Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



THIRTEENTH CONGRESS
First Regular Session

80

HOUSE BILL NO. _____

Introduced by : **REPS. RAUL V. DEL MAR, ANTONIO V. CUENCO, NERISSA CORAZON SOON-RUIZ and EDUARDO R. GULLAS**

EXPLANATORY NOTE

There is always value in order, value in a well-ordered scheme of performing or implementing activities or functions impressed with public interest. This is most true in the area of traffic operations, management and supervision in urban communities, an activity that literally deals on a daily basis with the flow and movement of vehicles, people and goods. A well-ordered traffic – and transport - system , a well-regulated community of road users results in added value and benefits that may be difficult to quantify with precision but easy to see and appreciate. On the other hand, the chaos, confusion and criticisms that result from a failed and mismanaged traffic system easily make people's lives miserable.

Indeed, traffic matters and problems in highly urbanized localities affect not only the convenience, mobility and safety of the riding public but also their production and productivity. Existing statistics and studies support this and government efforts in this specific area of concern are in the direction of having traffic control and management effectively ceded to a dedicated, more-focused and more responsive body to achieve better results.

In this light , the attached bill , firmed up in the 1st Metro Cebu Traffic Summit organized by the Cebu Chamber of Commerce and Industry with the cooperation of the Cebu City government held last October 20-27 2001 -- attended by national government agencies concerned, the provincial government of Cebu, the local government units of Cebu City, Mandaue City, Lapu-lapu City, Talisay City and the municipalities of Consolacion, Cordova and Minglanilla and the rest of the Metro Cebu and the various associations of transport groups and NGOs -- seeks to create a Metro Cebu Traffic Authority to directly address more efficiently and effectively the traffic problems of Metro Cebu that appear to be growing beyond the remedial efforts of present traffic policy-makers and enforcers. For this purpose, Metro Cebu embraces the cities of Cebu, Mandaue, Talisay and Lapu-Lapu and the municipalities of Consolacion, Cordova and Minglanilla and such other cities and municipalities in the province of Cebu as may later be included by the Metro Cebu Traffic Authority Council.

The proposed Authority – it likewise seeks to take over the traffic and allied functions of the Land Transportation Office (LTO) and the Land Transportation Franchising and Regulatory Board (LTFRB) in Metro Cebu to strengthen its primary responsibility – is one bold step in having a better system of traffic control and management. But the achievement of the objectives is within reach because the governing body is composed of the chief executives of the local government units that make up Metro Cebu. Needless to say, if successful in Cebu, the same may be easily replicated in other highly urban cities in the country.

In view hereof, approval of the bill is earnestly requested.

RAUL V. DEL MAR **ANTONIO V. CUENCO**

NERISSA CORAZON SOON-RUIZ **EDUARDO R. GULLAS**

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Introduced by : **REPS. RAUL V. DEL MAR, ANTONIO V. CUENCO, NERISSA CORAZON SOON-RUIZ and EDUARDO R. GULLAS**

AN ACT
CREATING THE METRO CEBU TRAFFIC AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

SECTION 1. ***Declaration of Policy.*** - It is the policy of the State to put in place an orderly system of doing things to improve government functions and operations, making them more responsive to pressing problems for the benefit of society. The efficient and effective planning, management , supervision and coordination of the traffic system in highly urbanized localities is a basic imperative of a well-organized society , affecting as it does not only the convenience and safety but also the production and productivity of the greater majority of the people in the community.

Sec. 2. ***Creation of the Metro Cebu Traffic Authority.*** - To implement the State policy , there is hereby crated a body corporate to be known as the "Metro Cebu Traffic Authority, " hereinafter referred to as the "Authority," primarily tasked and responsible for the planning, management , control and supervision of the traffic affairs of Metro Cebu. For this purpose, Metro Cebu shall embrace the cities of Cebu, Mandaue, Talisay and Lapu-Lapu, and the municipalities of Consolacion, Cordova and Minglanilla and such cities and municipalities in the province of Cebu as may later be included by the Metro Cebu Traffic Authority Council.

