

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)

First Regular Session)



HOUSE BILL NO. 4086

Introduced by ANGKLA Partylist Representative JESULITO A. MANALO

**AN ACT PENALIZING PERSONS FOUND TO BE OPERATING OR OWNING
MOTOR VEHICLES IDENTIFIED AS COLORUM, AND FOR OTHER
PURPOSES**

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

EXPLANATORY NOTE

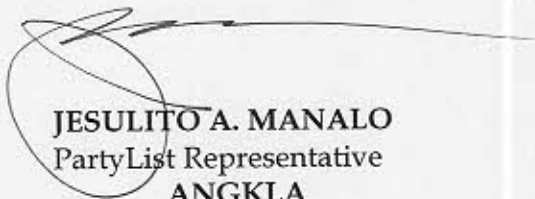
It is acknowledged that the government has been continuously adopting a sufficient, safe and efficient system to provide public transport service to our commuters. The creation of measures and policies to achieve this includes, among others, roll-on roll off (RORO) services and the grant of more franchises or certificates of public convenience to a growing number of public utility vehicles that cater to the commuting public, which is undeniably getting larger, as well. Undeniably, the huge population of commuters who rely on public transport service, whether in the cities or provincial areas, consist of the masses, including seafarers and their family members. Without even having to make a distinction in the type of daily commuters who avail of this public service, it should be among the primary duties of the government to guarantee that the public can rely on a safe and secure public transport service at all times.

It is unfortunate that amidst the many public land transport mechanisms presently in force, there are also numerous traffic and vehicular accidents that are encountered, most of which result to injury and even loss of lives. One of the patent causes of these accidents is the unabated and blatant operation of "colorum" or unauthorized public motor vehicles, which are considered menaces further clogging our roads.

With the increasing number of vehicular tragedies that have occurred in our country, resulting to death of numerous individuals, there is an urgent need to re-examine and strengthen policies that the government, through LTFRB, implements to combat the proliferation of unauthorized public land transport vehicles.

There is an urgent need to revisit existing regulations and mechanisms that will help better safeguard the integrity, validity and efficiency of the issuance of franchise and certificates of public convenience in favor of public transports. Concomitant to these safeguard measures is the enforcement of more stringent penal provisions against erring and abusive owners and operators of public transport, whose reckless disregard of rules and regulations pertaining to the public transport system has resulted to loss of lives of thousands of people. Certainly, this will deter and eradicate the operations of unauthorized public vehicles, with the end view of promoting full protection to, and achieving road safety for the benefit of the public.

For these foregoing reasons, the passage of this bill is most earnestly sought.



JESULITO A. MANALO
PartyList Representative
ANGKLA

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**AN ACT PENALIZING PERSONS FOUND TO BE OPERATING OR OWNING
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PURPOSES**

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

Section 1. *Short Title.* - This Act shall be known as the "Anti-Colorum Act".

Section 2. *Declaration of Policy.* - Pursuant to the Constitutional principles that recognize the protection of life and property and the promotion of the general welfare as primordial and essential, and in line with the duties reposed in it with respect to its power to issue, regulate and revoke public utility franchises, it is hereby declared the policy of the State to ensure and guarantee road safety through the establishment of more rigid and stricter measures against the blatant use of colorum vehicles.

It is likewise the policy of the State to promulgate, enforce and implement policies, laws, and regulations of public land transportation services.

Towards this end, the State shall institute stricter mechanisms, including penal provisions to discourage and subsequently eradicate the creation and operation of colorum vehicles.

Section 3. *Definition of Terms.* - For purposes of this Act:

(a) Motor vehicle refers to any vehicle used for land transportation, except those propelled by muscular power.

(b) Public utility vehicles (PUVs) refer to motor vehicles engaged in the transportation of passengers or goods or both, for hire or compensation, with general or limited clientele, whether permanent, occasional or accidental and, which are owned, operated, managed, or controlled in the Philippines. These PUVs are duly issued valid and subsisting permit, franchise or CPC by the LTFRB, which identifies and prescribes their specific routes of service to operate and provide public transport service.

(c) Private vehicles refer to motor vehicles intended for private use, issued a private plate, and thus are not engaged in the transportation of passengers or goods or both. These private vehicles are not issued any permit, franchise or CPC by the LTFRB to operate, manage, and provide public transport service.

(d) Land Transportation Franchising and Regulatory Board (LTFRB) refers to the board or government agency created by virtue of Executive Order No. 202, under the supervision of the Department of Transportation and Communication (DOTC). It is mandated to promulgate, administer, enforce, and monitor compliance of policies, laws, and regulations of public land transportation services.

