

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
Third Regular Session

COMMITTEE REPORT NO. **2298**

Submitted by the Committee on Public Works and Highways on

08 AUG 2012

Re : House Bill No. **6452**

Recommending its approval in substitution of House Bill No. 2417

Sponsors : Representatives Cosalan and Salimbangon

Mr. Speaker:

The Committee on Public Works and Highways to which was referred House Bill No. 2417, introduced by Representative Benhur L. Salimbangon, entitled:

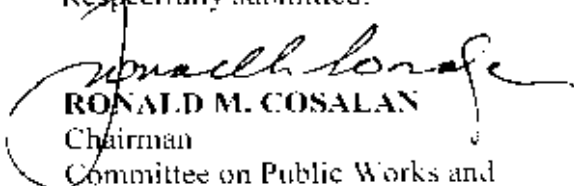
"AN ACT PROVIDING FOR THE CONVERSION OF THE PROVINCIAL ROADS FROM CURVA, MEDELLIN TO MALINGIN, DAANBANTAYAN IN THE 4TH DISTRICT OF THE PROVINCE OF CEBU INTO NATIONAL ROADS AND APPROPRIATING FUNDS THEREFOR"

has considered the same and recommends the approval of attached House Bill No. **6452**, entitled:

"AN ACT CONVERTING THE PROVINCIAL ROAD FROM CURVA, MEDELLIN TO POBLACION, DAANBANTAYAN IN THE FOURTH DISTRICT OF CEBU PROVINCE INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR"

in substitution of House Bill No. 2417 with Representative Benhur L. Salimbangon as author thereof.

Respectfully submitted:


RONALD M. COSALAN

Chairman

Committee on Public Works and
Highways

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City



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

Fifteenth Congress
Third Regular Session

HOUSE BILL NO. 6452

Introduced by Honorable Benhur L. Salimbangon

"AN ACT CONVERTING THE PROVINCIAL ROAD FROM CURVA, MEDELLIN TO POBLACION, DAANBANTAYAN IN THE FOURTH DISTRICT OF CEBU PROVINCE INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR"

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

1 SECTION 1. The provincial road from Curva, Medellin to Poblacion, Daanbantayan
2 in the fourth district of Cebu Province is hereby converted into a national road.

3 SECTION 2. The Secretary of Public Works and Highways shall include in the
4 Department's program the improvement, repair and maintenance of the said road,
5 the funding of which shall be included in the annual General Appropriations Act.

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

8 Approved.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

BENHUR L. SALIMBANGON

*Representative
4th District, Cebu*

February 13, 2012

HON. RONALD M. COSALAN

Chairman

Committee on Public Works and Highways

Thru: **Mr. Felipe A. Capalad, Jr.**
Acting Committee Secretary

Dear Chairman Cosalan:

I write in reference to my bill, **House Bill No. 2417** entitled "*An Act Providing for the Conversion of the Provincial Roads from Curva, Medellin to Malingin, Daanbantayan in the 4th District of the Province of Cebu into National Roads and Appropriating Funds Therefor*" which is now pending before your Committee

Upon the recommendation of LGU Daanbantayan, I would like to include the provincial road of barangay Poblacion in the conversion

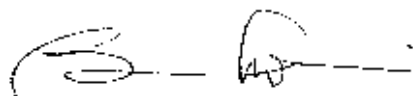
I request the Committee to consider the following amendments:

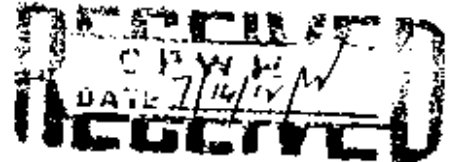
Title: Barangay Malingin should be changed to barangay Poblacion. Conversion would now cover the provincial roads from barangay Curva, Medellin to Poblacion, Daanbantayan.

Section 1: The word Malingin should be replaced with Poblacion.

