

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3611

Introduced by
BAYAN MUNA Reps. CARLOS ISAGANI T. ZARATE, NERI J. COLMENARES
and ANAKPAWIS Rep. FERNANDO HICAP

AN ACT
REGULATING THE COMPENSATION OF PUBLIC UTILITY BUS DRIVERS AND
CONDUCTORS BY REQUIRING BUS OPERATORS TO PAY THEM FIXED
MONTHLY SALARIES AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF

EXPLANATORY NOTE

A few days before Christmas, a bus named "Don Mariano" full of passengers on their way to work came crashing down from the Skyway in Alabang, Metro Manila, killing most of its passengers. As of 3:00 in the afternoon of December 16, 2013, according to reports there are already 29 casualties from the incident.

It has been almost normal to hear media reports of traffic jams and vehicular accidents involving buses. Many accidents involve competing buses, each trying to outdo each other in getting more passengers. Sometimes, the accidents are caused by tired and sleepy drivers who are forced to work for more than 16 hours a day.

In 2011, the Metro Manila Accident Reporting and Analysis System (MMARAS) in its traffic accident report from January to December recorded 6,940 bus accidents or a daily average of 19 accidents involving buses all over the country. It has recorded 34 fatalities and 6,095 accounted damage to property caused only by bus accidents. According to the data, most fatal accidents happen during the noontime and morning rush.

According to Robbie Torres, President of Autodelta Coach Builders and a Bus Operator, the five common mistakes usually committed by drivers that cause accidents in the streets are overspeeding, tailgating, beating the red light, backing up without adequate guidelines and reckless overtaking. He cited that every bus accident involved one of the said causes.

In July 2012, the Department of Labor and Employment (DOLE) and Land Transportation Franchising and Regulatory Board (LTFRB) issued Department Order no. 118-12, ordering bus operators to give fixed salaries to their bus drivers and operators on a minimum basis. However, the Supreme Court issued a Status Quo Ante-Order after bus operators appealed to the Supreme Court arguing that the DO is unconstitutional, null and void. In the meantime that there is a Status Quo Ante-Order, situation remains the same for bus drivers competing with each other for higher commissions from bus operators.

Poor working conditions and unfair boundary or commission-based systems are at the root of these accidents. Drivers and Conductors are pushed to compete with other buses to get more passengers. They are often forced to man graveyard shifts, with some driving for almost 20 hours a day.

In a majority of Metro Manila bus lines, drivers get a commission of 9% from the gross collection while conductors receive 7%. The bus owners or operators are the ones who set the commission rate for drivers and conductors. Not meeting the quota for the day would deprive them of the coveted bonus or worse, half of the cost of the gasoline will be deductive from their collections and their commission would be computed based on the remaining amount. At present, most bus drivers and conductors work three to five days a week, eight hours or more a day (some double that) while relievers work less than three days a week. They work less than five days a week but almost without rest to the detriment of the passengers.

This bill seeks to regulate the compensation of public utility bus (PUB) drivers by requiring the operators of PUBs to grant fixed salaries as well as fixed working hours. A sample computation will show that drivers currently earning P900 a day and working more than 12 hours a day for three days a week will receive almost the same income based on the minimum wage for working eight hours a day for six days a week. The difference is that under this proposed act, drivers will get enough rest while operators spend almost the same amount for salaries.

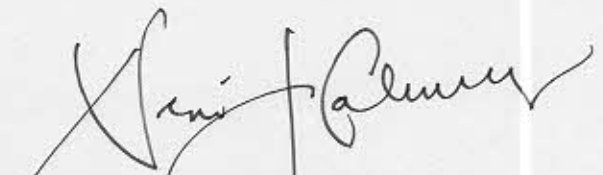
In fact, several provincial bus companies are already employing a fixed monthly salary scheme for their drivers and conductors.

With the assurance of the fixed salaries on a regular basis, PUB drivers and conductors will no longer be pressured to compete or be forced to work beyond humane working hours. Serious accidents and traffic problems involving these buses will therefore be significantly lessened.

In view of the foregoing, approval of this bill is highly and earnestly recommended.

Appoved,


Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list


Rep. NERI J. COLMENARES
Bayan Muna Party-list


Rep. FERNANDO HICAP
Anakpawis Party-list

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

SECTION 1. *Short Title.* – This Act shall be known as the “Bus Drivers and Conductors Compensation Act of 2013.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to grant just and humane working conditions for bus drivers and conductors as well as secure and safeguard citizens from risks of vehicular accidents and traffic problems caused by competing and overworked bus drivers. Towards this end, the State shall regulate the compensation of public utility bus (PUB) drivers by requiring bus owners or operators to pay them fixed monthly salaries.

SECTION 3. *Coverage.* – All persons who have been issued a Certificate of Public Convenience (CPC) to operate a public utility bus service shall pay their PUB drivers and conductors as compensation for work performed a fixed monthly salary which shall not be less than the minimum wage fixed by law, plus benefits and incentives.

SECTION 4. *Driver and Conductor Qualifications and Standards.* – All operators of public utility bus service shall comply with the driver and conductor qualifications and standards which shall be established by the Land Transportation and Franchising and Regulatory Board (LTFRB) in order to ensure the employment of qualified and experienced drivers and conductors.

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SECTION 5. *Driving Hours.* – All operators of public utility bus service shall require their drivers to observe the following work scheme:

- a. Driving hours shall not exceed eight (8) hours inclusive of the rest period;
- b. A two-shift system shall be employed; and
- c. There should be at least one (1) hour rest per working day.

SECTION 6. *Daily Time Record or Trip Report Monitoring System.* – All PUB operators shall require their drivers to submit daily time records or trip reports in order to monitor the number of trips made and the number of driving hours worked. A copy of the summary of daily time record or trip report shall be submitted to the LTFRB as a requirement for the annual renewal of registration of the PUB.

SECTION 7. *Payment of Monthly Salary.* – The monthly salary of PUB drivers and conductors shall not be less than the minimum wage fixed by law. Salaries shall be paid in cash at least once every two (2) weeks and shall be paid directly to the PUB drivers and conductors. Benefits and incentives as stipulated in the Labor Code and related laws, and/or in collective bargaining agreements, shall also be accorded to drivers and conductors.

SECTION 8. *Status of Employment.* – Years of employment shall be accounted for upon the change in schemes and contracts.

SECTION 9. *Penalties.* – For any violation of this Act, the operator of any public utility bus service shall be fined not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of the franchise to operate. Provided, that the suspension of the franchise to operate shall only be until such time that the operator has complied and paid the drivers and conductors of their back wages and appropriate benefits.

SECTION 10. *Implementing Rules and Regulations.* – The Chairman of the Land Transportation Franchising and Regulatory Board (LTFRB) shall, in coordination with the Secretary of Labor and Employment, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 11. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations, and other issuances inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,