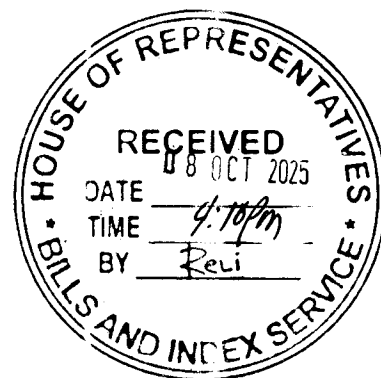




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. **5339**



Introduced by Representative Ramon Rodrigo L. Gutierrez

EXPLANATORY NOTE

The Philippines is globally recognized as one of the most disaster-prone countries in the world. Situated along the Pacific Ring of Fire and within the typhoon belt of the Western Pacific, the country experiences an average of twenty (20) typhoons annually, many of which bring destructive winds, heavy rains, and widespread flooding. Beyond typhoons, the Philippines is also regularly affected by earthquakes, landslides, volcanic eruptions, and other natural calamities—many of which cause catastrophic damage to infrastructure, livelihoods, and, most tragically, human lives.

Given this unfortunate reality, the need for a prompt, effective, and efficient disaster response system cannot be overstated. One of the key components of any emergency response is the timely delivery of relief goods to affected populations. Unfortunately, logistical constraints, such as high transportation costs and limited access to disaster-stricken areas, frequently hamper the swift delivery of much-needed aid.

This bill seeks to address one of the persistent logistical challenges during disaster response by mandating freight companies, freight forwarders, common and private carriers, and other logistics providers to offer free freight services for the transportation of relief goods and donated articles to areas officially declared under a state of calamity. The passage of this bill will significantly bolster the delivery of humanitarian aid by eliminating freight and shipping costs that are often burdensome, especially for non-government organizations and private individuals willing to donate.

Moreover, the passage of this bill will not only strengthen the government's disaster response and humanitarian aid capabilities, but also foster a deeper sense of solidarity and shared responsibility among Filipinos. It is a concrete expression of our enduring "bayanihan spirit"—a core Filipino value that emphasizes communal unity, cooperation, and support for one another, especially in times of crisis.

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


RAMON RODRIGO L. GUTIERREZ
1-Rider Partylist Representative



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HOUSE BILL NO. **5339**

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

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 **FREE TRANSPORTATION OF RELIEF GOODS ACT.**

SECTION 2. Declaration of Policy. – It is the policy of the State to strengthen the existing quick response mechanisms to address the needs of the people during disasters and emergencies. To this end, the State shall encourage altruism among the citizens and engage the services of public and private common carriers, freight forwarders, freight companies, and other logistics companies to collect, sort, store, transport, and delivery relief goods donated by international and local donors to areas declared in a “state of calamity” in the most economical, reliable, speedy, and secure manner.

SECTION 3. Definition of Terms. – As used in this Act:

- a. *Arrastre* refers to the fee for handling and hauling cargo at the port. It covers the cost of unloading cargo from ships, moving it within the port area, and loading it onto trucks or other means of transportation for further delivery;
- b. *Common Carriers* refer to persons, corporations, firms, or associations engaged in the business of carrying or transporting passengers or goods, or both, by land, water, or air, for compensation, offering their services to the public;
- c. *Disaster* refers to a severe 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;
- d. *Pilotage* refers to the services provided by the marine pilot, who is an experienced ship captain with in-depth knowledge of a specific port, harbor, or navigable waterway;

- e. *Relief* refers to interventions to alleviate, ease, or mitigate a distressed or critical situation affecting persons, families, groups or communities;
- f. *Relief Goods* refer to food packs and non-food items such as clothing articles, mats, blankets, mosquito nets, kitchen wares, water containers, hygiene kits, and medical and health-related products to be given directly to the victims of a disaster or an emergency; and
- g. *State of Calamity* refers to a condition involving mass casualties or major damages to property and infrastructures such as roads, disruption of means of livelihood, and the normal way of life of people in the affected areas due to a natural or human-induced hazard.

SECTION 4. *Free Freight Services.* – The National and Regional Logistics Cluster led by the Office of Civil Defense (OCD), in coordination with the Department of Transportation (DOTr) and partnership with the Philippine Postal Corporation (PPC), freight companies, common carriers, private carriers, freight forwarders, and other companies providing logistics services in the Philippine shall provide free freight services to duly registered 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 of the Philippines or by a local government unit (LGU) through its *Sanggunian*. When the area of destination is not accessible, the relief goods shall be delivered and consigned to the local chief executive of the nearest LGU.

The areas where these entities operate shall be considered when availing of the free freight services of common carriers, private carriers, freight forwarders, and other logistics companies.

The shipping auxiliary cost, such as those for *arrastre* services, pilotage, and other port charges, as well as the airport charges, such as those for landing and takeoff fees, aircraft parking, navigation charges, and other related airport charges that are routinely passed on to customers, shall be waived by the concerned port and airport authorities: *Provided*, That container van costs, turnaround time, and volume of cargo being shipping free of charge shall be considered to minimize the loss of profits for the private sector.

SECTION 5. *Vigilance over Relief Goods.* – The National and Regional Disaster Risk Reduction Management Councils, through their Response Clusters, shall facilitate the speedy movement of people, goods, and equipment to the affected population and responding agencies in coordination with local law enforcement agencies, port authorities, and organizations with similar mandates and responsibilities.

SECTION 6. *Release of Relief Goods.* – The release of donated relief goods and articles intended for distribution to areas under a state of calamity shall comply with the existing rules and procedures of responsible government agencies such as the Department of Social Welfare and Development (DSWD), Bureau of Customs (BOC), Department of Education, Department of Health, LGUs, and other government agencies authorized to distribute the relief goods and articles, and in consideration of prevailing policies of freight service and logistics companies and carriers.

SECTION 7. *Tax Deduction.* – Common carriers, private carriers, and other logistics companies mandated to provide free freight services for the transportation of relief goods under Section 4 of this Act shall be entitled to one hundred percent (100%) additional deduction from gross income of the amount

of the cost incurred for the service provided, including the actual cost of salaries and allowances of personnel directly involved in transporting the relief goods, subject to the rules and limitations prescribed under the National Internal Revenue Code of 1997, as amended, existing laws, rules and regulations: *Provided*, That to avail of the additional deduction, common carriers, private carriers, and other logistics companies shall secure proper certification from the appropriate government agency that the expenses claimed as deduction relate specifically to the services for the transportation of relief goods as contemplated in this Act. This availment, however, is without prejudice to the conduct of post-audit by the Bureau of Internal Revenue.

The availment of the tax incentives shall bar the concerned common carriers and other logistics companies' availment of any similar incentives granted by other general or special laws, rules, or regulations for such freight services.

SECTION 8. Oversight Agencies. – The OCD and the DOTr, through the Civil Aeronautics Board (CAB), Maritime Industry Authority (MARINA), and Land Transportation Franchising and Regulatory Board (LTFRB), shall monitor and oversee the compliance of freight service companies, common and private carriers, and other logistics companies in providing free freight services as provided under Section 4 of this Act.

SECTION 9. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Administrator of OCD shall, in coordination with the heads of CAB, MARINA, LTFRB, BOC, PPC, DSWD, Philippine Ports Authority, Philippine Coast Guard, and the association or authorized representatives of freight service companies and freight forwarders, common and private carriers, and other companies offering logistics services in the country, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 10. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 11. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified, or amended accordingly.

SECTION 12. Effectivity Clause. – 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.

Approved,