Thank you very much for the kind consideration

Very truly yours,


BENHUR L. SALIMBANGON



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

*Congressman, 1st District, Cavite
Chairman, Committee on Appropriations*

July 9, 2012

HON. RONALD M. COSALAN

Chairman
Committee on Public Works and Highways

Dear Chairman Cosalan:

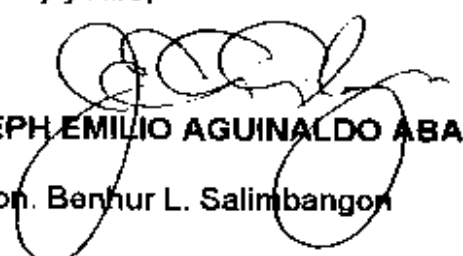
This refers to House Bill No. 2417, titled "AN ACT PROVIDING FOR THE CONVERSION OF THE PROVINCIAL ROADS FROM CURVA, MEDELLIN TO MALINGIN, DAANBANTAYAN IN THE 4TH DISTRICT OF THE PROVINCE OF CEBU INTO NATIONAL ROADS AND APPROPRIATING FUNDS THEREFORE"; which was referred to the Committee on Appropriations.

Please be informed that the Committee recommends the approval of the said bill with the following amendment:

On Section III, delete the entire provision and in lieu thereof, substitute the following:

SEC. III. THE SECRETARY OF PUBLIC WORKS AND HIGHWAYS SHALL INCLUDE IN THE DEPARTMENT'S PROGRAM THE IMPROVEMENT, REPAIR AND MAINTENANCE OF THE SAID ROAD, THE FUNDING OF WHICH SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

Very truly yours,


JOSEPH EMILIO AGUINALDO ABAYA

cc: Hon. Benhur L. Salimbangon

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

Fiftieth Congress
First Regular Session

HOUSE BILL NO. 2417

Introduced by Honorable Benhur L. Salimbangon

**AN ACT PROVIDING FOR THE CONVERSION OF THE PROVINCIAL
ROADS FROM CURVA, MEDELLIN TO MALINGIN, DAANBANTAYAN IN THE 4TH
DISTRICT OF THE PROVINCE OF CEBU INTO NATIONAL ROADS AND
APPROPRIATING FUNDS THEREFORE**

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

SECTION I. It is hereby declared that the provincial roads from Curva, Medellin to Malingin, Daanbantayan in the 4th District of the Province of Cebu under the ownership and supervision of the government of Cebu Province be converted into a national road, the ownership and supervision of which belongs to the national government.

SECTION II. The Department of Public Works and Highways (DPWH) shall prescribe the implementing rules and regulations deemed necessary for the evaluation, approval, and implementation of this Act.

SECTION III. The amount necessary for the implementation of this Act shall be charged against the current year's appropriation of the Department of Public Works and Highways (DPWH). Thereafter, such amount as may be necessary for the cementing or concreting of these newly converted national roads shall be included by the Department of Budget and Management in the General Appropriations Fund.

SECTION IV. This Act shall take effect immediately upon its approval.

APPROVED,



REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City, Metro Manila
15TH CONGRESS
First Regular Session

MINUTES OF MEETING CONDUCTED BY THE COMMITTEE ON PUBLIC
WORKS AND HIGHWAYS HELD ON 24 NOVEMBER 2010, 1:30 P.M., ROLANDO
R. ANDAYA HALL, HOUSE OF REPRESENTATIVES, QUEZON CITY.

