



HOUSE OF REPRESENTATIVES

H. No. 11497

BY REPRESENTATIVE TAMBUNTING

AN ACT
GRANTING POWER TO THE PRESIDENT OF THE REPUBLIC OF THE
PHILIPPINES TO ADOPT EMERGENCY MEASURES TO ADDRESS THE ROAD
TRAFFIC CRISIS IN METRO MANILA

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 Traffic Crisis
2 Mitigation Act of Metro Manila.”

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
4 adopt effective measures and long-term solutions that address situations impeding
5 economic progress, such as the traffic congestion in Metro Manila, the prime
6 government and business center of the country. Being a large contributor to the
7 country’s coffers benefitting other regions, Metro Manila must be enhanced with better
8 road and traffic conditions that will alleviate the commuting life of its citizens and the
9 productivity of its businesses.

10 **SEC. 3. Declaration of State of Emergency.** – In cognizance of the severity of
11 Metro Manila’s traffic congestion, resulting in substantial economic losses and
12 disruption of its road users’ daily life, livelihood, public safety, and welfare, and in
13 recognition of other potentially adverse consequences when this condition prolongs, a
14 State of Emergency is hereby declared in Metro Manila allowing the Office of the
15 President to provide proper, immediate solutions to its traffic problems.

16 **SEC. 4. Objectives.** – This declaration of State of Emergency aims to:

- 17 (a) Grant the necessary authority to the President to address the traffic crisis
18 in Metro Manila, ensuring swift and effective action while maintaining
19 oversight and adherence to constitutional principles;
20 (b) Alleviate traffic congestion in main thoroughfares through the
21 implementation of urgent and effective measures;
22 (c) Safeguard public safety, health, and welfare of Metro Manila’s road users;
23 (d) Arrest economic losses and ensure the continuity of business and daily
24 activities within the region; and

- (e) Enhance the transportation efficiency, people's mobility, and the movement of goods in Metro Manila.

SEC. 5. Definition of Terms. – As used in this Act:

- (a) *Emergency measures* refer to steps, approaches, or policies that aim to immediately meet the exigency of resolving the persistent and prevailing road traffic crisis in Metro Manila;
- (b) *Metropolitan Manila* refers to the National Capital Region composed of the cities of Caloocan, Las Piñas, Malabon, Mandaluyong, Manila, Makati, Marikina, Muntinlupa, Navotas, Parañaque, Pasay, Pasig, Quezon, San Juan, Taguig, and Valenzuela, and the Municipality of Pateros; and
- (c) *Priority projects* refer to the construction, repair, restoration, rehabilitation, improvement, or maintenance of traffic-related infrastructure projects and facilities as well as the procurement of goods or services intended for the immediate and effective solution to the traffic crisis.

SEC. 6. Power to Adopt Emergency Measures. – The President is hereby granted the power to adopt emergency measures for three (3) years to utilize necessary government resources, exercise police power and the right of eminent domain, and expedite actions in the procurement, completion, and implementation of road construction projects as well as in the reconfiguration or harmonization of national and local government plans and projects intended to directly and immediately address traffic congestion in any or all parts of Metro Manila.

To effect the authority to adopt emergency measures, the President may:

- (1) Create and organize the Metro Manila Traffic Enforcement and Management Authority (MMTEMA), hereafter referred to as the Authority; and
- (2) Designate a Traffic Czar.

SEC. 7. Creation of Metro Manila Traffic Enforcement and Management Authority. – The President is hereby authorized to re-organize the traffic-related functions of the Metropolitan Manila Development Authority, Department of Transportation (DOTr), Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), Toll Regulatory Board (TRB), and Philippine National Police-Highway Patrol Group (PNP-HPG) into a central body to be known as the MMTEMA. The President shall be the head of the Authority and may appoint a Traffic Czar when necessary.

The President, through the Authority, shall establish an operational inter-agency coordination mechanism with the Metro Manila Council, PNP-HPG, Department of Public Works and Highways, Department of Environment and Natural Resources, Department of Human Settlements and Urban Development, National Economic and Development Authority (NEDA), TRB, LTFRB, DOTr, and LTO to realize the mandate and functions of MMTEMA under this Act.