(e) Colorum motor vehicle refers to any and all of the following:

1.) Any PUV, which provides public transport service beyond its prescribed route of service, either on a permanent, occasional or accidental basis, which route is not included in its valid and subsisting permit, franchise, or CPC duly issued by the LTFRB.

2.) Any PUV the permit, franchise, or CPC is suspended, but continues to provide public transport service, either on a permanent, occasional or accidental basis.

3.) Any PUV the permit, franchise, or CPC has expired, without a valid extension duly filed within the prescribed period, but continues to provide public transport service, either on a permanent, occasional or accidental basis.

4.) Any private vehicle driven, operated, or used as a public utility or which provides public transport service, notwithstanding the absence of a valid and subsisting permit, franchise, or CPC duly issued by the LTFRB therefor, and which transport service is provided either on a permanent, occasional or accidental basis.

(f) Permit, Franchise or Certificate of Public Convenience (CPC) may be used interchangeably or collectively and for the purpose of this Act, shall refer to valid and subsisting certificates issued by the LTFRB, which proves that the holder thereof is duly and lawfully granted the right and authority to operate and provide public transport service within the prescribed route of service therein specified and to do business that promotes the public interest in a suitable manner, in accordance with the pertinent provisions of the Public Service Law.

Section 4. *Punishable Act.* - It shall be unlawful for any person to drive, operate, own, render or provide public transport service through the use of a colorum motor vehicle. Any person who violates any provision of this Act shall be held criminally liable, and shall be meted out the corresponding penalties sanctioned under Section 7 of this Act.

LTFRB shall be responsible in the filing, initiation and prosecution of the criminal action sanctioned in this Act.

Section 5. *Measures.* - It shall be the responsibility of the LTFRB and the Land Transportation Office (LTO), under the auspices of the DOTC, to jointly coordinate and institute measures designed to discourage and entirely eliminate the use of colorum motor vehicles.

Section 6. *Deputation.* - For the purpose of strictly and fully enforcing the provisions of this Act, the LTFRB may deputize any and all of the following:

- (a) police officers of the Philippine National Police (PNP), whether part of its traffic enforcement office or otherwise;
- (b) traffic enforcers and members of the Metro Manila Development Authority (MMDA);
- (c) local government units, through the office of the municipal or city mayor and/or provincial governor; and
- (d) such other officers and members of the different government agencies mandated and designated to enforce the regulation of the public transport system.

In the event that any of the deputized individuals and agencies found a party guilty of violating any of the provisions punishable under this Act, such deputized individual or agency shall be mandated to notify and report the details of the incident to the LTFRB.

Section 7. *Penalties.* - (a) The owner and operator of a colorum vehicle shall be meted out the penalty of imprisonment or prison correccional in its maximum period or a fine, or both, subject to the discretion of the trial court hearing the case. The fine imposed under this section shall follow the rate or schedule provided below:

- (a.1) Public Utility Bus - P1,000,000.00
- (a.2) UV Express - P 200,000.00
- (a.3) Taxi - P 125,000.00
- (a.4) Public Utility Jeepney - P 50,000.00

In the event that the owner and/or operator is a juridical person, the partners, in case of partnership, and the members of the board, in case of a corporation, shall be held criminally liable.

(b) The driver's license of the person found to have been driving the colorum motor vehicle, whether he is the owner/ operator or the latter's personnel, shall be immediately confiscated and suspended for a period of twelve months for the first offense and perpetually revoked for the second offense. This perpetual revocation is understood to completely disqualify such person from being granted any type of driver's license thereafter.

(c) The colorum motor vehicle used shall likewise be permanently confiscated by the LTFRB.

(d) All permits, franchise, or CPCs issued in favor of the owner and/or operator of a PUV used and operated as a colorum, including those that pertain to other PUVs even not used and operated as a colorum, shall be revoked. Further, the said owner/ operator shall likewise be perpetually disqualified to operate any kind of public land transportation.

(e) In case of a private vehicle used as a colorum, the owner and/or operator thereof found guilty under this Act shall likewise be perpetually disqualified to apply for and operate any kind of public land transportation.

(f) If the use of colorum motor vehicle resulted to another criminal offense punishable under the Revised Penal Code (RPC), such as, but not limited to physical injuries, damage to property and/or homicide, such use of colorum motor vehicle shall be considered as an aggravating circumstance. If the offense as contained in the RPC also imposes a fine, the court, shall order its imposition of a fine not less than Two Hundred Thousand Pesos (Php200,000.00) but not more than One Million Pesos (Php1,000,000.00).

Section 8. *Separability Clause.* - If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

Section 9. *Repealing Clause.* - All other laws, orders, issuances, circulars, rules and regulations or parts thereof which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

Section 10. *Effectivity.* - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,