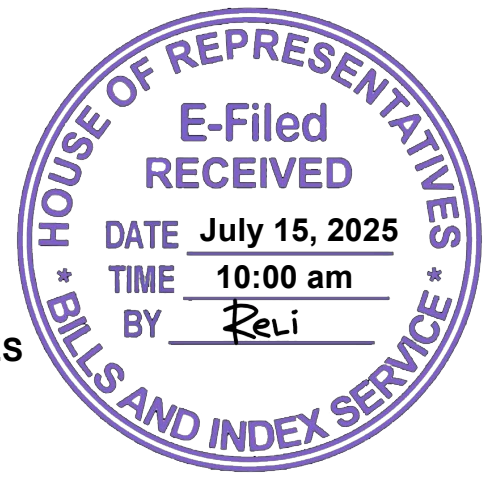


TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES
HOUSE BILL No. **1892**



Introduced by REPRESENTATIVE CLAUDINE DIANA D. BAUTISTA-LIM

AN ACT
PROVIDING FOR THE BILL OF RIGHTS OF COMMUTERS TO PROMOTE
EFFICIENT, SAFE, CONVENIENT, ACCESSIBLE AND INCLUSIVE MOBILITY

EXPLANATORY NOTE

This bill seeks to establish commuters' rights in relation to their use of Public Utility Vehicles. Under this Act, the rights and duties of both commuters and operators and drivers of Public Utility Vehicles are set forth. In particular, five (5) general rights shall be guaranteed under this Act, particularly the commuters': 1) Right to Integrated, Reliable, Adequate, Convenient and Accessible Public Transportation Services and Related Infrastructures; 2) Right to Choose a Public Transport; 3) Right to Safe and Secure Travel; 4) Right to Participate in Decision-Making Process; and 5) Right to Information.

Considering the unprecedented challenges facing the country, we need to ensure that the safety and well-being of our commuters are protected.

In view of the foregoing, approval of this bill is highly sought.


REP. CLAUDINE DIANA D. BAUTISTA-LIM
DUMPER-PTDA Partylist

TWENTIETH CONGRESS OF THE)
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Introduced by REPRESENTATIVE CLAUDINE DIANA D. BAUTISTA-LIM

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “Magna Carta of Commuters.”

SEC. 2. Declaration of Policy. – It is the policy of the State to guarantee a safe, convenient, efficient, seamless and healthy exercise of freedom of movement to ensure a high standard of living and quality life for all.

Mobility is a basic human need as people have to move from one place to another to enjoy their rights, avail goods and services, perform their mandates, and conduct business, among other things, that define the socio-political and economic landscape. Toward this end, the State shall:

- a) Provide the necessary mechanisms, human and financial resources, and legal measures to enable its citizens to enjoy fully the rights embodied in this Act.
- b) Guarantee the right of all citizens to participate in the policy formulation, planning, implementation, management, monitoring and evaluation of all institutions, programs, projects and services related to upholding the rights of commuters;

- c) Ensure the connectivity of all transportation infrastructures and support facilities that will allow a seamless access for commuters to their destinations;
- d) Ensure the sufficiency of public transportation services;
- e) Ensure that all transportation services, are efficient, safe, fast, eco-friendly and economical;
- f) Ensure that public transportation and related facilities are accessible to all commuters, regardless of age, gender, economic status, and physical condition;
- g) Strictly enforce the laws on emission standards and promote the use of non-motorized vehicles and other modes of mobility to improve the quality of air.

Sec. 3. Definitions. – For purposes of this Act:

- a) Active Transport refers to non-motorized means of travel including walking or using a bicycle;
- b) Activity Center refers to a place in a city or municipality where people gather regularly for work, worship, education, social events, trade, exercise, leisure or other common interests and purposes;
- c) Commuter refers to a person that needs to travel from one place to another, often using a combination of transportation modes to get to a particular destination;
- d) Greenway refers to a road, street, or path with ample greenery and shade where private motorized transport is not allowed, that also serves as recreational space or a public park, in order to welcome and encourage environmentally sustainable transportation modes, especially walking and cycling.
- e) Mobility refers to the ability of a person to travel from one place to another to conduct daily and extraordinary activities and business.
- f) Private Motorized Transport refers to a motorized vehicle weighing more than one hundred (100) kilograms;
- g) Public Transport refers to public sector and franchised private sector services that transport people over land such as, but not limited to, jeepneys, utility vehicles (UVs), buses, minibuses, railways, taxis and tricycles, and ferries operating in navigable rivers, lakes and inland waters;

CHAPTER II

RIGHTS OF COMMUTERS

A. Right to Integrated, Reliable, Adequate, Convenient and Accessible Public Transportation Services and Related Infrastructures

