

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL No. **9345**



Introduced by Representative CAMILLE A. VILLAR

AN ACT
PROVIDING FOR FREE FREIGHT SERVICES IN THE TRANSPORTATION OF
RELIEF GOODS TO CALAMITY-STRICKEN AREAS

Explanatory Note

The Philippines is one of the world's most disaster-prone countries. Situated at the center of a typhoon belt and along the boundary of major tectonic plates, around 20 typhoons hit the Philippines each year, and the country is regularly affected by earthquakes, landslides, floods, volcanic eruptions, and other natural disasters.

The country also ranks among the top three countries in the world for population exposure and vulnerability to hazards.

Given these scenarios, urban and rural communities have been regularly impacted by disasters which often result in catastrophic damages, and one way of giving immediate aid to people is through relief efforts by the local and national government as well as the private sector to provide the emergency basic needs of the affected families.

The pandemic has also worsened the conditions of vulnerable families, thus, various local government units as well as private foundations have decided to provide financial assistance and donations in kind.

This bill, known as the proposed Free Transportation of Relief Goods Act, provides the government, through its relevant offices, and freight forwarders, common and private carriers, and other companies providing logistic services to grant free freight services to relief organizations in the transportation of emergency

relief goods and donated articles to areas under a state of calamity. The organizations have to be duly registered and accredited by the Social Welfare department to avail of such incentives.

It is utterly challenging for impacted individuals to bounce back from calamities, and the most immediate support that they can get should not go unhampered by freight cost consequences.

This will likewise strengthen the spirit of *bayanihan* among Filipinos in that the immediate needs of people affected by such catastrophic events are promptly provided—both by the government and the private sector partners—in the most economical, reliable, speedy, and secured manner.

It would be a form of commitment and willingness to help on the part of freight companies and carriers to help the affected communities in times of calamities by foregoing freight costs.

As such, approval of this measure is urgently sought.

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

SECTION 1. *Short Title.* This Act shall be known as the "Free Transportation of Relief Goods Act".

SECTION 2. *Declaration of Policy.* It is the policy of the state to strengthen existing mechanisms that will facilitate quick responses to the demands and need during disasters and emergencies and to encourage altruism among the citizens when it is necessary to provide timely relief to the victims of disasters and calamities by engaging the services of both public and private common carriers, freight forwarders, freight companies, and other logistics companies to collect, sort, store, transport, and deliver relief goods donated by international and local donors to areas declared in a "state of calamity" in the most economical, reliable, speedy, and secured manner.

It is likewise the policy of the State to strengthen existing mechanisms that will facilitate quick responses to demands and needs during disasters and emergencies and to promote civic generosity by enlisting the help of both public and private common carriers, freight forwarders, freight companies, and other logistics firms to collect, sort, store, transport, and deliver goods when it becomes necessary to promptly provide relief to those affected by catastrophic events.

SECTION 3. *Definition of Terms.* For the purpose of this Act:

- a. *Common carriers* refer to persons, corporations, firms or associations offering their services to the public and engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation;
- b. *Disaster* refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources, the conditions and vulnerability that are present, and insufficient capacity or measures to reduce or cope with the potential negative consequences, which may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation;
- c. *Donated goods or articles* refer to free food or non-food items given in kind by any individual or group or entity as a response to the need to provide emergency basic needs to disadvantaged or distressed individuals and families;
- d. *Duly registered organization* refers to any relief organization, not operated for profit, duly registered, licensed or accredited with the Department of Social Welfare and Development, or with any national government agency;
- e. *Emergency* refers to unforeseen or sudden occurrence, especially danger, demanding immediate action;
- f. *Freight companies* refer to companies that specialize in the moving or transporting of freight or cargo from one place to another and categorized either as international freight forwarders or domestic freight forwarders;
- g. *Freight forwarders* refer to persons or companies that organize shipments for individuals or corporations to get goods from the manufacturer or producer to a market, customer or final point of distribution;
- h. *International humanitarian assistance (IHA)* refers to any aid and action taken by any duly coordinated foreign government or organization in the form of financial donations, international relief workers and in-kind donations, for the benefit of disaster-stricken areas, aimed at providing emergency response, rehabilitation and recovery operations to mitigate the effects of disasters or major emergencies;