The President may abolish, create, merge, and split government positions, transfer personnel, property, or equipment to maximize efficiency, avoid overlapping

positions, tasks, and responsibilities, and institute cost-cutting measures: *Provided*, That there will be no diminution of salaries and benefits to the affected personnel due to reorganization and those who may be severed from service shall receive compensation and benefits in accordance with existing Civil Service Commission and Commission on Audit rulings.

SEC. 8. Functions of the MMTEMA. – To alleviate and eventually solve the current traffic crisis, the Authority shall lead the conceptualization, planning, and implementation of responsive, effective, and science-based road, transportation, mobility, and traffic-related programs and projects. It shall:

- (a) Study, review, propose, or implement new traffic plans, policies, and programs or amend and harmonize existing ones, including the traffic ordinances in the local government units (LGUs);
- (b) Adopt measures to rationalize the use of road and transport routes efficiently in favor of mass transport;
- (c) Develop the capacity of traffic enforcers and management personnel through skills training, other modes of education, scientific research, and the use of technology;
- (d) Enforce all traffic laws and regulations;
- (e) Modify or cancel certificates of public convenience and permits, *motu proprio*;
- (f) Negotiate and enter into contracts for the purchase, construction, repair, rehabilitation, maintenance, or improvement of critical road or transportation-related projects aimed at easing traffic congestion in Metro Manila under the methods allowed by law;
- (g) Exercise the right of eminent domain to expropriate properties for the right-of-way used for necessary infrastructure projects and public use;
- (h) Work for the immediate resolution of issues or bottlenecks in transport infrastructure, including the acquisition of right-of-way;
- (i) Own, manage, and hold such real and personal property as shall be necessary for the purposes of implementing this Act;
- (j) Collect, receive, and maintain a fund or funds from government appropriations, donations, grants, gifts, bequests, or loans;
- (k) Consult or convene with the business sector, academe, public transport groups, private or social groups, or other non-government organizations;
- (l) Adopt, alter, and use an official seal;
- (m) Form task forces as may be necessary; and
- (n) Perform other duties as may be necessary to fulfill the intent of this Act.

SEC. 9. Appointment of a Traffic Czar. – The President may appoint a Traffic Czar who shall have the designation and salary of a Department Secretary and shall be under the direct supervision of the President. The Traffic Czar can exercise the authority granted to the position under this Act.

SEC. 10. Power of Eminent Domain. – Negotiated sale as provided in Section 5 of Republic Act (RA) No. 10752 otherwise known as “The Right-of-Way Act” shall be the primary mode of acquisition and must be concluded within ten (10) days from notice to the property owner. If negotiation fails, the President or Traffic Czar shall initiate or cause the immediate filing of an expropriation case. The President or the czar may engage the services of a government financial institution, an independent

property appraiser, or a group of professional association of appraisers accredited or recognized by the Bangko Sentral ng Pilipinas.

SEC. 11. Priority Projects. – During the effectivity of this Act, the President or the Traffic Czar, as may be authorized, may enter into direct contracting, direct negotiation, repeat order, or other alternative modes of procurement for priority projects under RA 9184 otherwise known as the “Government Procurement Reform Act” for the construction, repair, restoration, rehabilitation, improvement, or maintenance of traffic-related infrastructure, subject to auditing and accounting rules and regulations.

The protest mechanism under Article XVII of RA 9184 is suspended. In consultation with the President and the Traffic Czar, the government procurement policy board and the NEDA shall issue the proper guidelines for the procurement of priority projects within the context of this Act and upon fifteen (15) days of its effectivity.

SEC. 12. Suspension on Permits and Licenses. – The following are hereby suspended throughout the effectivity of this Act insofar as they apply to the priority projects:

- (a) Prior consultation with and approval of LGUs concerning traffic-related projects and requiring the issuance of a building permit, under the Local Government Code;
- (b) Building permits, clearances, or certifications required by the National Building Code;
- (c) Environmental clearance certificate and tree cutting permit required under Presidential Decree No. 1586, *entitled*, “Establishing An Environmental Impact Statement System, Including Other Environmental Management Related Measures and for Other Purposes,” RA 3571, *entitled*, “An Act to Prohibit the Cutting, Destroying or Injuring of Planted or Growing Trees Flowering Plants and Shrubs or Plants of Scenic Value Along Public Roads, in Plazas, Parks, School Premises or in Any Other Public Pleasure Ground,” and their implementing rules and regulations; and
- (d) Clearances and permits for the employment of foreigners with regard to foreign technicians and experts working on traffic-related projects required under the Labor Code of the Philippines.

