

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



Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2104

Introduced by Honorable Antonio V. Cuenco

EXPLANATORY NOTE

This bill seeks to create a Metro Cebu Traffic Authority which shall primarily be responsible for the planning, monitoring, coordinating, regulating, and supervising traffic in Metro Cebu.

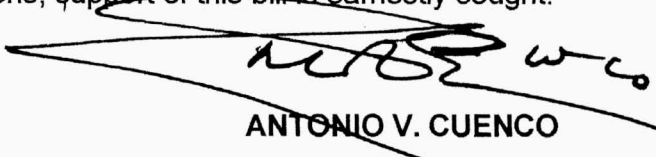
Transportation is a vital component of economic growth and plays a central role in sustaining the development process. However, an antiquated transport system that cannot cope with the increasing public demand for a faster and more efficient means of travel becomes a hindrance to economic growth and development. Moreover, a government that tolerates the daily clogging of the streets and highways unwittingly compromises not only economic development but also the health and welfare of the people.

The continuing deterioration of the traffic situation in the cities and municipalities comprising Metro Cebu is brought about by rapid urbanization, increasing population through migration, concentration of socio-economic activities in urban centers, and the tremendous increase in the number of vehicles plying the streets. Lack of available funds and the absence of a well-coordinated system for the immediate repair or replacement of damaged roads, bridges, and other traffic infrastructures and equipment contribute to the predicament of the commuters.

Realizing the worsening traffic situation in the urban areas, the government attempted to solve the problem by harnessing the cooperation and coordination of the various agencies concerned with traffic. But the scheme resulted in conflicting actions and overlapping functions of these government agencies. In Metro Cebu, the government failed miserably in its quest to untangle the chaotic traffic condition.

The complexity of the traffic problem in Metro Cebu makes it imperative to create an entity such as the Metro Cebu Traffic Authority that will oversee, unify and integrate all traffic activities and programs, and ultimately, ease the burden, discontent, and inconvenience of the people in Metro Cebu.

In view of the foregoing considerations, ~~support of this bill is earnestly sought.~~


ANTONIO V. CUENCO

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AN ACT
CREATING THE METRO CEBU TRAFFIC AUTHORITY, DEFINING ITS POWERS
AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR.

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

SECTION 1. **Title.** - This Act shall be known as the "Metro Cebu Traffic
Authority Act of 2004".

SECTION. 2. **Declaration of Policy.** - It is hereby declared to be the policy
of the State to institute a highly efficient traffic authority which shall plan, supervise,
and coordinate more effectively the traffic condition in Metro Cebu.

SECTION 3. **Creation of the Metro Cebu Traffic Authority.** - There is
hereby created a body to be known as the Metro Cebu Traffic Authority (MCTA)
which shall primarily be responsible for the planning, monitoring, coordinating,
regulating, and supervising traffic in Metro Cebu.

SECTION 4. **Territorial Jurisdiction of the MCTA.** The territorial jurisdiction
of the MCTA shall include the cities of Cebu, Mandaue, Talisay and Lapu-Lapu, and
the municipalities of Consolacion, Cordova, and Minglanilla.

SECTION 5. **Scope of Services.** - The MCTA shall provide services which
have metro-wide impact and transcend local political boundaries. These services
shall include the transport and management embracing the following:



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

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

(c) Administration and implementation of all traffic enforcement operations, traffic engineering services, traffic education programs, and of all the functions of the Land Transportation Office (LTO) and of the Land Transportation Franchising and Regulatory Board (LTFRB) within the metro area notwithstanding any law to the contrary; and

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

SECTION 6. ***Powers and Functions of MCTA.*** – The Metro Cebu Traffic Authority shall exercise 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 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 of Mayors. For this purpose, MCTA can 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) Set the policies concerning traffic in Metro Cebu, and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, planning, engineering, and education. Upon request, it 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 and regulations, for all kinds of violations of traffic laws, rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of other applicable laws to the contrary notwithstanding. For this purpose, the MCTA shall enforce all traffic laws and regulations in Metro Cebu, through its traffic operation center, and may deputize members of the Philippine National Police, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the MCTA may impose; and

(g) Perform other related functions required to achieve the objectives of the MCTA, 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 unit concerned.

SECTION 7. Council of Mayors. - The governing and policy-making body of the MCTA shall be the Council of Mayors composed of the mayors of the cities and municipalities enumerated under Section 4 hereof, and three (3) representatives from the private sector who shall be appointed by the President of the Philippines.



The Council shall be headed by a Chairman who shall be appointed by the President of the Philippines, and who shall continue to hold office at the discretion of the appointing authority. The Chairman of the Council shall have the same rank, rights, and privileges as that of a cabinet member.

The Chairman of the Council of Mayors shall be assisted by an Executive Officer, Assistant Executive Officer for Finance and Administration, Assistant Executive Officer for Planning and Engineering, Assistant Executive Officer for Operations, and Assistant Executive Officer for Education, all of whom shall be appointed by the President of the Philippines with the consent and concurrence of the majority of the members of the Council of Mayors and subject to civil service laws, rules, and regulations. Such executive officers shall enjoy security of tenure and may be removed for cause in accordance with the law.

