

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



13th Congress
Second Regular Session

HOUSE BILL NO. 5220

Introduced by: Honorable Tranquilino B. Carmona, M.D.

EXPLANATORY NOTE

Since the advent of the Land Transportation Commission and the enactment of the Land Transportation and Traffic Code, the time has come to unload the Land Transportation Office of some of its burden in the enforcement of traffic laws and the applicable rules and regulations.

It is undeniable that provinces and highly urbanized cities have a wider scope in terms of land area compared to its component local government units, thus, they can have extensive and broader jurisdiction over vehicles plying the public highways/roads/streets. This is the reason why they have been singled out in this enactment to tackle and undertake some of the LTO's burden in the enforcement of traffic rules.

The Land Transportation Office (LTO) cannot do traffic enforcement in an efficient and effective manner without the helping hands of local government units, especially, the provinces and the highly urbanized cities.

In the light of the foregoing, approval of the bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Tranquilino B. Carmona".

TRANQUILINO B. CARMONA, M.D.

Republic of Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13TH Congress
Second Regular Session

5220
HOUSE BILL NO. _____

Introduced by: Tranquilino B. Carmona, M.D.

AN ACT MANDATING PROVINCES, HIGHLY URBANIZED CITIES, TO CREATE A TRAFFIC MANAGEMENT COUNCIL, TO ENACT THE PROVINCIAL AND CITY ORDINANCES REGULATING TRAFFIC, TO PROVIDE INCENTIVES TO PROVINCIAL AND CITY TRAFFIC ENFORCERS AND EFFECT CERTAIN AMENDMENTS AND FOR OTHER RELATED PURPOSE

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

Section 1. Title - This Act shall be known as “The Traffic Management Council (TMC) for Provinces and Highly Urbanized Cities”.

Section 2. Traffic Management Council (TMC), Creation of. – The Provincial/Highly Urbanized City Traffic Management Council is hereby created. It shall be composed by the Governor/Mayor as the Chairman, head of the PNP Provincial/City Traffic Management Group as the Vice-Chairman, a Representative from DOTC Regional Office for Land Transportation and two representatives from the private sector as members;

Section 3. Duties and Functions, TMC. - (a) The Provincial/Highly Urbanized City Traffic Management Council (TMC) shall act as the Traffic adjudication Service for Provinces and Highly Urbanized Cities, which shall have the following duties and functions:

1. Administratively hear cases concerning violations of traffic ordinances enacted by Provinces and Highly Urbanized Cities;
2. Decide and impose administrative fines pursuant to the provincial/highly urbanized city traffic ordinance and other penalties authorized by law;
3. Initiate/file the impoundment of motor vehicles and confiscation of plates;
4. Initiate/file revocation of Driver’s Licenses under Batas Bilang 398;
5. Issue subpoena for witnesses and/or subpoena duces tecum for documents to appear and/or be presented in its proceedings;
6. File contempt charges against those persons who defy its order before the proper court;
7. Promulgate rules and regulations to govern under its proceedings;
8. Perform such other functions and duties as may be provided by law, or as may be necessary, or proper and/or incidental to its powers and functions.

(b) For an efficient adjudication of cases under numbers 3 and 4 of the above-provision, the Traffic Adjudication Service (TAS) as one of the service units of the

Office of the Secretary for Land Transportation shall assign competent personnel, upon the request of the province or highly urbanized city, to hear and decide cases filed/initiated by the TMC for impoundment of motor vehicles and confiscation of plates. The director and his deputies referred to by Batas Bilang 398 shall likewise assign personnel, upon the request of the province and highly urbanized city, to hear and decide on such cases filed by the TMC for revocation driver's licenses. Within ten days from receipt of the decision of such assigned personnel, the aggrieved party may appeal the said decision to the (TAS) main Office and/or to the Director or his deputies, respectively.

(c) A stalled vehicle shall be towed by TMC operatives to the nearest city/municipal hall and should be turned over to the PNP Personnel on duty at the time of towing for safekeeping.