SEC. 13. Traffic Crisis Action and Mobilization Masterplan. – The Authority shall create a comprehensive traffic and mobilization plan for Metro Manila, showing the details of how to resolve Metro Manila’s traffic crisis.

Among others, this plan must include the following:

- (1) Upgrade of the mass transport system;
- (2) Unified traffic system mandated among and upon the LGUs;
- (3) Creation of remedial measures, such as:
 - a) Transfer of public markets located in busy thoroughfares;
 - b) Disallowance of aging and pollution-causing vehicles from main and secondary roads;

- c) Possible shift of work hours;
- d) Use of village or subdivision roads; and
- e) Strengthening online access to government, bank services, and other mass transactions.

SEC. 14. Prohibition on the Issuance of Temporary Restraining Orders and Preliminary Injunctions. – In the implementation of this Act, no court, except the Supreme Court, may issue a temporary restraining order or preliminary injunction against the government or any of its subdivisions, official, any person, or entity, whether public or private, acting under government direction, to restrain, prohibit, or compel the following:

- (a) Acquisition, clearance, and development of the right-of-way, site, or the location of any transportation project identified by the Traffic Czar;
- (b) Procurement of materials, tools, and equipment for transportation projects, including infrastructure projects;
- (c) Commencement, prosecution, execution, implementation, operation of any transportation project;
- (d) Opening of private village gates necessary to provide alternate routes throughout the effective period of this Act;
- (e) Termination or rescission of any transportation project; and
- (f) Undertaking or authorization of any other lawful activity necessary for any transportation project.

SEC. 15. Duration of Grant of Powers. – The authority granted to the President under this Act shall be valid for a period of three (3) years from its effectivity unless sooner withdrawn by a resolution in Congress without prejudice to rights and benefits that may have been vested, and culpabilities and liabilities that may have been incurred.

SEC. 16. Penalty. – Any violation of or non-compliance with any provision of this Act shall be considered a violation of Section 3 of RA 3019 otherwise known as the “Anti-Graft and Corrupt Practices Act” and shall be penalized with imprisonment of not less than one (1) year nor more than ten (10) years and perpetual disqualification from holding any public office.

SEC. 17. Transition. – As far as practicable, the provisions of this Act shall apply to all perfected procurement contracts involving only road or traffic mitigation projects, which have already commenced but with no notice of award yet issued.

SEC. 18. Oversight Committee. – A Congressional Oversight Committee is hereby created, which shall have five (5) members, each from the Philippine Senate and House of Representatives, to monitor and oversee the implementation of this Act and the exercise of the authority granted hereunder.

SEC. 19. Report to Congress. – The President, through the Authority, shall submit a quarterly report to Congress on the progress of the implementation of this Act.

1 **SEC. 20. Appropriation of Funds.** – The initial amount needed for the
2 implementation of this Act shall be a portion of the aggregate gross earnings of the
3 Philippine Amusement and Gaming Corporation, the Motor Vehicle User’s Charge
4 Fund created under RA 8794, *entitled*, “An Act Imposing a Motor Vehicle User’s
5 Charge on Owners of All Types of Motor Vehicles and for Other Purposes,” and the
6 current fiscal year’s appropriation of the agencies involved in the implementation of
7 this Act. Thereafter, the amount needed shall be included in the annual General
8 Appropriations Act.

9 **SEC. 21. Separability Clause.** – If for any reason or reasons, any part or
10 provision of this Act shall be declared unconstitutional or invalid, other parts or
11 provisions hereof which are not affected thereby, shall continue to be in full force and
12 effect.

13 **SEC. 22. Repealing Clause.** – All laws, presidential decrees, executive orders,
14 issuances, rules and regulations, or parts thereof, inconsistent with the provisions of
15 this Act are hereby repealed or amended accordingly.

16 **SEC. 23. Effectivity.** – This Act shall take effect fifteen (15) days after its
17 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,