Sec. 4. Right to Accessible, Convenient and Integrated Transportation Structures. – To improve mobility, the State shall provide the following minimum requirements:

- a) Every city and municipality must have community-wide network of roads, with appropriate sidewalks, crosswalks, loading/unloading bays, lightings, traffic lights, and signages. Road infrastructures must take into consideration the needs and requirements of commuters belonging to the sector of persons with disabilities or limited mobility;
- b) If feasible, each barangay must have a network of greenways to encourage active transport;
- c) A public transport must be available within a radius of five hundred (500) meters from any residential area or activity center in a city;
- d) A public transport must be connected to another public transport within a radius of three hundred (300) meters to promote seamless connectivity between modes;
- e) Every road with speed limit of sixty kilometers per hour (60 kph) must have dedicated bike lanes; and
- f) Every transportation hub, terminal or activity center must be adequately provided with bicycle racks. Such racks shall be provided at street level if possible, and at most one level above or below the street.

Sec. 5. Right to Sufficient, Reliable and Comfortable Transportation Services. – Public transport:

- a) Must be supported by properly equipped, adequately-sized and well-maintained terminals and stops, with attention to the safety and comfort of commuters;
- b) Must be sufficient in quantity that commuter waiting time at stops and terminals is within reasonable levels during peak demand periods;
- c) Must be accorded priority in the use of road space that every public transport service is able to traverse without unnecessary delay; and
- d) Must observe a no-waiting policy in loading and unloading of stations to avoid traffic build-up.

B. Right to Choose Public Transport

Sec. 6. Right to Choose a Public Transport Service. – The option of using a particular mode of available public transport belongs to the commuter. A commuter may not be forced to use a particular mode of public transportation service.

C. Right to Safe and Secure Travel

Sec. 7. Right to Safety. – To ensure the safety of commuters, as well as the drivers and pedestrians:

- a) Every road with a speed limit of over twenty kilometers per hour (20 kph) but not more than sixty kilometers per hour (60 kph) must feature a

- dedicated pedestrian infrastructure, in the form of an unobstructed crosswalks of at least two and a half (2.5) meters wide in each direction;
- b) Public transport services must be equipped with a working closed-circuit television (CCTVs) to monitor the operation of the public utility vehicle (PUV) and the road behavior of drivers, particular on the matter of speed limits, while operating the vehicle, the Land Transportation Office (LTO) may require the submission of CCTV recordings to prove any complaints of misdemeanor of drivers. The tampering or destruction of CCTV or the contents thereof shall be punishable in accordance with existing laws;
 - c) PUV operators must adopt a fixed compensation system for PUV drivers in the amount not below the minimum wage prevailing in the area of operation: Provided, That if the route covers more than one municipality, city of province, the basis of compensation shall be the highest minimum wage in the area of coverage;
 - d) Stranded passengers shall be informed in a timely manner about how they will be redirected to their final destination. If onward journeys are unavailable for more than one (1) hour, the transport operator shall provide food, water, and access to a waiting area with restrooms and ventilation; In the event of a service breakdown or apprehension resulting in the premature termination of journey, the transport operator shall have the duty to secure the onward journey of the affected passengers by providing a replacement unit at no additional expense or the refund of the fare: Provided, That in the case of apprehension leading to the impounding of vehicle, the apprehending officer shall allow the PUV driver to bring the passengers to the nearest terminal or lading /unlading bay; and
 - e) Every PUV, while in operation, must be equipped with first aid kit that can be used during emergency situations. The lack of this requirement shall be a ground for suspension or cancellation of franchise. PUV drivers must undergo basic first aid training as a requirement for the issuance of professional driver's license.

Sec. 8. Right to Security. – To enhance the safety of the commuting public:

- a) Recordings of CCTVs and other similar recording devices installed in public transport shall be preserved for security purposes. The copy of recordings shall be made available by the operator or owner of a PUV upon demand by authorized government agencies during the conduct of official investigation and in cases pending before the court; and
- b) Identification cards for PUV drivers, as prescribed by the Land Transportation Franchising and Regulatory Board (LTFRB), the plate number of the PUIV, and emergency numbers of assistance by the Philippine National Police (PNP) and other relevant agencies shall be prominently displayed inside the vehicle within the view of passengers or in any other conspicuous place within the vehicle.

D. Right to Participate in Decision Making Process

Sec. 9. Right of Representation. – To ensure that the welfare and interest of commuters are considered in all decision-making related to mobility and transportation services, commuters, individually or through an organized commuter organization or group, have the right to advance notice and information on any proposed policy, regulation, project or service at local or national level that affect their mobility, including full details on how they will be affected by the proposed initiative. Such information shall be made through publication or invitation in such manner that the same shall reach the recipient not later than ten (10) working days before a scheduled public consultation.

