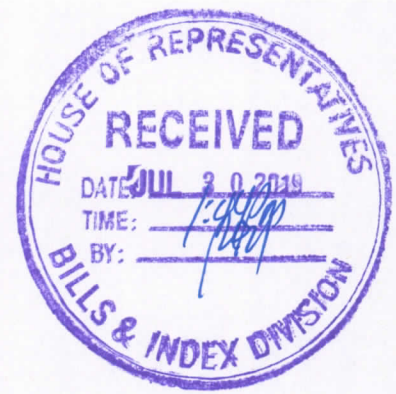


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 3113



Introduced by **REP. JOSE FRANCISCO "KIKO" B. BENITEZ, Ph.D.**

EXPLANATORY NOTE

The Constitution promotes and protects freedom of movement, alongside general welfare, public safety, health and ecological balance. In line with these constitutional guarantees, the State has enacted numerous laws and put in place programs to improve transportation infrastructure, and promote safe and accessible public transportation. However, this is not enough to fully address the challenges of changing times and growing demand for public transportation.

The exercise of the right to mobility is hampered by a plethora of problems that come with increasing urban population, poor urban planning, and inadequate mass transit utilities and road networks. These problems increase as urbanization intensifies, and more and more citizens flock to the cities.

For example, the increasing volume of motor vehicles in Metro Manila is choking major thoroughfares. Based on Metropolitan Manila Development Authority estimates, the daily volume of vehicles in Metro Manila is 2.7 million. A study by the Boston Consulting Group, Metro Manila has the third worst traffic in Southeast Asia, with commuters spending an average of 66 minutes daily in traffic.

Worsening traffic congestion drives up direct and indirect costs to commuters due to productivity losses. According to a Japan International Cooperation Agency (JICA) study, traffic congestion in Metro Manila cost 3.5 billion pesos daily in lost opportunities in 2017. JICA estimates that the country will lose 5.4 billion pesos daily by 2035 if no interventions are made.

Existing transportation infrastructure cannot adequately support the increasing travel demand of the public, as well as active transport. Commuters who ride public transportation utilities comprise 70 percent of total trips in Metro Manila, but public transportation utilities are only given 20 percent of road space.

Meanwhile, air pollution, due to high carbon footprint of fossil fuel-powered motor vehicles, poses health hazards. According to the State of Global Air 2019 Report, the Philippines is among the top ten (10) countries with highest mortality attributable to air pollution, with 64,000 deaths.

Moreover, poor road discipline of public utility vehicles contributes to road accidents, endangering life and property. According to a 2017 report by the Philippine Statistics

Authority, an average of 34 Filipinos die daily due to vehicular crashes. In Metro Manila alone, a daily average of 49 non-fatal injuries and one (1) fatality due to road accidents were recorded in 2018, according to Metro Manila Accident Reporting and Analysis System.

It is imperative for the State to institute programs to promote the right of the commuter to efficient, safe, convenient, accessible and inclusive public transportation. The State should provide for adequate, integrated and sustainable transportation infrastructure, enforce safety measures and enable meaningful public participation to protect the dignity, health and welfare of commuters.

In view of the foregoing, the immediate approval of this measure is earnestly sought.


REP. JOSE FRANCISCO "KIKO" B. BENITEZ

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HOUSE BILL NO. 3113

Introduced by **REP. FRANCISCO “KIKO” B. BENITEZ, Ph.D.**

**AN ACT PROVIDING FOR A BILL OF RIGHTS OF COMMUTERS, PROMOTING
EFFICIENT, SAFE, CONVENIENT, ACCESSIBLE AND INCLUSIVE PUBLIC
TRANSPORTATION**

**Chapter I
GENERAL PROVISIONS**

Section 1. *Title.* – This Act shall be known as the “Bill of Rights of Commuters.”

Sec. 2. *Declaration of Policies.* Pursuant to the constitutional provisions, international laws and conventions which guarantee the freedom of movement, general welfare, public safety, health and balanced ecology, it is the declared policy of the State to promote and protect the right of the people to efficient, safe, convenient, accessible and inclusive transportation and mobility.