Sec. 3. ***Primary Responsibility.*** - The primary responsibility of the Authority shall cover transport and traffic services that have metro-wide impact and transcend local political boundaries. These services shall include the following:

(a) Planning, monitoring and coordination as well as regulation and supervision of the traffic condition and operations of Metro Cebu;

(b) Formulation, coordination and monitoring of policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotions of safe and convenient movement of persons and goods;

(c) Provision for the mass transport system and the institution of a system to regulate road users;

(d) Administration, implementation and enforcement of al laws, rules and regulations involving traffic operations, traffic engineering services, traffic education programs, including the functions of the Land Transportation Office (LTO) and of the Land Transportation Franchising and Regulatory Board (LTFRB) within Metro Cebu, notwithstanding any law to the contrary;

(e) Institution of a single ticketing system in Metro Cebu.

SEC. 4. ***Governing Body.*** - The Authority shall be governed and its activities directed, managed and controlled by a Council composed of the mayors of the cities and municipalities enumerated under Section 2 hereof and three (3) representatives from the private sector who shall all be appointed by the said Mayors of the cities and municipalities.

The Council shall be headed by a Chairman, to be elected by the Council from among the Members, who shall continue to hold office upon the pleasure and discretion of the Council.

The Chairman and members of the Council shall promulgate the necessary rules and regulations to govern the proceedings of the Council. They shall be entitled to allowances and per diems for every council meeting actually attended in accordance with existing policies, rules and regulations.

SEC. 5. ***Functions and Powers of the Authority.*** - The Authority shall exercise or perform the following powers and functions :

(a) Formulate, coordinate and regulate the implementation of medium and long-term plans and programs for the delivery of metro-wide services, land use and physical development within Metro Cebu respecting the affairs of traffic, consistent with national development objectives and priorities;

(b) Prepare, coordinate and regulate the implementation of medium-term investment programs for metro-wide services under its jurisdiction which shall indicate

sources and uses of funds for priority programs and projects, and which shall include the packaging of projects and presentation to funding institutions;

(c) Undertake and manage on its own metro-wide programs and projects for the delivery of specific services under its jurisdiction, subject to the approval of the Council. For this purpose, the Authority may create appropriate project management offices;

(d) Coordinate and monitor the implementation of such plans, programs and projects in Metro Cebu, identify bottlenecks and adopt solutions to problems of implementation;

(e) Formulate and set the policies concerning traffic in Metro Cebu, and coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, planning, engineering and education. Upon request, the Authority shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;

(f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic laws, rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke licenses of erring drivers in the enforcement of such traffic laws and regulations, the provisions of Republic Act No. 4136 and Presidential Decree No. 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Cebu, through its traffic operation center, and may deputize members of the Philippine National Police (PNP), traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain traffic functions and powers, subject to such conditions and requirement as the Authority may impose;

(g) Levy fines as may be warranted in the exercise of its functions and impose fees and charges for various services rendered, the proceeds of which shall exclusively accrue to and used for the benefit of the operations of the Authority ;

(h) Enter into, make, perform and carry out contracts or agreements of every kind and for any lawful purpose pertaining to the above-mentioned powers and objectives of the Authority;

(i) Perform other related functions required to achieve the objectives of the Authority , including the undertaking of delivery of services to the local government units

respecting traffic affairs, when deemed necessary subject to prior coordination with and consent of the local government units concerned.

SEC 6. ***Functions of the Council of Mayors.*** The Council, in addition to its powers under the preceding sections , shall perform the following functions :

(a) It shall approve metro-wide plans, programs and projects and issue rules and regulations and resolutions deemed necessary by the Authority to carry out the purposes of this Act;

(b) It may increase the rate of allowances and per diems of the members of the Council to be affective during the term of the succeeding Council. It shall fix the compensation of the officers and personnel of the Authority, and approve the annual budget thereof for submission to the Department of Budget and Management (DBM);

(c) It shall promulgate rules and regulations and set policies and standards for metro-wide application governing the affairs of traffic within the Metro Cebu, including the imposition and collection of service and regulatory fees, and fines and penalties.

SEC. 7. ***Functions of the Chairman of the Council of Mayors.*** The Chairman of the Metro Cebu Traffic Authority Council shall:

(a) Appoint, subject to civil service laws, rules and regulations, all subordinate officers and employees of the Authority, who shall enjoy security of tenure and may be removed only for cause in accordance with law.

