

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session
3175

HOUSE BILL NO. _____



Introduced by **Honorable ABRAHAM "BAMBOL" N. TOLENTINO**

EXPLANATORY NOTE

The current and ongoing problem of traffic congestion must be recognized as a national emergency due to its detrimental effects to productivity, economy, and the general welfare of the public. According to a study conducted by Japan International Cooperation Agency, the traffic congestion crisis in Metro Manila alone has been a major contributor to an estimated loss of Php3.5 billion a day. Obviously, the Philippine transportation infrastructure has been indisputably unable to keep up with the demands of a rising economy and rapidly growing population. The issue is most seen in Metro Manila due to increasing car sales, lack of mass transit and highways, and high population density.

As such, this representation proposes to declare the existence of a national emergency in view of the traffic congestion crisis in Metropolitan Manila, Metropolitan Cebu, and other highly urbanized cities. This declaration is in accordance with Section 23(2), Article VI of the 1987 Constitution, which authorizes the President, for a limited period and subject to restrictions, to exercise powers necessary to effectively address the said national emergency.

Under the proposed measure, the President is granted emergency powers to employ necessary government resources; exercise or employ executive actions and measures – necessary and incidental, unhampered by existing laws, regulations, and procedures – to solve this escalating problem; and to adopt short-term, mid-term, and long-term development plans for a sustainable and efficient transport system.

In view of the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in dark ink, consisting of a series of connected loops and a final upward stroke, positioned to the right of the text.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3175

Introduced by **Honorable ABRAHAM N. TOLENTINO**

**AN ACT AUTHORIZING THE PRESIDENT, FOR A LIMITED PERIOD AND
SUBJECT TO CERTAIN RESTRICTIONS, TO EXERCISE EMERGENCY
POWERS TO EFFECTIVELY ADDRESS THE TRAFFIC AND CONGESTION
CRISIS, AND APPROPRIATING FUNDS THEREFOR**

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

1 Section 1. *Short Title.* – This Act shall be known as the “Special Emergency
2 Powers Act.”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

4 a) recognize as national emergency the negative effects of the traffic and
5 congestion crisis to the economy and ultimately to the people, which seriously
6 disturbed the normal family life, hampering the country’s economic growth
7 and development, and gravely affected the local and global competitiveness
8 and efficiency of businesses; and

9 b) adopt adequate and effective measures to address such emergency, by
10 mobilizing extraordinary and stern measures, restoring order on the streets,
11 optimizing the use of public road space and transport routes, and maximizing
12 transportation and infrastructure resources for public convenience and benefit
13 through the reduction of vehicle travel time, reduction of air pollution, and

1 decongestion of Metropolitan Manila, Metropolitan Cebu, Davao City, Cagayan
2 de Oro City, and other highly urbanized cities.

3 *Sec. 3. Scope and Limitations.* – The Act shall be limited in scope, application,
4 and effectivity to Metropolitan Manila, Metropolitan Cebu, Davao City, Cagayan de
5 Oro City, and other highly urbanized cities. The national emergency shall include
6 land, air and sea traffic. The exercise of emergency powers shall be limited to acts
7 that would resolve the traffic and congestion crisis.

8 *Sec. 4. Definition of Terms.* – For purposes of the Act, the following terms shall
9 mean:

- 10 a. *Emergency Powers* shall refer to the authority granted to the President of the
11 Republic of the Philippines under Section 23 (2), Article VI of the 1987
12 Philippine Constitution by the Congress for a limited period and subject to
13 such restrictions as it may prescribe to exercise emergency powers;
- 14 b. *Highly Urbanized City* shall mean cities classified as highly urbanized as
15 defined by the Local Government Code;
- 16 c. *Metropolitan Cebu* shall be composed of the cities of Cebu, Mandaue, Talisay,
17 Lapu-Lapu, Carcar, Danao, and Naga and the municipalities of Compostela,
18 Consolacion, Lilo-an, Minglanilla, and San Fernando;
- 19 d. *Metropolitan Manila* shall mean the National Capital Region (NCR) of the
20 Philippines composed of the cities of Manila, Quezon City, Caloocan, Las
21 Piñas, Makati, Malabon, Mandaluyong, Marikina, Muntinlupa, Navotas,
22 Parañaque, Pasay, Pasig, San Juan, Taguig, and Valenzuela and the
23 Municipality of Pateros;
- 24 e. *Priority Projects* shall refer to the construction, repair, restoration,
25 rehabilitation, improvement, or maintenance of transport infrastructure,
26 projects, and facilities;
- 27 f. *Transportation Project* shall refer to a project involving the construction,
28 repair, rehabilitation, improvement, operation, or maintenance of any public
29 transportation facility and mass transportation system that will directly
30 address the traffic and congestion crisis to ensure the safety and convenience
31 of the commuting public, including all projects aimed at reducing traffic
32 congestion