Towards this end, the State shall promulgate and implement policies and programs that will ensure the welfare and dignity of the commuting public, address challenges of mobility amidst rapid urbanization, promote road safety, reduce road congestion and air pollution, mitigate transport-related health hazards, and improve access to services and markets, thereby fostering social equity, economic development and ecological balance.

The State shall endeavor to build the necessary social and physical infrastructures to diversify mobility options, promote integrated and sustainable transportation, instill road discipline, and ensure transit-oriented urban development. The State shall encourage the genuine, inclusive and adequate participation of all stakeholders at all levels of decision-making in relation to public transportation, with preferential consideration of the rights and interest of the commuting public.

Sec. 3. *Definition of Terms.* For purposes of this Act, the following terms shall mean:

- a. “Commuter” refers to a natural person who travels from one place to another, through modes of public transportation to reach his/her destination;
- b. “Public transportation” refers to shared passenger transportation services available for use by the general public, including, but not limited to, buses, trams, rails, rapid transits, taxis, tricycles and ferry systems;

- c. "Sustainable transportation" refers to any means of transport that is safe, accessible, affordable and environment-friendly. It includes but not limited to the use of non-motorized and health-promoting means of transport, development of urban transport systems that are fuel-efficient and space-saving, and the promotion of transit-oriented development;
- d. "Integrated transportation" refers to the development of transportation systems that enables the efficient and safe transit and intermodal transfers of people through the development of transportation infrastructure and facilities, the coordination of routes and frequencies of public transportation utilities, and ticketing and fare systems;
- e. "Mobility" refers to the ability of a person to travel to, from, and around his/her city or residence to conduct daily activities;
- f. "Transit-oriented development" refers to mixed-use development designed to maximize access to public transportation;
- g. "Motor vehicles" refer to any motorized vehicle. The term does not include an electric bicycle;
- h. "Public transportation utilities" refer to common carriers engaged in the business of carrying and transporting passengers or goods for compensation, offering their services to the public;
- i. "Public utility vehicle (PUV)" refers to any public utility bus, taxicab, public utility jeepney, school transport service, tourist transport service, utility vehicle express service, bus rapid transit, airport bus, premium taxi, transport network vehicle service, shuttle bus and other motor vehicles classified or as may hereinafter be classified by the Land Transportation and Franchising Board or an appropriate agency as such;
- j. "Active transport" refers to non-motorized means of travel, including but not limited to walking, bicycling, and use of strollers, skates, skateboards, push scooters, handcarts and wheelchair;
- k. "High-volume transport corridors" refer to roads, bridges, streets, walkways, sidewalks, foot paths or mass transportation terminals where the flow of people is at least 2,000 per hour per direction during peak travel periods;
- l. "Public roads" refer to all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any local government unit;
- m. "Pedestrian" refers to a person travelling on foot or using non-motorized means of travel;

- n. "Public transport or PUV operator" refers to any person or entity in whose name a Certificate of Convenience is issued by LTFRB to operate a public transport service for compensation and for a covered period of time;
- o. "Activity centers" refer to places in a city or municipality where people gather regularly for work, worship, education, social events, trade, exercise, leisure, or other common interests and purposes;
- p. "Walkways" refer to a continuous pathways designated for pedestrians and separated from lanes for motor vehicles by space or barrier;
- q. "Pedestrian lane or crosswalk" refers to any portion of a public road at an intersection or elsewhere for the use of pedestrians marked by lines or other markings on the surface;
- r. "Sidewalk" refers to walkways parallel to both sides of a public road, with a width and elevation as may be deemed appropriate for safe and convenient pedestrian passage;
- s. "Greenway" refers to roads, streets or paths with ample greenery and shade that serves as recreational space or public park which encourages environmentally sustainable transportation modes including walking and cycling, among others;
- t. "Road Safety Audit" refers to the systematic checking of the safety of highways and traffic management schemes, including modifications to existing layouts which aims to address safety problems and minimize future problems. Safety audit is a necessary component of the design, construction and maintenance of road projects.
- u. "Security camera" refers to a video camera that records the activities happening inside a vehicle to detect and prevent crime and other related situations;
- v. "Dashboard camera" refers to an onboard camera that continuously record the view through a vehicle's windshield, which may be attached to the interior windshield or to the top of the dashboard, by suction cup or adhesive tape mount;
- w. "Global Positioning System" refers to a space-based satellite navigation system that provides location and time information in all weather conditions, anywhere on or near the Earth where there is an unobstructed line of sight to four or more GPS satellites;
- x. "Ridership" refers to the number of persons who ride public transportation utilities;
- y. "Land value capture" refers to strategies that determine the increase in land value of the immediate neighboring parcels of land of a projects funded by the national government which includes transportation infrastructure and

