

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
SECOND REGULAR SESSION

HOUSE BILL No. 5241

Introduced by 1-United Transport Koalisyon (1-UTAK) Party-List
Representative
HOMER A. MERCADO

EXPLANATORY NOTE

The growth of the public transport industry has been hampered by the operation of kolum vehicles or vehicles operating as public transport but without a certificate of public convenience. This illegal activity has prejudiced the economic benefits of the legitimate transport – drivers, operators, owners, transport companies, and has also bred rampant extortion activities of some law-enforcement agents. It has wreaked havoc in the transport planning of government. It has negated traffic plans, and even contributed to street congestion.

These kolum vehicles evade safety standards and required facilities for public utility vehicles putting passengers in harms way, and without the necessary insurance coverage in case of accidents. Furthermore, kolum operators do not pay the proper tax, as well as, government fees and charges.

To date, the penalty for engaging in kolum activities, pursuant to Republic Act 4136, otherwise known as the Land Transportation and Traffic Code is a measly fine of Two Hundred Pesos (Php 200.00) and suspension of driver's license for a period of Three (3) months for the first conviction; a fine of Three Hundred Pesos (Php 300.00) and Six (6) months imprisonment for the second conviction; and an imprisonment of one (1) year and permanent revocation of the driver's license for the third conviction. This has not prevented or deterred perpetuation of kolum activities.

This bill aims to increase the penalty of engaging in kolum activities, and expanding the coverage of the persons liable.

Addressing this long overdue issue will lead to smoother traffic, increase the daily economic income of legitimate drivers, promote the safety standards of the riding public and encourage legitimate transport operators to provide sufficient vehicles to forestall any adverse effect once the kolum vehicle are eliminated.

For the reasons thus cited, the passage of this bill is strongly recommended.



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AN ACT INCREASING THE PENALTY FOR KOLORUM ACTIVITIES

Be it enacted by the Senate and the House of Representative of the Philippines in Congress Assembled:

SECTION 1. **Title** – This Act shall also be known as the "Anti-Kolorum Act".

SECTION 2. **Definition of Kolorum Activity** – refers to the use of any privately-owned vehicle to transport passengers and/or cargo as a common carrier without the proper Certificate of Public Convenience (CPC) issued by the appropriate government agency.

SECTION 3. **Penalty** – Any person engaging in kolorum activities shall be penalized by *prison correccional* or an imprisonment of not less than six (6) months and one (1) day but not more than six (6) years, and a fine of One Hundred Thousand Pesos (Php 100,000.00)

Also liable under this Act are the persons who knowingly use, ride or patronize, or those who conspire with others in soliciting passengers and/or cargo to be transported in the kolorum vehicle, as well as the owner of the vehicle who tolerated the use of his unit for kolorum activities.

In case of juridical entities, the President, the Managing Director/General Manager and the Board of Directors/Trustees shall be liable under this Act.

SECTION 4. **Release of Vehicle** – The vehicle used for kolorum activities shall not be released from the custody of the apprehending government agency without a written approval from the court hearing the case.

SECTION 5. **Additional Penalties** – The driver's license of the convicted driver shall be suspended for one (1) year, and the certificate of registration of the vehicle shall

be suspended for the same period, if the owner thereof tolerated or consented to its illegal use.

SECTION 6. *Repealing Clause* – All laws, Presidential issuances, orders, memoranda, circulars and rules and regulations that are in conflict with this Act are hereby deemed repealed, modified or amended accordingly.

SECTION 7. *Effectivity Clauses* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

APPROVED.



HOMER A. MERCADO