1 Sec. 5. *Grant of Emergency Powers.* – The President is hereby authorized,
2 through the Czar, to exercise all powers necessary and proper to carry out the
3 above-declared State policy. As such, the President is hereby granted Emergency
4 Powers to urgently utilize all necessary government resources, exercise police power
5 and the power of eminent domain, and employ executive actions and measures to
6 ensure the effective procurement, implementation, reconfiguration, harmonization
7 and completion of national and local government transportation projects intended to
8 address the emergency intended to directly address the traffic and congestion crisis,
9 untrammelled by existing laws, regulations, and procedures that would severely
10 delay the resolution of said crisis.

11 Sec. 6. *Traffic Crisis Czar.* – The Secretary of Transportation is hereby
12 designated as the de officio Traffic Crisis Czar during the entire duration of the grant
13 of emergency powers. The Czar is hereby authorized to exercise all powers granted
14 to the President by virtue of this Act.

15 The Czar shall be under the direct control and supervision of the President.

16 Sec. 7. *Functions, Powers and Duties of the Traffic Crisis Czars.* – As the alter
17 ego of the President, the Czars are hereby authorized to exercise all powers
18 necessary, utilize all resources, exercise police power and eminent domain, and
19 employ executive actions and measures. More specifically, the Czars shall have the
20 following functions, powers and duties:

- 21 1. Implement and complete the Transportation and Public Works Flagship
22 Projects under the Build Build Build Infrastructure Program, which includes:
 - 23 (a) site acquisition;
 - 24 (b) right of way acquisition; and
 - 25 (c) procurement.
- 26 2. Maximize the use of existing roads, bridges and infrastructure through:
 - 27 (a) Formulating, coordinating, and monitoring policies, standards, programs,
28 and projects;
 - 29 (b) Providing effective and coordinated traffic management and enforcement;
 - 30 (c) Harmonizing traffic laws, rules and regulations, including city and
31 municipal ordinances, and including sea and air traffic;
 - 32 (d) Improving traffic engineering measures; and

- (e) Adopting measures to rationalize the use of road and transport routes efficiently, in favor of mass transport, adjusting the working hours of government schools and offices, and promote work at home schemes and other alternative work and class arrangements.
3. Create inter-agency task forces as may be necessary, including but not limited to:
- (a) Members of PNP-HPG, traffic enforcers of LGUs, duly licensed security guards, or members of non-governmental organizations to whom certain authority may be delegated subject to such conditions and requirements as may be imposed;
 - (b) Non-government and people's organizations and volunteers; and
 - (c) Local government units.
4. Implement the transport infrastructure development plans approved by National Economic Development Agency (NEDA);
5. Determine the priority infrastructure projects that may be implemented by agencies responsible for roads, bridges, railways, traffic engineering, public transport facilities such as terminals, stations, passenger interchange structures, airports and seaports;
6. Reformation of public transport by:
- (a) Transforming service delivery model into an inter-modal, low emission, sustainable, convenient, integrated and reliable;
 - (b) Restructuring the public utility vehicle routes;
 - (c) Modifying or canceling Certificates of Public Convenience and permits for trikes, *motu proprio*;
 - (d) Integrating public utility vehicle terminals inside and near the vicinity of metropolitan areas to urban and zoning plans;
 - (e) Enforcing all traffic laws and regulations; and
 - (f) Authorizing local government units to establish their own public mass transport system within their jurisdiction, in coordination with the Czar and subject to relevant inter-modal schemes.

1 7. Construct build, update and upgrade rail-based mass transit system and fast-
2 track the implementation of mass transit projects, including the Department
3 of Science and Technology developed Hybrid Electric Train; and

4 8. Other powers as may be necessary to fulfill the declaration of policy of this
5 Act.

6 Sec. 8. *Power of Eminent Domain.* – In coordination with the concerned
7 government agencies, the Czar shall work for the immediate resolution of issues and
8 bottlenecks in transport infrastructure, including the acquisition of right-of-way.
9 Negotiated sale shall be the primary mode of acquisition and must be concluded
10 within ten (10) days from notice to the property owner. After a failed negotiation,
11 the Czar shall authorize the immediate filing of a case for expropriation.

12 The Czar shall offer the property owner, as compensation price, the sum of:

- 13 1. The fair market value of the land;
14 2. The replacement cost of structures and improvements; and
15 3. The current market value of crops and trees therein.

16 The Czar may engage the services of a government financial institution,
17 independent property appraiser accredited by the Bangko Sentral ng Pilipinas (BSP),
18 or a professional association of appraisers recognized by BSP.

19 Sec. 9. *Priority Projects.* – During the effectivity of this Act, the Czar may enter
20 into Direct Contracting, Repeat Order, Direct Negotiation of Contracts, and the other
21 alternative modes of procurement under the Republic Act No. 9184 for Priority
22 Projects for the construction, repair, restoration, rehabilitation, improvement, or
23 maintenance of infrastructure, projects, and facilities, subject to auditing rules and
24 regulations.

25 The Protest Mechanism under Article XVII of R.A. No. 9184 is deemed
26 suspended.

27 The time duration specified in the Implementing Rules and Regulations (IRR)
28 of R.A. No. 6957, as amended, may be shortened.

29 The Government Procurement Policy Board and the NEDA, in consultation with
30 the Czars, shall issue the proper guidelines for procurement of Priority Projects
31 within fifteen (15) days upon effectivity of this Act.

1 Sec. 10. *Roles of the Local Government Units (LGUs) and Other Agencies.* –

2 Local Government Units covered by this Act may implement, construct, repair,
3 restore, rehabilitate, improve, or maintain land-based transportation infrastructure,
4 projects, and facilities, including rail-based, monorail and light rail systems, using its
5 own funds, and/or enter into agreements with the private sector, subject to the
6 approval of the Czar. The transportation project must not be inconsistent with the
7 Traffic Crisis Action and Mobility Plan.

8 Local Government Units not covered by this Act are encouraged to create a
9 plan consistent with the Traffic Crisis Action and Mobility Plan, and implement,
10 construct, repair, restore, rehabilitate, improve, or maintain land-based
11 transportation infrastructure, projects, and facilities, in coordination with the Czar
12 and other national agencies.

13 The Department of Public Works and Highways shall continue to be
14 responsible for all works on national roads and shall accelerate the completion of on-
15 going construction, upon instruction from the Czar. The Metro Manila Development
16 Authority shall continue exercising its powers and functions and shall coordinate with
17 the Local Government Units with regard to zoning and land-use planning.

18 In coordination with the Czar, the Civil Service Commission, the Department
19 of Labor and Employment, and the Department of Information and Communication
20 Technology shall promote alternative forms of work and Transport Network Vehicle
21 Service, adopt virtual conferencing by public sector agencies, and change
22 government transaction procedures that will reduce the need for travel.

23 Sec. 11. *Suspensions on Permits and Licenses.* – The following are hereby
24 temporarily suspended throughout the effectivity of this Act insofar as they apply to
25 the Priority Projects:

- 26 a) Local Government Code requiring prior consultation with, and approval
27 of, local government units with respect to traffic-related projects and
28 requiring the issuance of a building permit;
- 29 b) National Building Code requiring building permits and other clearances
30 or certifications;
- 31 c) P.D. No. 1586, R.A. No. 3571 and their IRR requiring an Environmental
32 Clearance Certificate and Tree Cutting Permit; and

1 d) Labor Code of the Philippines requiring clearances and permits for the
2 employment of foreigners with regard to foreign technicians and expert
3 working in traffic-related projects.

4 Sec. 12. *Traffic Crisis Action and Mobilization Plan.* – The Czar, through their
5 Undersecretaries, shall create a Traffic Crisis Action and Mobility Plan for
6 Metropolitan Manila and Metropolitan Cebu, which shall sufficiently detail the process
7 to effectively solve the traffic crisis. The Program shall include the following:

- 8 a. Allocating duties and responsibilities to agencies for traffic management and
9 regulation;
- 10 b. Priority Projects;
- 11 c. Integrated traffic management plan, including the Local Government Units
12 adjacent to the metropolitan areas;
- 13 d. Route rationalization of land, sea and air public transport;
- 14 e. Identification of friendship routes and private village/subdivision roads to
15 serve as alternate or secondary routes;
- 16 f. Clearing of sidewalks;
- 17 g. Comprehensive traffic rules and regulations handbook;
- 18 h. Improve road surface quality; and
- 19 i. Traffic and road safety education.

20 Except for the route rationalization plan for public utility vehicles, which must
21 be studied and completed within six (6) months from the approval of this Act, the
22 Program must be completed within thirty (30) calendar days from approval of this
23 Act.

24 Sec. 13. *Temporary Government Take-Over of the Operation of PUV.* – In
25 accordance with Section 17, Article XII of the 1987 Constitution, the Czar may take
26 over or direct the operation of any kind of PUV as may be necessary to implement
27 the purpose of this Act.

28 The ownership of the franchise shall not be transferred to the government and
29 shall remain with the owner. The take-over shall cease when, in the discretion of the
30 Czar, the take-over is no longer necessary or upon the expiration of this Act or until
31 the emergency power is withdrawn by Congress.