Section 4. Traffic Ordinances by Provinces and Highly Urbanized Cities, Enactment of. a.) Provinces and Highly Urbanized Cities shall enact ordinances in consultation with the Land Transportation Office and in accordance with the Land Transportation and Traffic Code as amended, the Local Government Code of 1991, and other related/applicable laws, except section 38 of the Land Transportation and Traffic Code, which is amended/modified in the following manner:

“Sec. 38. Classification of Highways. – Public highways shall be properly classified for traffic purposes by the provincial board, municipal board or city council having jurisdiction over them, and said provincial board, municipal board or city council shall provide appropriate signs therefore, subject to the approval of the commissioner. It shall be the duty of every provincial, city and municipal secretary to certify to the Commissioner the names, locations, and limits of all “through streets” designated as such by the provincial board, municipal board or council”. (Subsisting Provision)

“Sec. 38. Classification of Highways. – Public highways shall be properly classified for traffic purpose by the SANGGUNIANG PANLALAWIGAN AND THE SANGGUNIANG PANLUNGSOD OF HIGHLY URBANIZED CITIES having jurisdiction over them BY ENACTING A TRAFFIC ORDINANCE IN CLOSE COORDINATION WITH THE LAND TRANSPORTATION OFFICE (LTO). THIS TRAFFIC ORDINANCE shall provide AND SPECIFY WHERE THE appropriate signs SHOULD BE PLACED.” (New Provision)

“AFTER APPROVAL OF THE TRAFFIC ORDINANCE BY THE GOVERNOR/CITY MAYOR, THE SECRETARY TO THE SAGGUNIAN CONCERNED SHALL certify FOR THE LTO the names, locations, and limits of streets designated as such by the SAGGUNIANG PANLALAWIGAN/SANGGUNIANG PANLUNGSOD OF HIGHLY URBANIZED CITIES.” (New Provision)

b.) The Sangguniang Panlalawigan and the Sangguniang Panlungsod of highly urbanized cities may enact a traffic ordinance prescribing administrative fine of not less One thousand pesos and not more than Ten thousand pesos for its violation;

c.) The administrative fines collected shall be allocated in the following manner: (1) 85% shall constitute a special fund for equipments and facilities for the enforcement of the traffic laws and ordinances such as, but not limited to, towing vehicles, patrol cars, and traffic signs, (2) 5% shall be utilized as incentives for deputized traffic enforcer(s) or group /team of traffic deputized enforcers who were responsible for the proper apprehension, and (3) 10% shall be TMC fund for its operation and administrative work.

Section 5. Designation of TMC Members, Manner of & Chairman's and Vice-Chairman's, Delegation by. – (a) The Chairman and Vice-Chairman of the Traffic Management Council (TMC) may designate their duly authorized representative to act and in their behalf as they may deem proper under the prevailing circumstances. The Chairman and Vice-Chairman should not act through their representatives all the time and without any justifiable reasons. Violation of this provision shall be administratively and criminally charged under existing and applicable laws and rules and regulations;

b) The Chairman in the exercise of his discretion may delegate his duties and functions under this Act. The Chairman shall delegate his/her functions under this Act to a provincial/city government officer/employee who is currently holding a position equivalent to a division chief or department head;

Section 6. Component Cities and Municipalities, TMC Creation by. – The component cities and municipalities may create a Traffic Management Council similar to the Provincial Traffic Management Council, but the same may not be convened unless and until, the city/municipal ordinance creating the same has been reviewed by the Sangguniang Panlalawigan or Sangguniang Panlungsod of Highly Urbanized under section 56 and 57 of R.A. 7160;

Section 7. LTO Personnel & Deputies Agents, Incentives. – LTO personnel and deputized agents who caused the apprehension in accordance with law shall likewise be given 5% monetary incentives for the total fines the LTO has collected;

Section 8. Separability Caluse – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

Section 9. Repealing Clause – Aside from section 38 of the Traffic Code, Sections 447, 458 and 468 of R.A. 7160 are likewise amended accordingly. All laws, decrees, orders, rules and regulation or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 10. Effectivity – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation in the Philippines.

APPROVED: