

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



Senate
Office of the Secretary

SENATE
S. No. 213

'19 JUL -2 P6:14

RECEIVED

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
AUTHORIZING THE PRESIDENT, FOR A LIMITED PERIOD AND SUBJECT TO CERTAIN RESTRICTIONS, TO EXERCISE EMERGENCY POWERS TO EFFECTIVELY ADDRESS THE TRAFFIC AND CONGESTION CRISIS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Philippine transportation infrastructure has indisputably been unable to keep up with the demands of a rising economy and growing population as well as the land, air and sea traffic congestion and mass transportation shortage. The traffic congestion crisis must be considered a national emergency due to its detrimental effects to life, economy, and productivity.

According to a study conducted by Japan International Cooperation Agency, the traffic and congestion crisis in Metro Manila alone has been a major contributor to an estimated loss of Php3.5 billion a day.

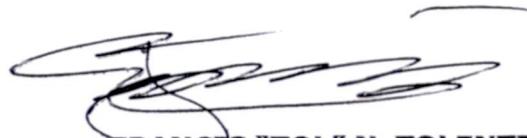
We must recognize that this crisis is a national emergency requiring urgent, immediate and sweeping solutions, for the general welfare of the Filipino people.

Thus, this bill proposes to declare the existence of a national emergency in view of the traffic and congestion crisis in Metropolitan Manila, Metropolitan Cebu and other highly urbanized cities, in accordance with Section 23(2), Article VI of the 1987

Constitution, to authorize the President, for a limited period and subject to restrictions, to exercise powers necessary to effectively address the said national emergency.

Under the proposed measure, the President, is granted emergency powers to employ the necessary government resources; exercise or employ executive actions and measures — necessary and incidental, unhampered by existing laws, regulations, and procedures — to solve this escalating problem; and to adopt short-term, mid-term, and long-term development plans for a sustainable and efficient transport system.

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

A handwritten signature in black ink, appearing to read 'Francis Tolentino', with a large, sweeping flourish at the end.

FRANCIS "TOL" N. TOLENTINO
Senator

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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 "Special Emergency
2 Powers Act."

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

4 a) recognize as national emergency the negative effects of the traffic and
5 congestion crisis to the economy and ultimately to the people, which seriously
6 disturbed the normal family life, hampering the country's economic growth and
7 development, and gravely affected the local and global competitiveness and
8 efficiency of businesses; and

9 b) adopt adequate and effective measures to address such emergency, by
10 mobilizing extraordinary and stern measures, restoring order on the streets,
11 optimizing the use of public road space and transport routes, and maximizing
12 transportation and infrastructure resources for public convenience and benefit
13 through the reduction of vehicle travel time, reduction of air pollution, and

1 decongestion of Metropolitan Manila, Metropolitan Cebu, Davao City, Cagayan
2 de Oro City, and other highly urbanized cities.

3 Sec. 3. *Scope and Limitations.* – The Act shall be limited in scope, application,
4 and effectivity to Metropolitan Manila, Metropolitan Cebu, Davao City, Cagayan de Oro
5 City, and other highly urbanized cities. The national emergency shall include land, air
6 and sea traffic. The exercise of emergency powers shall be limited to acts that would
7 resolve the traffic and congestion crisis.

8 Sec. 4. *Definition of Terms.* – For purposes of the Act, the following terms shall
9 mean:

- 10 a. *Emergency Powers* shall refer to the authority granted to the President of the
11 Republic of the Philippines under Section 23 (2), Article VI of the 1987 Philippine
12 Constitution by the Congress for a limited period and subject to such restrictions
13 as it may prescribe to exercise emergency powers;
- 14 b. *Highly Urbanized City* shall mean cities classified as highly urbanized as defined
15 by the Local Government Code;
- 16 c. *Metropolitan Cebu* shall be composed of the cities of Cebu, Mandaue, Talisay,
17 Lapu-Lapu, Carcar, Danao, and Naga and the municipalities of Compostela,
18 Consolacion, Lilo-an, Minglanilla, and San Fernando;
- 19 d. *Metropolitan Manila* shall mean the National Capital Region (NCR) of the
20 Philippines composed of the cities of Manila, Quezon City, Caloocan, Las Piñas,
21 Makati, Malabon, Mandaluyong, Marikina, Muntinlupa, Navotas, Parañaque,
22 Pasay, Pasig, San Juan, Taguig, and Valenzuela and the Municipality of Pateros;
- 23 e. *Priority Projects* shall refer to the construction, repair, restoration,
24 rehabilitation, improvement, or maintenance of transport infrastructure,
25 projects, and facilities;
- 26 f. *Transportation Project* shall refer to a project involving the construction, repair,
27 rehabilitation, improvement, operation, or maintenance of any public
28 transportation facility and mass transportation system that will directly address
29 the traffic and congestion crisis to ensure the safety and convenience of the
30 commuting public, including all projects aimed at reducing traffic congestion

31 Sec. 5. *Grant of Emergency Powers.* – The President is hereby authorized,
32 through the Czar, to exercise all powers necessary and proper to carry out the above-

1 declared State policy. As such, the President is hereby granted Emergency Powers to
2 urgently utilize all necessary government resources, exercise police power and the
3 power of eminent domain, and employ executive actions and measures to ensure the
4 effective procurement, implementation, reconfiguration, harmonization and
5 completion of national and local government transportation projects intended to
6 address the emergency intended to directly address the traffic and congestion crisis,
7 untrammelled by existing laws, regulations, and procedures that would severely delay
8 the resolution of said crisis.

9 *Sec. 6. Traffic Crisis Czar.* – The Secretary of Transportation is hereby designated
10 as the de officio Traffic Crisis Czar during the entire duration of the grant of emergency
11 powers. The Czar is hereby authorized to exercise all powers granted to the President
12 by virtue of this Act.

13 The Czar shall be under the direct control and supervision of the President.

14 *Sec. 7. Functions, Powers and Duties of the Traffic Crisis Czar.* – As the alter ego
15 of the President, the Czar is hereby authorized to exercise all powers necessary, utilize
16 all resources, exercise police power and eminent domain, and employ executive
17 actions and measures. More specifically, the Czar shall have the following functions,
18 powers and duties:

- 19 1. Implement and complete the Transportation and Public Works Flagship Projects
20 under the Build Build Build Infrastructure Program, which includes:
 - 21 (a) site acquisition;
 - 22 (b) right of way acquisition; and
 - 23 (c) procurement.
- 24 2. Maximize the use of existing roads, bridges and infrastructure through:
 - 25 (a) Formulating, coordinating, and monitoring policies, standards, programs,
26 and projects;
 - 27 (b) Providing effective and coordinated traffic management and enforcement;
 - 28 (c) Harmonizing traffic laws, rules and regulations, including city and municipal
29 ordinances, and including sea and air traffic;
 - 30 (d) Improving traffic engineering measures; and
 - 31 (e) Adopting measures to rationalize the use of road and transport routes
32 efficiently, in favor of mass transport, adjusting the working hours of

- 1 government schools and offices, and promote work at home schemes and
2 other alternative work and class arrangements.
- 3 3. Create inter-agency task forces as may be necessary, including but not limited
4 to:
- 5 (a) Members of PNP-HPG, traffic enforcers of LGUs, duly licensed security
6 guards, or members of non-governmental organizations to whom certain
7 authority may be delegated subject to such conditions and requirements as
8 may be imposed;
- 9 (b) Non-government and people's organizations and volunteers; and
10 (c) Local government units.
- 11 4. Implement the transport infrastructure development plans approved by
12 National Economic Development Agency (NEDA);
- 13 5. Determine the priority infrastructure projects that may be implemented by
14 agencies responsible for roads, bridges, railways, traffic engineering, public
15 transport facilities such as terminals, stations, passenger interchange
16 structures, airports and seaports;
- 17 6. Reformation of public transport by:
- 18 (a) Transforming service delivery model into an inter-modal, low emission,
19 sustainable, convenient, integrated and reliable;
- 20 (b) Restructuring the public utility vehicle routes;
- 21 (c) Modifying or canceling Certificates of Public Convenience and permits for
22 trikes, *motu proprio*;
- 23 (d) Integrating public utility vehicle terminals inside and near the vicinity of
24 metropolitan areas to urban and zoning plans;
- 25 (e) Enforcing all traffic laws and regulations; and
26 (f) Authorizing local government units to establish their own public mass
27 transport system within their jurisdiction, in coordination with the Czar and
28 subject to relevant inter-modal schemes.
- 29 7. Construct build, update and upgrade rail-based mass transit system and fast-
30 track the implementation of mass transit projects, including the Department of
31 Science and Technology developed Hybrid Electric Train; and
32 8. Other powers as may be necessary to fulfill the declaration of policy of this Act.