MEMBERS PRESENT

1. HON. RONALD M. COSALAN
2. HON. YEVGENY VICENTE B. EMANO
3. HON. TOMAS V. APACIBLE
4. HON. THELMA Z. ALMARIO
5. HON. ARNULFO P. GO
6. HON. ROMJEO M. ACOP
7. HON. BUFRANIO C. ERIGUEL, M.D.
8. HON. DANILO E. SUAREZ
9. HON. CARMELO P. LAZATIN
10. HON. IMELDA G. CALIXTO-RUBIANO
11. HON. NELSON L. DAYANGHIRANG
12. HON. PANGALIAN M. BALINDONG
13. HON. ALFREDO A. GARBIN, JR.
14. HON. MARILYN L. PRIMICIAS-AGABAS
15. HON. JOSE R. PING-AY
16. HON. EULOGIO R. MAGSAYSAY
17. HON. PEDRO B. ACHARON, JR.
18. HON. NANCY A. CATAMCO
19. HON. BERNARDO M. VERGARA
20. HON. PHILIP A. PICHAY
21. HON. ACMAD M. TOMAWIS
22. HON. ALFREDO ABELARDO B. BENITEZ
23. HON. FLORENCIO T. MIRAFLORES
24. HON. MARIA JOCELYN V. BERNOS
25. HON. IMELDA Q. DIMAPORO
26. HON. SALVIO B. FORTUNO
27. HON. TOMAS V. APACIBLE
28. HON. ANDRES D. SALVACION, JR.
29. HON. JOSE R. PING-AY
30. HON. MAXIMO B. RODRIGUEZ, JR.
31. HON. PEDRO M. PANCHIO
32. HON. GABRIEL L. R. QUISUMBING
33. HON. ARNEL M. CERAFICA
34. HON. TEODORICO T. HAKESCO, JR.
35. HON. JOSE S. AQUINO II

Chairman:

AS PRESENT:

1. HON. ERICO B. ADMENTADO
2. HON. JOSEPH F. VIOLAGO
3. HON. FATIMA ALIAT Q. DIMAFORO
4. HON. SALVADOR H. ESCUDERO III
5. HON. GIORGIDI B. AGGABAO
6. HON. JOSE CARLOS L. CARI
7. HON. MAXIMO B. DALOG
8. HON. ELMER E. PANOTES
9. HON. MERCEDES K. ALVAREZ
10. HON. ERIC G. SINGSON, JR.
11. HON. BENHUR L. SALIMBANGON
12. HON. NARCISO R. BRAYO, JR.
13. HON. AURELIO D. GONZALES, JR.
14. HON. KENE L. RELAMPAGOS
15. HON. MYLENE J. GARCIA-ALBANO
16. HON. JESUS EMMANUEL M. PARAS
17. HON. JESUS "BOYING" F. CELESTE

GUEST(S) IN ATTENDANCE

1. Hon. Rogelio L. Singson	-	Secretary	DPWH
2. Mr. Edwin M. Fontes	-	OIC-IPRSD	"
3. Engr. Dominador Aquino	-	Engineer	"
4. Dic. Luis A. Mamitag	-	Director IV	"
5. Engr. Carlos P. Zamora	-	Engineer III	"
6. Dic. Melvin Mavaro	-	DS	"
7. Ms. Joy M. Unalan	-	Liaison Officer	"
8. Mr. Dando L. Valero	-	Executive Director	Road Board
9. Atty. Allan Guevara	-	Proj. Mngt., Legal	Road Board
10. Mr. Lyndon Llenus	-		Road Board

I. CALL TO ORDER

The meeting was called to order at 2:05 P.M. by the Chairman of the Committee on Public Works and Highways, Honorable Ronald M. Cositan.

II. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (SEPTEMBER 12, 2011)

Upon the motion of Hon. Marc Douglas C. Cagas IV, the minutes of the previous meeting was approved.

III. DELIBERATIONS/ACTIONS ON MEASURES:

Stressing on the numerous numbers of bills filed and as moved by Hon. Marc Douglas C. Cagas IV, there was an omnibus motion to unanimously approve the 295 House Bills on Road Conversion (as per Annex A list of approved bills) subject to the submission by the authors of the necessary Requirements for Road Conversion.

Rep. Thelma L. Almagro clarified the inclusion of House Resolution No. 185 on the agenda entitled: "A Resolution urging the Department of Public Works and Highways, through its Secretary, the Honorable Rogelio L. Singson to declare the national secondary road, the Dabacan-Lawigan road in the Municipality of Manobo."