facilities such as, but not limited to, mass transit stations, transport corridors, integrated transportation terminals, expressways and toll road exits, to promote social equity and environment sustainability. Land value capture takes various forms and schemes, such as, but not limited to, the imposition of real property taxes and special assessments imposable on those whose property benefited from a project funded by the national government including joint ventures, partnerships, corporations, and third-party contributors.

Chapter II RIGHTS OF COMMUTERS

A. Right to Efficient and Safe Transportation

Sec. 5. *Right to diverse and integrated public transportation.* The State shall develop a diverse and integrated transportation system to enable efficient mobility and intermodal connectivity of people. The State shall endeavor to ensure accessibility of activity centers and work places by public transportation to the people as a common good.

The State shall promote different modes of public transportation to satisfy the varying demands of people through the integration of operational, physical and institutional mechanisms which facilitate efficient, convenient and safe transfers between public transportation utilities. Operational integration involves the rationalization of routes and coordination of schedules and frequencies thereof. Physical integration requires the development of mass transit and ferry systems, common transportation terminals and stations, and an adequate network of roads, walkways, greenways, and high-volume transport corridors. Institutional integration involves the rationalization of public transportation fares, rates and charges, including the grant of discounts or free transfers between transportation utilities and modalities.

Sec. 4. *Right to quality public transportation.* The State shall uphold and enforce quality standards of public transportation utilities to ensure its roadworthiness, safety and reliability.

Sec. 5. *Right to safety.* The State shall promote the welfare of commuters and enhance road safety to protect their fundamental right to life and health. Towards this end, the State shall pursue the following:

a. Road safety. The State shall adopt and enforce a zero-road fatality policy through the implementation of appropriate speed controls and conduct of regular Road Safety Audits.

b. Fixed compensation for PUV drivers. – In order to instill road discipline among PUV drivers and prevent road accidents frequently caused by reckless and unlawful driving by competing drivers, the State shall regulate competition among PUV drivers by prescribing fixed wages for PUV drivers in an amount mutually agreed upon between PUV operators and drivers but no case shall the amount be lower than minimum wage prescribed by existing laws, rules and

regulations; *Provided*, That, in determining the same, the minimum ridership shall be taken into account.

Sec. 6. *Right to clean air during travel.* – The State shall promote and protect the right of the commuter to a smoke- and odor-free travel through the strict implementation of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, Republic Act No. 8749, Republic Act No. 9211, or the Tobacco Regulation Act of 2003, and Executive Order No. 26, s. 2017.

Sec. 7. *Fair share of road space for public transportation.* The State shall promote the right of the commuter to efficient public transportation, and shall adopt and implement strategies and policies to reduce travel time and costs of commuters. Towards this end, the Metropolitan Manila Authority and local government units shall designate road lanes for dedicated use of PUVs and other public transportation utilities; *Provided*, that, as far as practicable, the number of road lanes for PUVs and public transportation utilities shall be one (1) higher than the number of road lanes reserved for private motor vehicles.