(b) Engage the services of experts or consultants either on full time or part-time basis, as may be required and necessary for the performance of his functions and duties;

(c) Execute or cause the execution of the rules, regulations, policies and measures approved by the Council and be responsible for the efficient and effective day-to day management of all the operations of the Authority ;

(d) Submit for consideration of the Council such other policies and measures as he may deem necessary to carry out the purposes and provisions of this Act;

(e) Subject to the guidelines and policies set by the Council, prepare the staffing pattern and fix the number of subordinate officials and employees of the Authority and exercise the power to discipline subordinate officials and employees in accordance with law;

(f) Prepare an annual report on the accomplishments of the Authority at the close of each calendar year for submission to the Council; and

(g) Perform such other duties as may be assigned to him by the Council.

SEC. 8. ***Organization/Support Staff/Services.*** - The Chairman shall be assisted by an Executive Officer, an Assistant Executive Officer for Finance and Administration, an Assistant Executive Officer for Planning and Engineering, an Assistant Executive Officer for Operations, and an Executive Officer for Education, all of whom shall be appointed by the Chairman, subject to the approval of the Council, , subject to civil service laws, rules and regulations. They shall enjoy security of tenure and may be removed only for cause in accordance with law.

The Executive Director shall have the following functions:

(a) Assist the Chairman in the administration of the Authority and supervision of subordinate personnel;

(b) Assist the Chairman in the supervision of the operation of the various operating centers and units of the Authority;

(c) Assist the Chairman in the review of plans and programs for the Authority in the preparation of the annual report of activities and accomplishments of the Authority ; and

(d) Perform such other duties and functions as may be lawfully delegated or assigned by the Chairman from time to time.

SEC. 9. ***Institutional Linkages.*** - The Authority shall, in carrying out its functions, consult, coordinate and work closely with the Local Government Units concerned, other national government agencies, and accredited people's organizations (POs), non-governmental organizations (NGOs), and the private sector operating in Metro Cebu. The Council Chairman or his authorized representative from among the members of the Council, shall be an *ex officio* member of the board of government corporations and committees of the departments and offices of government whose activities are relevant to the objectives and responsibilities of the Authority which shall include, but not be limited to, the Department of Transportation and Communications (DOTC) and the Department of Public Works and Highways (DPWH) and the Department of Interior and Local Government (DILG).

The Authority shall have a master plan that shall serve as the framework for the local development plans of the component LGUs.

The implementation of the Authority's plans, programs, and projects shall be made in coordination with the LGU's, the concerned national government agencies, the POs, NGOs and the private sector. For this purpose, the Authority may enter into

contracts, memoranda of agreement and other cooperative arrangements with these bodies for the effective delivery of the traffic concerns within the Metro Cebu area.

The Authority may interface with the foreign assistance agencies for purposes of obtaining financing support, grants and donations in support of its programs and projects.

SEC 10. ***Rules of Interpretation.*** - In case of conflict between the provisions of this Act and national laws and local laws and ordinances governing the local government units, the same shall be resolved in favor of the Authority. In case of doubt, the decision of the Authority shall prevail on matters affecting the direct implementation and operations of the powers of the Authority under the Act.

SEC. 11. ***Sources of Funds and the Operating Budget.*** To carry out the purposes of this Act:

(a) The amount of ONE HNDRED MILLION PESOS (P1OO,OOO,OOO.OO) is hereby authorized to be appropriated for the initial operation of the Authority. Thereafter, the annual expenditures including capital outlays of the Authority shall be provided in the General Appropriations Act.

(b) Five percent (5%) of the total annual gross revenue of the preceding year, net of the internal revenue allotment, of each municipality mentioned in Section 2 hereof and two percent (2%) of the total annual gross revenue of the preceding year, net of the internal revenue allotment, of each city mentioned in Section 2 hereof, shall accrue and become payable monthly to the Authority by each city or municipality. In case of failure to remit the said fixed contribution, the DBM shall cause the disbursement of the same to the Authority chargeable against the IRA allotment of the city or municipality concerned, the provisions of Section 286 of Republic Act No. 7160 to the contrary notwithstanding.

SEC. 12. ***Implementing rules and Regulations.*** – The Authority shall, within sixty (60) days upon approval hereof, formulate the rules and regulations to carry out the provisions of this Act. In this regard, priority shall be given the transfer of the functions, duties and responsibilities of LTO and LTFRB to the Authority.

SEC. 13. ***Repealing Clause.*** - All other laws, decrees, executive orders, rules and regulations, or part thereof inconsistent with or contrary to the provision of this Act are hereby repealed or modified accordingly.

SEC. 14. ***Separability Clause.*** - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

SEC. 15. ***Effectivity.*** This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,