In the conduct of public consultation, the concerned or host agency shall make parallel efforts through social media and other channels to solicit feedbacks from commuters.

E. Right to Information

Sec. 10. Right to Information for Efficient and Convenient Travel. – The State must provide timely and adequate information so that commuters are able to make good travel plans and choices about modes and routes. Information on all public transport services, including route maps, fares, schedules, and real time vehicle location and availability shall be accessible and prominently displayed at all stops of public transport services and at other location deemed necessary or beneficial to commuters.

Technical standards and regulations shall be established for the display of street maps at strategic locations in each neighborhood, for the reference of residents and visitors. A twenty-four (24) hour information and assistance counter shall be available at all ports, airports, and terminals to serve the needs of commuters.

CHAPTER III INSTITUTIONAL MECHANISMS

Sec. 11. Office of Commuter Affairs. – An Office of Commuter Affairs shall be established in the Department of Transportation (DOTr). It shall have the following functions and responsibilities:

- a) Coordinate with other implementing agencies as well as law enforcement agencies in charge of the road, rail, air and maritime transportation to ensure the full implementation of this Act;
- b) Operate help desks for the riding public;
- c) Establish a common commuter hotline number;

- d) Assist the commuters whenever the safety, security and efficiency of travel is compromised;
- e) Undertake massive commuter education programs on the rights and responsibilities of the travelling public;
- f) Provide legal assistance for commuters when the need arises; and
- g) Ensure adequate representation of commuters in any public consultation that will impact on the welfare and interest of commuters;

The Secretary of DOTr shall determine the manpower requirement and staffing pattern of the Office of Commuter Affairs subject to the approval of the Department of Budget and Management (DBM).

Sec. 12. Office of the National Transport Data and Planning Center. –

There shall be established a National Transport Data and Planning Center (NTDPC) under the DOTr. It shall be primarily responsible for the collection and processing of mobility data which can be used for evidence-based transport policy research and planning.

The data collected and processed by NTDPC which shall include road crashes, air pollution levels, and public transport routes and travel time information, among others, shall be open and be made available to the public in accordance with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012.

The Secretary of DOTr shall determine the manpower requirement and staffing pattern of the NTDPC subject to the approval of the DBM.

Sec. 13. The National Sustainable Transport Action Plan. – The DOTr and the Department of Human Settlements and Urban Development (DHSUD), in coordination with the National Economic 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), in consultation with the commuter and transport groups, metropolitan area authorities, local government units, and the members of 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 technology 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 Plan, Annual Investment Plans, Physical Framework Plans, Development Masterplans, Comprehensive Land Use Plans, Disaster Risk Reduction and Management Plans, and similar plans of the LGUs. The 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 the NSTAP.

CHAPTER IV FINAL PROVISIONS

Sec. 14. Nationwide Public Information Campaign. – The DOTr and its attached agencies, in coordination with the Department of Information and Communications Technology (DICT, DILG, and the Philippine Information Agency (PIA), 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. 15. Penal Provisions. – Any person or public officer who acts in violation of the provisions of this Act or refuses to perform the obligations mandated under this Act shall suffer criminal, civil and administrative penalties imposed by applicable provisions of existing laws, rules and regulations.

Sec. 16. Appropriations. – The DOTr, DPWH, DHSUD, and other concerned agencies, shall include in their respective programs the needed operational and institutional requirements in implementing the provisions of 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 General Appropriations Act.

Said agencies shall accordingly pursue alternative resource mobilization strategies, including, but not limited to, public-private partnership and land value capture, to leverage public resources and maximize their value to finance the physical requirements in carrying out the provisions of this Act.

Sec. 17. Implementing Agencies. – The DOTr, DPWH, DILG, MMDA, DENR and concerned LGUs, in the exercise of tier existing powers and functions,

shall implement the provisions of this Act, and such responsibilities and duties as specifically herein provided and such as may be provided in its implementing rules and regulations.

As the lead implementing agency, the DOTr shall be responsible for coordinating and monitoring all activities implemented under this Act. It shall ensure that:

- a) The core concepts of this framework are integrated in the annual government budget process;
- b) Compliance with the provisions of this Act is included in the annual performance targets of all relevant national and local government agencies; and
- c) Relevant technical standards, guidelines, and manuals of national and local agencies are amended to incorporate all requirements under this Act.

Sec. 18. Implementing Rules and Regulations. – Within six (6) months from the effectivity of this Act, the DOTr, in coordination with other implementing agencies and in consultation with all stakeholders, shall prepare the necessary rules and regulations for the effective implementation of this Act.

Sec. 19. Repealing Clause. – All other laws, rules and regulations, orders, circulars, and other issuances or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

Sec. 20. Separability Clause. – If for any reason any section or provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 21. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.

Approved,