Sec. 8. *Crime and accident prevention during travel.* The State shall promote and protect the right of the commuter to safe travel, and shall adopt and enforce policies to prevent and deter crimes and untoward incidents resulting in injury to life, limb and health, and loss of property. Towards this end, the State shall strictly implement Republic Act No. 10586, or the Anti-Drunk and Drugged Driving Act of 2013 and Republic Act No. 10913, or the Anti-Distracted Driving Act. Additionally, the State shall pursue the following:

a. *Mandatory installation of security camera and/or dashboard camera and Global Positioning System (GPS) in public utility vehicles.* All PUV and public transport operators, whether under existing franchise or upon application of a new one, are hereby required to install a security camera, dashboard camera or similar devices, and GPS in every PUV unit he/she presently owns or operates, or will own or operate in the future; *Provided*, that, no franchise shall be granted to motor vehicles intended for public utility without compliance with this provision; *Provided*, further, that the security or dashboard camera shall be placed without obstructing or impairing the driver's view of the road and outside the range of airbag deployment.

Sec. 9. *Right to medical assistance.* The commuter shall have the right to proper application of first aid procedures, medical assistance and emergency safety devices during emergency situations where commuter's health is concerned.

All PUV and public transportation operators, under an existing franchise or upon application of a new one, are hereby required to install emergency first aid kits in every PUV unit he/she presently owns or operates, or will own or operate in the future; *Provided*, that no franchise shall be granted to motor vehicles intended for public use without compliance with this provision. A periodic inspection for this purpose shall be conducted by the LTFRB.

PUV drivers are hereby required to undergo basic first aid training. The Department of Health (DOH), the Philippine Red Cross, LTRFB and LTO shall promulgate rules and regulations for the proper implementation of this Section.

Sec. 10. Right against sexual harassment in public transport terminals and PUVs. Pursuant to Republic Act No. 11313, or the Safe Spaces Act, gender-based sexual harassment in streets and public spaces, including transportation terminals and public utility vehicles, shall be prohibited and penalized.

B. Right to Accessible and Affordable Transportation

Sec. 11. Right to fare discount. Pursuant to Republic Act No. 7277, as amended by Republic Act No. 10754, or the Magna Carta for Persons with Disability, Republic Act No. 7432, as amended by Republic Act No. 9257, and Republic Act No. 11314 or the Student Fare Discount Act, persons with disability, senior citizens and students shall be granted fare discounts in using public transportation utilities.

Under existing rules and regulations, public transportation utility operators may claim as tax deduction the fare discount granted based on the cost of the services rendered.

Sec. 12. Right to participation in determination, review and adjustment of public transportation fares and rates. The State shall promote and enable the active and adequate participation of the commuting public in the determination and periodic review and adjustment of public transportation fares, rates and other related charges.

Sec. 13. Right to mobility and access to public transportation of persons with disability. Pursuant to Republic Act 7277, the State shall promote the mobility of persons with disability and shall develop and implement programs to assist PWDs on gaining access to public transportation utilities and facilities, including, but not limited to, the use of an animal assistant or portable mobility aids.

C. Right to Sustainable Transportation and Urban Mobility

Sec. 14. Right to clean transportation. The State shall pursue and formulate strategies, policies and programs towards sustainable transport and the modernization of public transportation to reduce carbon footprint. Towards this end, the State shall promote active or non-motorized transport, and the utilization of alternative fuels and emerging energy technologies in public transportation, pursuant to Republic Act No. 8749 and Republic Act No. 9367, or the Biofuels Act of 2006.

Sec. 15. Use of bicycle and other means of active transport. The State shall promote active transportation and alternative modes of transportation that create less carbon footprint, and support active and healthy lifestyle. Towards this end, the State shall pursue the following:

a. Installation of walkways and greenways. – It shall be the duty of the Department of Public Works and Highways and LGUs concerned to provide adequate sidewalks and crosswalks on public roads, free from any obstruction at all times and clearly marked with visible and conspicuous signages, as well

as greenways to encourage active transport. In major roads, as far as practicable, there shall be allotted three (3) meters for sidewalks; *Provided*, that, in cases where the provision of sidewalk shall not be feasible, for reasons of insufficient land area, easement or legal right protected by law, an elevated footbridge or underground walkway shall be installed in lieu thereof; *Provided further*, that all walkways shall provide access for persons with disability and users of non-motorized transportation vehicles; *Provided finally*, that and adequate lighting shall be installed along walkways and greenways to allow safe travel after dark.