"ANNEX A"

LIST OF APPROVED ROAD CONVERSION BILLS IN THE MEETING
OF THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS LAST
NOVEMBER 24, 2010

House Bill Nos. 36, 37, 70, 184, 188, 256, 323, 324, 325, 326,
327, 360, 377, 378, 379, 380, 381, 387, 447, 547, 575, 576, 577,
578, 672, 673, 674, 675, 676, 676, 677, 678, 689, 690, 691, 692,
765, 797, 810, 814, 818, 853, 874, 875, 876, 877, 878, 879, 880,
881, 882, 883, 922, 923, 977, 978, 982, 983, 984, 985, 989, 991,
1022, 1032, 1034, 1039, 1101, 1112, 1122, 1123, 1124, 1145, 1170,
1175, 1176, 1177, 1178, 1236, 1237, 1238, 1239, 1240, 1241,
1251, 1258, 1293, 1304, 1306, 1356, 1420, 1421, 1424, 1427, 1466,
1499, 1533, 1535, 1537, 1538, 1539, 1540, 1629, 1709, 1747, 1750,
1760, 1765, 1769, 1789, 1824, 1825, 1826, 1856, 1857, 1907,
1940, 1941, 1941, 1943, 1944, 1945, 1946, 1947, 1948, 1949,
1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959,
1990, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2033,
2069, 2103, 2107, 2125, 2139, 2148, 2150, 2151, 2152, 2229,
2232, 2233, 2234, 2254, 2255, 2256, 2257, 2261, 2312, 2313,
2314, 2315, 2316, 2324, 2326, 2327, 2329, 2330, 2331, 2372,
2396, 2397, 2404, 2409, 2417, 2427, 2428, 2429, 2430, 2431,
2432, 2434, 2442, 2469, 2470, 2508, 2532, 2599, 2600, 2601,
2602, 2603, 2604, 2605, 2606, 2607, 2608, 2628, 2660, 2664,
2713, 2714, 2738, 2741, 2741, 2748, 2750, 2751, 2752, 2753,
2754, 2767, 2784, 2785, 2787, 2788, 2790, 2864, 2865, 2886,
2887, 2900, 2937, 3008, 3010, 3064, 3065, 3085, 3096, 3097,
3098, 3099, 3109, 3110, 3111, 3167, 3169, 3170, 3171, 3173,
3174, 3175, 3176, 3211, 3212, 3213, 3214, 3215, 3216, 3217,
3237, 3238, 3239, 3240, 3241, 3242, 3243, 3245, 3246, 3247,
3282, 3283, 3296, 3297, 3298, 3307, 3324, 3325, 3326, 3327,
3347, 3348, 3352, 3353, 3371, 3373, 3393, 3394, 3395, 3414,
3420, 3438, 3488, 3490, 3549, 3550, 3552, 3557, 3641 & 3642

Province of Davao Oriental", therefore upon motion duly seconded the said House Resolution was adopted and approved by the Committee.

With the bills Nos. 134, 1351 and 222, which seeks to amend RA 8794 (MVUC Law), the author of HB No. 134, Hon. Danilo E. Suarez stressed the necessity of amending the bill since it will not only improve the condition of the national roads but also of the local roads in the different regions. He emphasized that with the amendment of the law, the safety of motorists travelling along the roads will be ensured. Another salient point that was pointed out by the author was the fact that portion of MVUC funds will be utilized for free smoke emission testing of vehicles for registration, as embodied in the said bill.

Congressman Salvador H. Escudero III commented that the DPWH Secretary should take note that funds for local roads allocation are not well distributed and ensure that other members of the House, in whatever party affiliation, will be given fair allocations by providing an equitable and sufficient funding support for road maintenance and rehabilitation works. He also reminded the Secretary to submit his justifications on fund distribution for national roads and to have an equal allocation of funds to the different districts.

The Secretary assured that he will take note of the comment.

Congressman Elmer E. Panotes suggested to the body that construction, repair and maintenance of local/barangays roads should be the responsibility of the Provincial government and the corresponding funds be charged against their *Internal Revenue Allotment* (IRA) or, be handed back to DPWH in order to reaffirm the notion that MVUC funds are solely for the national roads maintenance and rehabilitation works.