- i. *Private carriers* refer to those entities, without being engaged in the business of carrying as a public employment, which undertake to deliver goods or passengers for compensation;
- j. *Relief* refers to interventions to alleviate, ease, or mitigate a distressed or critical situation affecting persons, families, groups or communities;
- k. *Relief goods* refer to food packs and nonfood items such as clothing articles, mats, blankets, mosquito nets, kitchen wares, water container, hygiene kits, and medical and health-related products to be given directly to the victims of a disaster or an emergency;
- l. *Response Cluster* refers to the National Disaster Risk Reduction and Management Council (NDRRMC) cluster or group of humanitarian agencies working in a unified manner in providing assistance to the needs of the affected population; and
- m. *State of Calamity* refers to a condition involving mass casualty or major damages to property, disruption of means of livelihood, roads and normal way of life in the affected areas as a result of the occurrence of natural or human induced hazard.

SECTION 4. *Free Freight Services for the Transportation of Relief Goods.*

With the objective of bringing immediate and adequate relief to victims of natural or man-made disasters when government resources are not available or are insufficient to address such needs, the Office of the Civil Defense (OCD), the NDRRMC, and the Department of Transportation (DOTr), in coordination with the Philippine Postal Corporation (PPC) and all freight companies, common carriers, private carriers, freight forwarders and other companies providing logistic services in the Philippines are hereby mandated to grant free freight services to duly registered and DSWD recognized relief organizations in the transportation of emergency relief goods and donated articles to areas declared to be in a state of calamity by the President or the local government unit (LGU) concerned through its *Sanggunian*.

These common carriers, freight forwarders and other similar entities are mandated to deliver goods and services for free to areas where they operate.

When the area is not accessible, such relief goods shall be sent to or delivered to the nearest LGU and shall be consigned to the concerned local chief executive.

Certain shipping auxiliary costs, such as arrastre services, pilotage, and other port charges that are routinely passed on to customers, shall be free of charge;

Provided, That container van costs, turnaround time, and volume of freight entitled to the free charges shall be considered in order to minimize the loss of profits for the private sector.

SECTION 5. *Vigilance Over Relief Goods.* The Law and Order Cluster of the NDRRMC shall be responsible for providing security and traffic management assistance to the Response Cluster's operations to facilitate the speedy movement of people, goods and equipment to the affected population and responding agencies.

SECTION 6. *Release of Donated Relief Goods and Articles.* The release of donated relief goods and articles intended for distribution to areas under a state of calamity shall be in accordance with existing rules and procedures of responsible government agencies such as the DSWD, Bureau of Customs (BOC), LGUs, and other government agencies mandated to authorize the distribution of these relief goods and articles with proper verification of the receiver and in consideration of prevailing policies of freight service and logistics companies and carriers.

SECTION 7. *Implementing Agency.* The DOTr, through the Civil Aeronautics Board (CAB), maritime Industry Authority (MARINA), and Land Transportation Franchising and Regulatory Board (LTFRB) in coordination with the NDRRMC, shall implement the provisions of this Act, monitor and oversee the compliance of freight service companies providing logistics services as provided in this Act.

SECTION 8. *Implementing Rules and Regulations.* To carry out the provisions of this Act, the OCD and NDRRMC, upon consultation with the DOTr, through the CAB, MARINA and LTFRB, BOC, PPC, DSWD and the association or authorized representatives of freight services companies and freight forwarders, common and private carriers and other companies offering logistics services in the country shall, within sixty (60) days from the effectivity of this Act, issue the implementing rules and regulations, including a mechanism and procedure in availing the free services as provided for under this Act.

SECTION 9. *Separability Clause.* In the event that any part, section or provision of this Act shall be declared unconstitutional or invalid by a competent court, the remaining provisions thereby shall remain valid and in full force and effect as if the sections or provisions so annulled or voided had never been incorporated herein.

SECTION 10. *Repealing Clause.* All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof not consistent with the

provisions of this Act are hereby repealed or modified and/or superseded as case may be by this Act accordingly.

SECTION 11. *Effectivity.* This Act shall take effect fifteen (15) days after publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,