Compensation shall be based on depreciated value of
7 the units affected, upon presentation of the actual unit and validation that
8 the unit and chassis number of the unit is included in the list of
9 registered vehicles in the CPC.

10

11 Loss of income shall also be compensated, based on average
12 annual income generated by that unit from that particular route, as
13 evidenced by the affected parties' Official Receipts and income tax
14 returns (ITR) filed in the last three preceding years. The one-time
15 compensation for loss of income shall be equivalent to such annual
16 average income and shall be exempt from income and other taxes.

17

18 To be entitled to the compensation set forth in this Section, the
19 franchise holder must have been, within the five year period immediately
20 preceding the revocation: (i) fully compliant with all statutory and
21 regulatory requirements pertaining to the operation of its PUVs and the
22 exercise of its privileges under its franchise; and (ii) have no derogatory
23 record with the LTFRB, MMDA, LGU, or any other relevant government
24 agency or office.

25

26 The Traffic Crisis Manager, in coordination with the LTFRB,
27 MMDA, and DBM, shall issue the pertinent guidelines with regard to this
28 Section.

29

1 **SECTION 20. *Social Support Mechanisms.*** – Drivers, driver's
2 assistants, mechanics, and other employees of the PUV operators
3 affected by a revocation or modification of franchise shall be entitled to
4 financial assistance in the following forms:

5
6 (a) Department of Social Welfare and Development using
7 Conditional Cash Transfer (CCT) funding for the entire 2017. The
8 identified employees shall be included and immediately be classified as
9 qualified persons under the CCT program;

10 (b) Displaced employees shall be entitled to separation pay as
11 mandated under the Labor Code of the Philippines;

12 (c) The Technical Education and Skills Development Authority
13 (TESDA) shall prioritize the affected employees in its training courses;

14 (d) The Department of Labor and Employment and Philippine
15 Overseas Employment Agency shall obtain a list of professional drivers
16 and mechanics and shall assist them in looking for employment, whether
17 here or abroad; and

18 (e) The legal dependents of affected employees shall be qualified
19 for scholarships from the Government, in accordance with the applicable
20 rules and regulations of the DSWD, Department of Education, or
21 TESDA.

22
23 The Traffic Crisis Manager may recommend additional
24 compensation that will be provided through the 2018 and 2019 budget
25 after consultation with the NEDA, DBM, and LTFRB.

26
27 **SECTION 21. *Private Roads.*** – Private roads fenced off from other
28 motorists and within villages and subdivisions may be opened for public
29 use subject to conditions and limitations that shall be agreed upon

1 between the Traffic Crisis Manager, the relevant LGU, and the
2 appropriate residential association. The road or section thereof must
3 improve overall network connectivity and provide alternative route and
4 relief to traffic bottlenecks. In case of refusal of the appropriate
5 residential association, or failure to agree within thirty (30) calendar
6 days, the government may proceed to acquire the same in accordance
7 with R.A. No. 10752.

8
9 The Traffic Crisis Manager may order the immediate opening of
10 public roads needed by the exigency of traffic management but fenced
11 off from other motorists by neighborhood associations and/or barangay
12 officials, after ten working days (10) notice. Conditions and limitations for
13 the use thereof may be imposed by the Traffic Crisis Manager *motu*
14 *propio*, without need of public hearing.

15
16 **SECTION 22.** *Violations under this Act.* – Any violation of or non-
17 compliance with any provision of this Act shall be considered a violation
18 of Section 3 of Republic Act No. 3019 or the Anti-Graft and Corrupt
19 Practices Act and shall be penalized with imprisonment of not less than
20 one (1) year nor more than ten (10) years and perpetual disqualification
21 from holding any public office.

22
23 The violation under this Section proven in a proper administrative
24 proceeding shall be sufficient cause for removal or dismissal of a public
25 officer, even if no criminal prosecution is instituted against him.

26
27 Any other act in violation of any provision of this Act that qualifies
28 as an offense under the Revised Penal Code or any other special act
29 shall be subject to the penalties of imprisonment and/or fines as

1 stipulated in such laws; *Provided* that the maximum applicable penalty
2 shall be imposed and convicted public officials shall be further removed
3 from office and subject to perpetual disqualification from holding any
4 public office.

5

6 **SECTION 23.** *Prohibition on the Issuance of Temporary*
7 *Restraining Orders and Preliminary Injunctions.* - In the implementation
8 of this Act, no court, except the Supreme Court, may issue any
9 temporary restraining order or preliminary injunction against the
10 government or any of its subdivisions, official or any person or entity,
11 whether public or private, acting under government direction, to restrain,
12 prohibit or compel the following acts:

13

- 14 a) Acquisition, clearance, and development of the right-of-way,
15 site or location of any transportation project identified by the
16 Traffic Crisis Manager;
- 17 b) Procurement of transportation projects, including
18 infrastructure projects, goods, and consulting services;
- 19 c) Commencement, prosecution, execution, implementation,
20 operation of any transportation project;
- 21 d) Opening of any private village gates necessary to provide
22 alternate routes throughout the effective period of this Act;
- 23 e) Termination or rescission of any Transportation Project; and
- 24 f) Undertaking or authorization of any other lawful activity
25 necessary for any Transportation Project.