b. Designation of bike lanes. – Each LGU shall designate a bike lane measuring at least one (1) meter on the rightmost portion of major roads within its jurisdiction which shall be clearly marked as such and, as far as practicable, segregated from all vehicular traffic lanes by a physical barrier and marked with appropriate signs and/or pavement markings. In cases where the installation of a physical barrier is not feasible, a bike lane shall be identified through reflectorized painted lines. Existing bike lines shall be assessed for safety and connectivity and shall be subject to measures to improve the same.

The designated bike lanes shall be for the exclusive use of bicycles. All motorized vehicular traffic shall not be allowed to use the bike lane at any time of the day except for emergency medical purposes. The right of way of bikers shall be paramount at all times and may not be obstructed by a parked or standing motor vehicle or other stationary objects.

c. Provision of bicycle parking spaces. – The DOTr shall establish guidelines on the minimum supply of bicycle parking spaces and bike racks in all public places, government offices, schools, hospitals, and major business establishments, including, but not limited to, malls, banks, and restaurants, taking into consideration the population of volume of people in the area; *Provided*, that, the owners of said establishments shall pay for the construction and maintenance thereof.

Sec. 16. Sustainable transport planning. The State recognizes that public transportation and mobility is an integral part of urban development. Accordingly, the State recognizes the importance of transport planning in creating sustainable cities and communities. The shall promote a shift towards sustainable transport, increasing mobility of persons, especially the poor, marginalized and underprivileged sectors, improving air quality, and ensuring the safety and reliability of public transportation utilities.

Towards this end, the DOTr and the Department of Human Settlements and Urban Development (DHSUD), in coordination with the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST), and the Department of Interior and Local Government (DILG), and in consultation with the commuter and transport groups, metropolitan area authorities, local government units, and the academe, shall prepare a National Sustainable Transport Action Plan (NSTAP) to provide a roadmap

for safe, efficient, convenient, accessible, inclusive and sustainable transportation and mobility in the country.

The NSTAP shall include strategies towards transit-oriented development, the diversification of transportation and mobility options, including means of active transport, and the integration thereof, and the development of clean transportation infrastructure at the national and local levels. The aforementioned agencies shall conduct scientific studies and research, genuine and adequate consultations with all stakeholders, especially commuter and transport groups, to determine their varying demands on public transportation, the social, economic and environmental impact of current and proposed public transportation systems, as well as the need for social protection and safety nets of vulnerable and marginalized sectors and the use of information and communication technologies to reduce and manage travel demands of the public.

The NSTAP shall guide the integration of sustainable and integrated transport planning in the preparation and updating of Annual Development Plans, Annual Investment Plans, Physical Framework Plans, Development Master Plans, Comprehensive Land Use Plans, Disaster Risk Reduction and Management Plans, and similar plans of LGUs. DOTr and DHSUD, in coordination with NEDA, DPWH and DILG, shall capacitate and provide technical assistance to LGUs in the harmonization of the aforementioned plans with NSTAP.

D. RIGHT TO INFORMATION AND PARTICIPATION IN POLICYMAKING.

Sec. 17. *Nationwide public information campaign.* Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, and research data in relation to public transportation, subject to existing rules and regulations.

The DOTr and its attached agencies, in coordination with the Department of Information and Communications Technology, DILG, and the Philippine Information Agency, and commuter and transport groups, shall undertake a nationwide information, education and communication campaign, utilizing all forms of media, for the attainment of the objectives of this Act.

Sec. 18. *Display of identification of PUV drivers, plate number of PUVs and emergency numbers for assistance.* Identification cards of PUV drivers, as prescribed by LTFRB, the plate number of the PUV, and emergency numbers for assistance by the Philippine National Police and other concerned agencies shall be prominently displayed inside the vehicle within the view of the passenger or in any other conspicuous place within the vehicle.

