

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

Thirteenth Congress
First Regular Session

House Bill No. **4144**



Introduced by Representative Imee R. Marcos

EXPLANATORY NOTE

Presidential Decree No. 1112, as amended, which created the Toll Regulatory Board to loosely supervise and regulate the collection of toll fees and operation of toll facilities by the private investors which would in turn allow the latter to have a reasonable return on its investment.

Considering the recent developments on this subject, in particular, the imposition by the Manila North Tollways Corp. (MNTC) of exorbitant toll rates and purportedly arbitrary method of fixing the said rates, it is the duty of the State to interpose its protective power especially when it appears that the rates imposed by a public utility will generate more than the reasonable return on investment.

Pursuant to such purpose, the author seeks, through this act, the establishment of guidelines for setting the rates of tolls and subjecting the issuance, modification, and promulgation of such rates to the requirement of extensive public hearings and consultations with direct users of toll facilities and all other transport stakeholders. These measures will ensure that the public will be amply protected against arbitrary fixing of toll rates.

In addition, the approval or disapproval of petitions for the increase of rates of toll that will eventually be charged to the direct users of the toll facilities shall be subject to the review of the Secretary of the Department of Transportation and Communication.

Moreover, the author has further empowered the TRB to act, in any event, that a complaint would be filed by any of the direct users of such toll facilities.

In view of the foregoing, approval of this bill is earnestly sought.

Imee R. Marcos
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Representative
2nd District, Ilocos Norte

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AN ACT
PROVIDING FOR LIMITATIONS ON THE TOLL SETTING POWER OF THE TOLL
REGULATORY BOARD AND OTHER PURPOSES, AMENDING SECTION THREE OF
PRESIDENTIAL DECREE NUMBERED ELEVEN HUNDRED AND TWELVE, AS
AMENDED, ENTITLED, "TOLL OPERATIONS DECREE"

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

SECTION 1. Section 3 of Presidential Decree No. 1112, is hereby amended and
renumbered to read as follows;

"Section 3. *Powers and Duties of the Board.* The Board shall have in
addition to its general powers of administration the following powers and duties:

"(d) WITH DUE REGARD TO THE ADEQUATE PROMOTION OF THE
INTEREST OF THE USERS OF TOLL FACILITIES, THE BOARD
SHALL:

- (1) "ISSUE, MODIFY, AND PROMULGATE FROM TIME TO
TIME THE TOLL RATES TO BE CHARGED; *PROVIDED,*
THAT THE BOARD SHALL FORMULATE GUIDELINES FOR
THE SETTING OF TOLL RATES, FOLLOWING EXTENSIVE
PUBLIC HEARINGS AND CONSULTATIONS WITH THE
USERS AND ALL OTHER TRANSPORT STAKEHOLDERS;
- (2) "APPROVE OR DISAPPROVE PETITIONS FOR THE
INCREASE OF TOLL RATES FOLLOWING DUE NOTICE
AND HEARING WITH THE USERS AND ALL OTHER
TRANSPORT STAKEHOLDERS;
- (3) "ACT ON COMPLAINTS FILED BEFORE THE BOARD BY
ANY USER OF TOLL FACILITIES.

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"DECISIONS RENDERED PURSUANT TO (2) AND (3) OF THIS PARAGRAPH SHALL BE APPEALABLE TO THE SECRETARY OF TRANSPORTATION AND COMMUNICATIONS WITHIN TEN (10) DAYS FROM THE PROMULGATION THEREOF. SUCH DECISION ON THE PETITION OR COMPLAINT IS WITHOUT PREJUDICE TO THE FILING OF A PROPER ACTION BY ANY PARTY WITH THE COURT, TRIBUNAL OR COMPETENT BODY HAVING JURISDICTION OVER SUCH CAUSE OF ACTION."

SECTION 2. *Repealing Clause.* Any law, presidential decree or issuance, executive order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 3. *Effectivity.* This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.