26

27 **SECTION 24.** *Transparency and Right to Information.* – The
28 Traffic Crisis Manager, in coordination with the DICT, must maintain a
29 separate website for the publication of complete and accurate

- 1 information regarding the implementation of this Act. This shall include
2 information on:
- 3 a) All traffic-related policies, rules, regulations with updates on
4 all new issuances;
 - 5 b) Traffic Crisis Action and Decongestion Plan, other pertinent
6 plans and their updates;
 - 7 c) Information on traffic data and projects;
 - 8 d) Information on the Priority Projects and policies that are
9 being or intended to be implemented under this Act;
 - 10 e) Status of Priority Projects during bidding/negotiation, award,
11 and implementation;
 - 12 f) Project budget and implementation status (including ROW
13 acquisition);
 - 14 g) Funding for all projects, with clear source and breakdown of
15 allocation;
 - 16 h) Contracts and Terms of Reference of all projects, including
17 the terms and conditions of any applicable concession
18 agreements;
 - 19 i) Detailed minutes of meetings (pre-bid and negotiations)
20 during bidding and awarding of projects;
 - 21 j) Master list of all franchised/licensed public transit operators
22 in the Metropolitan Areas, with the names and license details of
23 their PUV drivers and the types and chassis numbers of the
24 vehicles covered by the respective franchises;
 - 25 k) List of Public Officials involved in the implementation of the
26 Priority Projects, including their Statement of Assets, Liabilities,
27 and Net Worth of Public Officials involved in the bidding and
28 negotiation of Priority Projects;
 - 29 l) List of consultants and contractors engaged for the Priority

1 Project with sworn statement on previous employment or
2 projects/experience; and
3 m) Centralized database for traffic violations.
4

5 **SECTION 25. *Traffic Education.*** – The DOTr, LTO, LTFRB,
6 DepEd, and TESDA shall jointly develop a program for driver's
7 education and road and pedestrian etiquette education that shall be
8 incorporated as a mandatory subject in the Senior High School
9 curriculum.
10

11 **SECTION 26. *Capacity Building.*** – The Traffic Crisis Manager
12 shall promote and encourage capacity-building and the sharing of best
13 practices with local government units and other government agencies
14 with regard to transportation planning, and traffic management, and
15 enforcement.
16

17 **SECTION 27. *Duration of Powers.*** – The authority granted to the
18 Executive Branch under this Act shall be valid and effective until the next
19 adjournment of Congress, unless sooner withdrawn by a joint resolution
20 of Congress upon a finding by the COC that the traffic and congestion
21 crisis has been significantly abated, without prejudice to rights and
22 benefits that may have been vested and liabilities that may have been
23 incurred in the meantime.
24

25 **SECTION 28. *Congressional Oversight Committee.*** – There is
26 hereby created a Congressional Oversight Committee (COC) involving
27 both Houses of Congress, which shall monitor the implementation of this
28 Act and the exercise of the powers herein granted. The Committee shall

1 be composed of the Chair of the Senate Committee on Public Services;
2 the Chair of the House of Representatives Committee on Transportation;
3 and two (2) other members from each House, to be designated by the
4 Senate President, in the case of the Senate, and the Speaker, in the
5 case of the House of Representatives.

6

7 The Chair of the Senate Committee on Public Services and the
8 Chair of the House of Representatives Committee on Transportation
9 shall constitute an Executive Committee, to be headed by an Executive
10 Director, who will oversee day-to-day coordination with the concerned
11 officials and stakeholders affected by this Act. Funding for the Executive
12 Committee shall be sourced from the Motor Vehicle User's Charge
13 Fund.

14

15 The Traffic Crisis Manager shall submit a monthly report to the
16 COC on the efficiency and effectiveness of the measures undertaken to
17 implement this Act and alleviate the Traffic Crisis. The COC shall
18 conduct ocular inspections of the Priority Projects at least once per
19 quarter.

20

21 Upon the expiration of the term of the COC, which shall be
22 conterminous with the effective period of this Act, the COC shall make a
23 comprehensive report and give its recommendations.

24

25 **SECTION 29. *Report to Congress.*** – The Executive Branch shall
26 submit a quarterly report to Congress, through the COC, on the
27 implementation of this Act.

28

29 **SECTION 30. *Funding.*** – The amount needed for the

1 implementation of this Act shall be sourced from the following:

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- a. The General Appropriations Act;
- b. By way of a special budget enacted by Congress;
- c. The Motor Vehicle User's Charge Fund under R.A. No. 8794;
- d. Special appropriations from local government units in support of projects and measures within their respective jurisdictions;
- e. Any savings and/or unexpended portion from the Special Purpose Funds of the President, for other expenses and/or to augment the preceding items; and the
- f. Official Development Assistance loan, where applicable.

SECTION 31. *Transitory Provision.* – As far as practicable, the provisions of this Act shall apply to all perfected procurement contracts involving only transport projects, which have already commenced but with no Notice of Award yet issued.

SECTION 32. *Separability Clause.* – In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

SECTION 33. *Repealing Clause.* – All laws, presidential decrees, letters of instructions, executive orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of -this Act are hereby revoked, repealed, amended or modified accordingly.

- 1 **SECTION 34. *Effectivity.*** – This Act shall take effect fifteen (15)
- 2 days following the completion of its publication in two (2) newspapers of
- 3 general circulation.

Approved.