The Chairman and members of the Council of Mayors shall be entitled to allowances and per diems in accordance with existing policies, law, rules, and regulations.

SECTION 8. *Powers and Functions of the Council of Mayors.* - The Council of Mayors shall exercise the following powers and functions:

- (a) Act as the governing and policy-making body of the MCTA;
- (b) Approve metro-wide plans programs, and projects and issue rules and regulations and resolutions necessary to implement the provisions of this Act;
- (c) Increase the rate of allowances and per diems of the members of the Council of Mayors to be effective during the term of the succeeding Council of Mayors. The Council of Mayors shall determine the organizational structure and staffing pattern of the MCTA and shall fix the compensation of the officers and personnel of the MCTA, and approve the annual budget thereof for submission to the Department of Budget and Management (DBM); and



(d) Promulgate rules and regulations and set policies and standards for metro-wide application governing the affairs of traffic within Metro Cebu, prescribe and collect service and regulatory fees, and impose and collect fines and penalties.

SECTION 9. *Powers and Functions of the Chairman of the Council of Mayors.*

- The Chairman of the Council of Mayors shall exercise the following powers and functions:

(a) Appoint, subject to civil service laws, rules and regulations, all subordinate officers and employees, who shall enjoy security of tenure and may be removed only for cause in accordance with law. The Chairman is hereby authorized to engage the services of experts or consultants, either on full-time or part-time basis, as may be required in the performance of his functions and duties;

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

(c) Prepare the annual budget for the operations of the MCTA for submission to the Council of Mayors;

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

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

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

(g) Perform such other rules as may be assigned to him by the President of the Philippines or by the Council of Mayors.



SECTION 10. ***Powers and Functions of the Executive Officer.*** - The Executive Officer shall exercise the following powers and functions:

- (a) Assist the Chairman of the Council of Mayors in the administration of the MCTA and supervision of subordinate personnel;
- (b) Assist the Chairman of the Council of Mayors in the supervision of the operation of the various operating centers and units of MCTA;
- (c) Assist the Chairman of the Council of Mayors in the review of plans and programs for the MCTA in the preparation of the annual report of activities and accomplishments of the MCTA; and
- (d) Perform such other duties and functions as may be lawfully delegated or assigned by the Chairman from time to time.

SECTION 11. ***Close Coordination with Other Agencies.*** - The MCTA 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 Chairman or his authorized representative from among the Council of Mayors, 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 MCTA which shall include but not be limited to the Department of Transportation and Communication, Department of Public Works and Highways, and Department of the Interior and Local Government.

The MCTA shall have a master plan that will serve as the framework or the local development plans of the component local government units.

The implementation of the MCTA's plans, programs, and projects shall be made in coordination with local government units, the concerned national government agencies, accredited people's organization, non-government



organizations, and the private sector operating in Metro Cebu. For this purpose, the MCTA 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 MCTA may interface with foreign assistance agencies for purposes of obtaining financing support, grants, and donations in support of its programs and projects.

SECTION 12. ***Appropriations and Other Sources of Funds.*** - The amount necessary to implement the provisions of this Act shall be appropriated from the following:

(a) The amount of Fifty Million Pesos (P50,000,000.00) for the initial operation of MCTA shall be charged to the appropriations for the Office of the President under the current General Appropriations Act. Thereafter, the sum needed for its continued operation shall be included in the annual General Appropriations Act;

(b) The MCTA shall receive an Internal Revenue Allotment (IRA) similar to other bodies;

(c) The MCTA shall be authorized to directly utilize a portion of the income generated from fees, fines, charges, and other collections in the performance of its functions to defray operating expenses;

(d) Five percent (5%) of the total annual gross revenue of the preceding year, net of the internal revenue allotment, of each local government unit enumerated in Section 4 of this Act, shall accrue and become payable monthly to the MCTA by each city and municipality. In case of failure to remit the said fixed contribution, the Department of Budget and Management shall cause the disbursement of the same to the MCTA chargeable against the internal revenue



allotment of the city or municipality, the provisions of Section 286 of the Local Government Code (RA 7160) to the contrary notwithstanding.

SECTION 13. **Rules and Regulations.** – The Chairman of the MCTA, in coordination with the Secretary of Transportation and Communication and other concerned agencies, shall issue within (60) days from the date of effectivity the rules and regulations necessary to implement the provisions of this Act.

Such rules and regulations shall include the procedure in the transfer of functions, duties, and responsibilities of the Land Transportation Office (LTO) and Land Transportation Franchising and Regulatory Board (LTFRB) within Metro Cebu to the MCTA.

SECTION 14. **Separability Clause.** - If any provision of this Act shall be held unconstitutional or invalid, the remaining provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 15. **Repealing Clause.** - All laws, decrees, orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 16. **Effectivity.** - This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,