1 Sec. 14. *Private Roads.* – Private roads, including those within villages and
2 subdivisions, may be opened for public use subject to security and limitations that
3 shall be agreed upon between the Czar, the relevant local government unit, and the
4 affected residential association, or be the subject of expropriation. In case of refusal
5 by the residential association, or failure to agree within fifteen (15) calendar days,
6 the government may proceed to acquire the same in accordance with Section 8 of
7 this Act.

8 The Czar may order the immediate opening of closed public roads, after a five
9 (5)-day notice. Conditions and limitations for the use thereof may be imposed by the
10 Czar *motu proprio*, without need of public hearing.

11 Sec. 15. *Alternative Work Arrangements.* - All private and public entities, as
12 well as educational institutions, shall be allowed to adopt alternative work
13 arrangements including carpooling, share-a-ride programs, flexible working hours
14 and school hours, staggered schedules of attendance, and other transport demand
15 management schemes. The provisions of labor laws and regulations that restrict or
16 prohibit these acts shall be deemed suspended during the effectivity of this Act.

17 The Czar, in consultation with the Civil Service Commission and the Department
18 of Education shall implement staggered working or school hours for government
19 offices and public schools, respectively.

20 Sec. 16. *Violations under this Act.* - Any violation of or non-compliance with
21 any provision of this Act shall be considered a violation of Section 3 of Republic Act
22 No. 3019 or the Anti-Graft and Corrupt Practices Act and shall be penalized with
23 imprisonment of not less than one (1) year nor more than ten (10) years and
24 perpetual disqualification from holding any public office.

25 Sec. 17. *Prohibition on the Issuance of Temporary Restraining Orders and*
26 *Preliminary Injunctions.* – In the implementation of this Act, no court, except the
27 Supreme Court, may issue any temporary restraining order or preliminary injunction
28 against the government or any of its subdivisions, official or any person or entity,
29 whether public or private, acting under government direction, to restrain, prohibit or
30 compel the following acts:

- 31 a. Acquisition, clearance, and development of the right-of-way, site or location
32 of any transportation project identified by the Czar;

- b. Procurement of transportation projects, including infrastructure projects;
 - c. Commencement, prosecution, execution, implementation, operation of any transportation project;
 - d. Opening of any private village gates necessary to provide alternate routes throughout the effective period of this Act;
 - e. Termination or rescission of any transportation project; and
- Undertaking or authorization of any other lawful activity necessary for any transportation project.

Sec. 18. *Duration of Grant of Emergency Powers.* – The authority granted to the President shall be valid and effective for a period of two years from the effectivity of this Act, unless sooner withdrawn by resolution of the Congress, without prejudice to rights and benefits that may have been vested and liabilities that may have been incurred in the meantime.

Sec. 19. *Congressional Oversight Committee.* – There is hereby created a Congressional Oversight Committee which shall monitor the implementation of this Act and the exercise of the powers herein granted. The Committee shall be composed of the Chairperson of the Senate Committee on Public Services and the Chairperson of the House of Representatives Committee on Transportation, as Co-chairperson, and two (6) other members from each House, to be designated by the Senate President and the Speaker of the House of Representatives, respectively.

The Czar shall submit a monthly report to the Congressional Oversight Committee on the efficiency and effectiveness of the measures undertaken to implement this Act and alleviate the traffic crisis.

Sec. 20. *Funding.* – The amount needed for the implementation of this Act shall be sourced from the following:

- a) The General Appropriations Act;
 - b) By way of a special budget enacted by Congress;
 - c) Motor Vehicle Users Charge Fund under R.A. No. 8794;
 - d) Any savings and/or unexpended portion from the Special Purpose Funds of the President, for other expenses and/or to augment the preceding items;
- and

1 e) Fifteen percent (15%) of the Philippine Amusement and Gaming Corporation
2 annual aggregate gross earnings.

3 Sec. 21. *Transitory Provision.* – As far as practicable, the provisions of this Act
4 shall apply to all perfected procurement contracts involving only transport projects,
5 which have already commenced but with no Notice of Award yet issued.

6 Sec. 22. *Separability Clause.* – In the event that any provision of this Act is
7 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality
8 of the remainder of the provisions of this Act shall not be affected thereby.

9 Sec. 23. *Repealing Clause.* – All laws, presidential decrees, letters of
10 instructions, executive orders, rules, regulations, and other issuances or parts
11 thereof which are contrary to or inconsistent with the provisions of this Act are
12 hereby revoked, repealed, amended or modified accordingly.

13 Sec. 24. *Effectivity.* – This Act shall take effect fifteen (15) days following the
14 completion of its publication in the Official Gazette or in at least one (1) newspaper
15 of general circulation.

Approved,