Sec. 19. *Genuine, inclusive and adequate participation in policymaking.* The State shall uphold and promote the right of the people and their organizations, especially underprivileged and marginalized sectors, to genuine and adequate participation in the crafting and evaluation of public transportation-related policies, plans and programs, including frameworks, strategies and standards; Provided, That, concerned agencies shall hold public consultations at a convenient time and place for commuter and transport groups; Provide, further, that, concerned agencies shall

establish mechanisms to solicit feedback from commuters through digital forms of media.

E. RIGHT TO REDRESS

Sec. 20. *Right to refund.* The commuter shall have the right to refund of transportation fee in cases of public transportation service breakdown. In cases of mechanical or engine trouble or other similar instances that hinder continuation of carriage, the commuter shall be entitled to full or partial refund, depending on the distance travelled, or shall be provided with substitute means of transportation or be assisted to secure one.

Sec. 21. *Right to compensation in cases of physical injury and death.* In cases of death or physical injuries due to unlawful and reckless driving, the aggrieved party shall be entitled to compensation as provided by applicable laws, rules and regulations.

Sec. 22. *Assistance desk in transport terminals.* The DOTr, LTFRB and/or LGUs shall provide for twenty four (24)-hour Complaints and Assistance Desks in transport terminals to address commuter needs and problems in situ and assist commuters whose rights have been violated; Provided, that, in cases where the complaint shall be filed against the driver, the LTFRB shall conduct the investigation and resolve the complaint not later than seven (7) working days after mediation, or seven (7) working days after adjudication, under such rules and regulations it may provide.

The complaint instituted under the provisions of this Act shall not bar the filing of a civil or criminal complaint for violation of any law, rule and regulation resulting from the same act or omission, whenever applicable.

Sec. 23. *Commuters' hotline number.* DOTr shall provide a common three (3) or four (4)-digit hotline number, supported by a Commuter Safety Call Center, to address inquiries, complaints and concerns of commuters.

Sec. 24. *Legal assistance.* DOTr shall provide legal assistance to commuters in the filing, processing and documenting of complaints, negotiating for amicable settlement or resolution mutually acceptable to the parties thereto, and elevation of the complaint to appropriate authorities.

CHAPTER III PENAL PROVISIONS

Sec. 25. *Fines and penalties.* A fine of P100,000 to P300,000 and/or impoundment of the subject vehicle and/or cancellation of their franchise shall be imposed upon any person, including drivers or operators who shall be proven to have violated any provision of this Act or failed to observe the corresponding duties and responsibilities indicated herein. Public officers who shall be found to have been negligent in the performance of the duties and responsibilities indicated in this Act will be administratively liable pursuant to existing laws, rules and regulations.

CHAPTER IV FINAL PROVISIONS

Sec. 26. *Joint Congressional Oversight Committee.* There is hereby created a Joint Congressional Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Chairpersons of the Senate Committees on Public Services, and Urban Planning, Housing and Resettlement, and the House Committees on Transportation, and Housing and Urban Development, shall be *ex-officio* members of the Committee.

Sec. 27. *Funding.* The Department of Transportation, the Department of Public Works and Highways, the Department of Human Settlements and Urban Development, and other concerned agencies, shall include in their respective programs the needed operational and institutional requirements in upholding the enumerated rights in this Act, the initial funding of which shall be charged against their current appropriations. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Said agencies shall accordingly pursue alternative resource mobilization strategies, including, but not limited to, public-private partnerships and land value capture, to leverage public resources and maximize their value to finance the physical requirements in upholding the enumerated rights this Act.

Sec. 28. *Implementing Rules and Regulations.* Within six (6) months since the effectivity of this Act, the DOTr and the Department of Human Settlements and Urban Development (DHSUD), in coordination with the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST), and the Department of Interior and Local Government (DILG), and in consultation with the commuter and transport groups, metropolitan area authorities, local government units, and the academe, shall promulgate the implementing rules and regulations for the effective implementation of this Act.

Sec. 29. *Separability Clause.* If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect. All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 30. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 31. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,