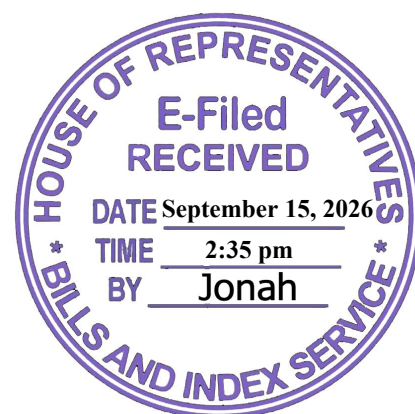


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
TWENTIETH CONGRESS
Second Regular Session
House Bill No. 11345



INTRODUCED BY REP. PATRICK MICHAEL "PM" D. VARGAS

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

EXPLANATORY NOTE

The Greater Manila Area is home to millions of commuters daily who need to move from their homes to their workplaces or schools by taking buses, jeepneys, taxis, trains, tricycles, and pedicabs.

With the existing road-based public transport system, a regular commuter in Metro Manila will have spent about 15 to 59 minutes¹ on a regular day or worse, 3 hours for a 13-kilometer distance², and will have transferred from at least two modes of Public Utility vehicles before he or she gets to work. For those taking trains or buses, an additional of at least 30 to 40 minutes on average will be allotted for waiting time alone.

A study on commuting in Metro Manila finds that Filipinos spend about 16 days a year stuck in traffic, costing them about 100,000 Philippine pesos (\$2,000) a year in lost income³ or an estimated economic loss of 4.6% of the GDP⁴.

With the evident economic losses and the commuter's daily ordeal, it is the State's obligation to remedy the public's outcry for better, efficient, and dignified transport system.

¹ "Duration of daily Commute in the Philippines as of June 2022" <https://www.statista.com/forecasts/1274764/philippines-duration-of-daily-commute> Accessed on September 20, 2022

² Metro Manila Development Authority 2019

³ Ana P. Santos, 2019. "Carmageddon: The indignity of commuting in Metro Manila" <https://www.aljazeera.com/features/2019/10/24/carmageddon-the-indignity-of-commuting-in-metro-manila> Accessed on September 21, 2022

⁴ Asian Development Bank, 2012 "Transport Sector Assessment, Strategy and Roadmap" <https://www.adb.org/sites/default/files/institutional-document/33700/files/philippines-transport-assessment.pdf> Accessed on September 21, 2022

This bill seeks to 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.

When the system for mass transportation is efficient and effective, fewer people will take private cars, leading to less cost, less pollution, and a more dignified overall commute experience.

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



REP. PATRICK MICHAEL “PM” D. VARGAS

Fifth District, Quezon City

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

CHAPTER 1
GENERAL PROVISIONS

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

SECTION 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 endeavour to build the necessary social and physical infrastructure 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 interests of the commuting public.

SECTION 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 transport services available for use by the general public, including, but not limited to, buses, trams, rails, rapid transit, taxis, tricycle and ferry systems;
- c. “*Sustainable transportation*” refers to any means of transport that is safe, accessible, affordable and environment-friendly. It includes, but is 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 enable 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*” refers to any motorized vehicles. The term does not include an electric bicycle;
- h. “*Public transportation utilities*” refers to common carriers engaged in the business of carrying and transporting passengers or good or 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”* refers to road, bridges, streets, walkways, sidewalks, footpaths 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”* refers to all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or 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”* refers 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”* refers to continuous pathways designated for pedestrians and separated from lanes for motor vehicles by space or barriers;
- 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 serve as recreational space or public park which encourages environmentally sustainable transportation models including walking and cycling, among others;
- t. *“Road Safety Audit”* refers to systematic checking of the safety of highways and traffic management schemes, including modifications to existing layouts which aim 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 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 records 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
- y. *“Land value capture”* refers to strategies that determine the increase in land value of the immediate neighboring parcels of land of a project 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 environmental 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 of Efficient and Safe Transportation

SECTION 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 endeavour to ensure accessibility of activity centers and workplaces 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

SECTION 4. *Rights to quality public transportation.* – The State shall uphold and enforce quality standards of public transportation utilities to ensure their roadworthiness, safety, and reliability.

SECTION 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 in no case shall the amount be lower than the minimum wage prescribed by existing laws, rules and regulations;

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

SECTION 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 of 1999, Republic Act No. 8749, Republic Act No. 9211, or the Tobacco Regulation Act of 2003, and Executive Order No. 26, s. 2017.

SECTION 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 the 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.

SECTION 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 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.

SECTION 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 the 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 intend 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, LTFRB, and LTO shall promulgate rules and regulations for the proper implementation of this Section.

SECTION 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.

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

SECTION 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.

SECTION 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 in 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 of Sustainable Transportation and Urban Mobility

SECTION. 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.

SECTION 15. *Use of bicycle and other means of active transport.* – The State shall promote active transportation and alternative modes of transportation that create a smaller carbon footprint, and support an 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 on public roads, free from any obstruction at all times and clearly marked with visible and conspicuous signage, 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 walkways shall be installed in lieu thereof; *Provided finally*, that 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 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 and volume of people in the area; Provided, that the owners of said establishments shall pay for the construction and maintenance thereof.

SECTION. 16. *Sustainable transport planning.* The State recognizes that public transportation and mobility are an integral part of urban development. Accordingly, the State recognizes the importance of transport planning in creating sustainable cities and communities. The Act 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 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, and genuine and adequate consultation 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, NPWH 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.

SECTION. 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 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.

SECTION. 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.

SECTION 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. Provide, further, that concerned agencies shall hold public consultations at a convenient time and place for commuter and transport groups; Provides, further, that concerned agencies shall establish mechanisms to solicit feedback from commuters through digital forms of media.

E. RIGHT TO REDRESS

SECTION 20. *Right to refund.* The commuter shall have the right to a 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 a full or partial refund, depending on the distance travelled, or shall be provided with substitute means of transportation or be assisted to secure one.

SECTION 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.

SECTION 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 commission, whenever applicable.

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

SECTION 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

SECTION 25. *Fines and penalties.* A fine of 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

SECTION 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) 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.

SECTION 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 of this Act and shall be included in the annual General Appropriations Act.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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,