

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2761

Introduced by: Hon. Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr.

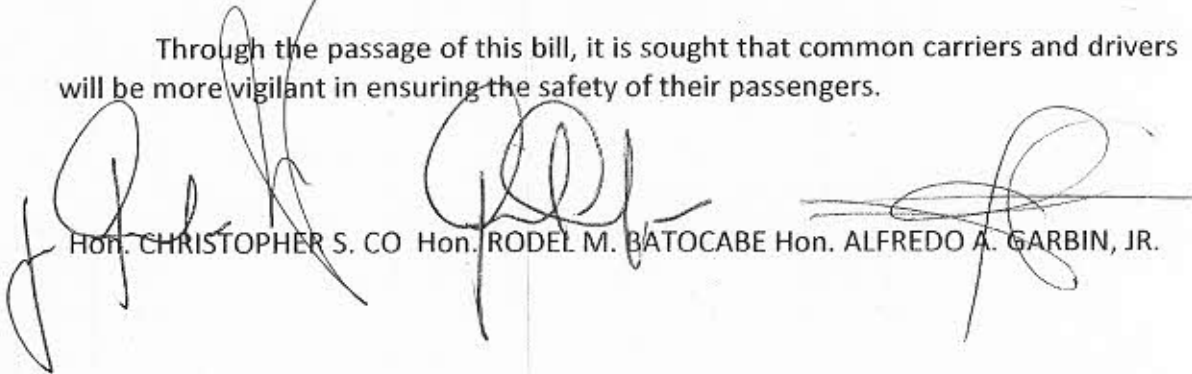
EXPLANATORY NOTE

This bill seeks to create the Mandatory Continuing Drivers Education Program (MCDEP) that will require professional drivers in the public transportation industry to undergo a one-day training program every three years to refresh their driving skills, learn first aid techniques that are useful in traffic accidents and car crash sites, and acquire vehicle maintenance and troubleshooting skills. It also imposes liabilities upon public transport operators and owners who will not comply with the requirements of the MCDEP.

The number of deaths in traffic-related accidents continue to rise as population numbers increase and roads and public transport become congested. More and more of these accidents are caused by drivers who are negligent in their duties to the riding public.

This bill also seeks to emphasize the role that operators, owners and especially drivers play in the safety of riding passengers. Article 1733 of the New Civil Code states that "common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them according to all the circumstances of each case," and Article 1755 states that they are "bound to carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances."

Through the passage of this bill, it is sought that common carriers and drivers will be more vigilant in ensuring the safety of their passengers.



Hon. CHRISTOPHER S. CO Hon. RODEL M. BATOCABE Hon. ALFREDO A. GARBIN, JR.

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AN ACT
INSTITUTING THE MANDATORY CONTINUING DRIVERS EDUCATION PROGRAM
(MCDEP)

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

SECTION 1. *Title.* This Act shall be known as the "Mandatory Continuing Drivers Education Program Act of 2010",

SEC. 2. *Constitution of the MCDEP.* Within two (2) months from the effectivity of this Act, there shall be constituted a Mandatory Continuing Drivers Education Program, hereinafter referred as MCDEP, under the Land Transportation Franchising and Regulatory Board (LTFRB).

SEC. 3. *Requirements of completion of the MCDEP.* All drivers in the public transportation industry not exempted in Section 4 of this Act shall complete, every three (3) years, twelve (12) hours of continuing drivers education activities approved by the LTFRB.

SEC. 4. *Participants of the MCDEP.* The application for a professional driver's license and the renewal for the same shall require completion of the MCDEP for drivers in the following industries:

- (a) provincial and city bus operations;
- (b) jeepneys;
- (c) taxi cabs; and
- (d) public shuttles and van services.

Tricycle and pedicab drivers are exempted from the MCDEP.

SEC. 5. *Accreditation of Providers.* The accreditation of providers shall be done by the LTFRB. Application for accreditation of an education activity or as a provider requires payment of an appropriate fee.

SEC. 6. *Requirements for accreditation of providers.* Any person or group may be accredited as a provider for a term of two (2) years, which may be renewed, upon written application. All providers of continuing drivers education activities, including in-house providers, are eligible to be accredited providers.

SEC. 7. *Renewal of provider accreditation.* The accreditation of a provider shall be renewed every two (2) years. It may be denied if the provider fails to comply with any of the requirements of this Act or fails to provide satisfactory education activities for the preceding period.

SEC. 8. *Revocation of provider accreditation.* The accreditation of any provider referred to in Section 5 of this Act may be revoked by the LTFRB after notice and hearing and for good cause.

SEC. 9. *Employment of drivers.* Public transport operators and owners shall only employ professional drivers who have complied with the MCDEP.

SEC. 10. *Submission of names of drivers.* Public transport operators and owners shall, in the application for a franchise, include the name/s of the hired driver/s for such franchise, and shall indicate his/their assigned shift/s. Any amendments made in this requirement shall be submitted within seven (7) working days from the date of amendment.

All franchises made prior to the effectivity of this Act shall submit the same within thirty (30) working days from the effectivity of the Implementing Rules and Regulations stated in Section 14 of this Act.

SEC. 11. *Sanctions for non-compliance of drivers.* Drivers who fail to comply with Sections 3 and 4 of this Act shall not be eligible for the application or renewal of a professional driver's license.

SEC. 12. *Sanctions for non-compliant operators and owners.* Any public transport operator or owner who employs a driver who has not complied with the MCDEP requirement shall be sanctioned with the following:

- (a) First offense – seven (7) days suspension of the particular franchise that driver is driving;
- (b) Second offense – thirty (30) days suspension of franchise of the same; and
- (c) Third offense – permanent revocation of the franchise of the same.

SEC. 13. *Sanctions for non-compliant providers.* Providers who fail to comply with Sections 5, 6, 7 and 8 of this Act shall not be eligible for renewal of their accreditation, or shall suffer revocation of their accreditation subject to Section 9 of this Act.

SEC. 14. *Implementing Rules and Regulations.* Within two (2) months from the effectivity of this Act, the LTFRB shall have created implementing rules and regulations in pursuance of this Act.

SEC. 14. *Separability Clause.* If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

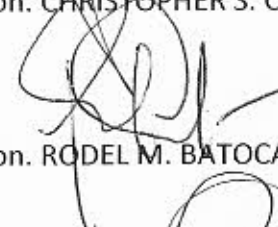
SEC. 15. *Repealing Clause.* All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity Clause.* This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,



Hon. CHRISTOPHER S. CO



Hon. RODEL M. BATOCABE



Hon. ALFREDO A. GARBIN, JR.