Congressman Suarez then emphasized that the original intention in creating the 1988 MVUC law which was approved in 1999 was to assist the different Districts in the country in improving the roads. The amendments on the bill were filed in order to finally correct the loopholes in the implementation of the said law and be able to do service to the motorists by using well maintained road. He also stressed that approval on the amendments of the MVUC law will justify the relevance of allocations from national road to local road funds.

Congressman Pedro J. Acharon, Jr. asked the Secretary to provide the members with the list of the 30,000 kms. national roads and how many of these national roads were being assessed for maintenance and repairs. He said that such list will be used as benchmarks in the evaluation of whether there is a need for the MVUC funds to be allocated for repair of the national roads.

The Secretary assured the Committee that they will provide the road evaluation chart per Congressional District whether they are good, fair and bad conditions based on the DPWH's visual and roughness index on national and local roads.

The Chairman elicited from the Hon. Secretary the following DPWH concerns:

- Reiterated the Department's position to adequately and efficiently manage all national roads in the country by providing an equitable and sufficient funding support for maintenance and rehabilitation works based on the Highway Development Management Program of the Department.
- He also stated that DPWH is providing Road Board funds to Metro Manila Development Authority (MMDA) for road side maintenance works *ex. op.* in

2009 and 2010. By 2011, MMDA will require 2000 warm bodies to clean road sides regularly and will be paid on daily minimum wage basis.

- Secretary Singson stated to amend the provision that *"The Road Board, other than managing and disbursing the funds shall exercise Oversight functions on road conversion. ."* and said that the technicalities in the conversion of municipal/provincial roads to national roads are the duties of the DPWH and not of the Road Board.
- The Secretary pointed also the provision on the amendment of the bill which shall provide that a certain percentage of the 100% MVUC fund allocations be distributed with 15% flexibility of the total fund (5% goes to *Special Local Road Fund*, 5% *Special Road Safety Fund*, 5% *Special Vehicle Pollution Control Fund*) and the remaining fund of 85% will be distributed and allocated with 80% going to national roads and 20% to local roads.
- The Secretary also suggested that MVUC funds be distributed on per Congressional district allocation based on the guidelines of the Road Board.

In addition, Chairman Ronald Cosalan asked why the Pollution testing is under the responsibility of the Department of Trade and Industry (DTI) and he reminded the Secretary to direct the District Engineers to assist in the motor vehicle pollution assessment and come up with testing equipments for this purpose. He also reminded that smoke emission test is free for vehicle owners.

The Secretary stated that the Land Transportation Office (LTO) will do the pollution testing and not the DTI since the DPWH is already overloaded with work.

Hon. Danilo P. Suarez, moved for the approval of the consolidated version of HB Nos. 134, 1351 and 2622 and submits the substitute bill for approval on the amendments of RA 8794.

After hearing the DPWH concerns and upon motion of Hon. Tomas V. Apacible that was duly seconded, the members approved to adopt of the substitute bill of Hon. Danilo P. Suarez with the Committee members, all members who are present and those who signified their intentions to become co-authors of the abovementioned bill.

On House Bill No. 3361 – the author, Honorable Erico B. Aumentado stated that HJR 3361 is a special law deemed to provide reforms in the Department of Public Works and Highways and other government institutions and to find measures to curb corruption in the procurement process.

The DPWH Secretary stated that the Department has already started the accreditation of regional contractors who are now allowed to participate in public bidding, and procurement of contracts in accordance with Public Works Act. He also informed that the reforms done by DPWH was to refocus the role of the Regional offices to oversight functions in the engineering, planning and supervising the works of the Department as the Regional Offices are detached from the bidding of projects. Furthermore, the District Offices will bid out projects amounting to P50 million only; and more than P50 million will be bidded at the DPWH Central office.

Hon. Cosalan suggested to the Department the possibility of adopting the *pakipak* contracting system which is a package of materials and labor for a road projects contract. He stressed that this system will guard against the monopoly of contracts to favored contractors.

The DPWH Secretary took the suggestion and posed no objection to the proposal of the Chairman.

As to the HB 3361 proposed by Hon. Aumentado, the Chairman, Hon. Ronald M. Cosalan informed the members that a Technical Working Group (TWG) will be formed to review and consolidate amendments to the said bill. Furthermore, the Committee Vice Chairman, Hon. Manuel S. Agyao suggested to invite other sectoral representatives like the members of the Contractors Association of the Philippines and other contractor groups who can provide their comments and inputs in support of the bill.

Upon motion it was approved to create a Technical Working Group (TWG) for consideration and further deliberation of HB No. 3361.

IV. OTHER MATTERS

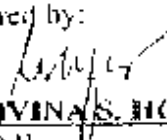
Hon. Agyao congratulated the Secretary of DPWH relative to the different reforms initiated in the Department foremost of which is the transparency in bidding out projects in the District Engineering offices. The P50M ceiling in the DE offices will focus the project implementation at the district level.

V. ADJOURNMENT

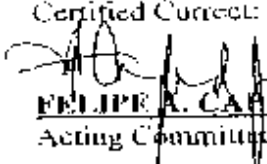
Without any other matters to discuss and upon motion that was duly seconded the meeting was adjourned by the Chairman at around 4:07 P.M.

I hereby certify to the correctness of the foregoing minutes.

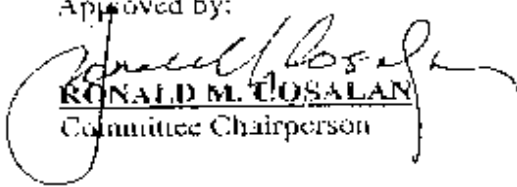
Prepared by:


LUDIVINA S. HOYER
SLSO II

Certified Correct:


FELIPE A. CAPALAD
Acting Committee Secretary

Approved by:


RONALD M. COSALAN
Committee Chairperson

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

15th CONGRESS
1st Regular Session

HOUSE BILL NO. 2417

Introduced by: HON. BENHUR L. SALIMBANGON

EXPLANATORY NOTE

This bill seeks for the conversion of the provincial roads from Curva, Medellin to Malingin, Daanbantayan into national roads. These roads are only asphalted and are always in need of improvement. They are most of the time unpaved and impassable. They clearly pose a threat on the safety of the motorists. In fact, this long stretch of roads is now considered an accident prone area. While efforts from the provincial government to make the necessary repairs were undertaken, the same proved futile considering that it is capable only of asphaltting. As such, the problem becomes recurrent.

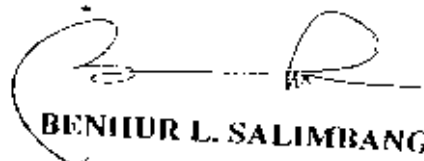
The municipality of Daanbantayan, of all the municipalities in the district, is the most promising site for business and economic activities. There is now an on-going construction of RORO port in the area. The area is the projected location for the establishment of an economic zone in the district and an alternate international airport for Mactan Cebu International Airport.

Thus, to eliminate the threat to the safety and lives of the motorists passing through these provincial roads and to prepare the district for the much awaited development, there is therefore a need to convert these provincial roads into that of national roads. For the planned construction of an economic zone and an alternate international airport to push through, it is of utmost importance that infrastructure development in the district is ready. The infrastructure should be fitted to the demands of an economic zone activities and an alternate international airport. The kind of infrastructure desired must be serviceable. Serviceability connotes that roads must be cemented and concreted, not only asphalted.

Undoubtedly, cementing or concreting of road is well within the capacity of the national government. As a condition precedent, there should be declaration that the road is one that is within the ownership and supervision of the national government. Thus, the conversion of these provincial roads into national roads would essentially serve as a catapult to the realization of

long awaited economic growth and development, not only in the municipality of
Sanbantayan but in the entire district as well.

In view of the foregoing premises, the immediate enactment and approval of this bill is
highly recommended.



BENHUR L. SALIMBANGON