1 Sec. 8. *Power of Eminent Domain.* – In coordination with the concerned
2 government agencies, the Czar shall work for the immediate resolution of issues and
3 bottlenecks in transport infrastructure, including the acquisition of right-of-way.
4 Negotiated sale shall be the primary mode of acquisition and must be concluded within
5 ten (10) days from notice to the property owner. After a failed negotiation, the Czar
6 shall authorize the immediate filing of a case for expropriation.

7 The Czar shall offer the property owner, as compensation price, the sum of:

- 8 1. The fair market value of the land;
- 9 2. The replacement cost of structures and improvements; and
- 10 3. The current market value of crops and trees therein.

11 The Czar may engage the services of a government financial institution,
12 independent property appraiser accredited by the Bangko Sentral ng Pilipinas (BSP),
13 or a professional association of appraisers recognized by BSP.

14 Sec. 9. *Priority Projects.* – During the effectivity of this Act, the Czar may enter
15 into Direct Contracting, Repeat Order, Direct Negotiation of Contracts, and the other
16 alternative modes of procurement under the Republic Act No. 9184 for Priority Projects
17 for the construction, repair, restoration, rehabilitation, improvement, or maintenance
18 of infrastructure, projects, and facilities, subject to auditing rules and regulations.

19 The Protest Mechanism under Article XVII of R.A. No. 9184 is deemed
20 suspended.

21 The time duration specified in the Implementing Rules and Regulations (IRR)
22 of R.A. No. 6957, as amended, may be shortened.

23 The Government Procurement Policy Board and the NEDA, in consultation with
24 the Czar, shall issue the proper guidelines for procurement of Priority Projects within
25 fifteen (15) days upon effectivity of this Act.

26 Sec. 10. *Roles of the Local Government Units (LGUs) and Other Agencies.* –
27 Local Government Units covered by this Act may implement, construct, repair, restore,
28 rehabilitate, improve, or maintain land-based transportation infrastructure, projects,
29 and facilities, including rail-based, monorail and light rail systems, using its own funds,
30 and/or enter into agreements with the private sector, subject to the approval of the
31 Czar. The transportation project must not be inconsistent with the Traffic Crisis Action
32 and Mobility Plan.

1 Local Government Units not covered by this Act are encouraged to create a
2 plan consistent with the Traffic Crisis Action and Mobility Plan, and implement,
3 construct, repair, restore, rehabilitate, improve, or maintain land-based transportation
4 infrastructure, projects, and facilities, in coordination with the Czar and other national
5 agencies.

6 The Department of Public Works and Highways shall continue to be responsible
7 for all works on national roads and shall accelerate the completion of on-going
8 construction, upon instruction from the Czar. The Metro Manila Development Authority
9 shall continue exercising its powers and functions and shall coordinate with the Local
10 Government Units with regard to zoning and land-use planning.

11 In coordination with the Czar, the Civil Service Commission, the Department of
12 Labor and Employment, and the Department of Information and Communication
13 Technology shall promote alternative forms of work and Transport Network Vehicle
14 Service, adopt virtual conferencing by public sector agencies, and change government
15 transaction procedures that will reduce the need for travel.

16 Sec. 11. *Suspensions on Permits and Licenses.* – The following are hereby
17 temporarily suspended throughout the effectivity of this Act insofar as they apply to
18 the Priority Projects:

- 19 a) Local Government Code requiring prior consultation with, and approval of,
20 local government units with respect to traffic-related projects and
21 requiring the issuance of a building permit;
- 22 b) National Building Code requiring building permits and other clearances or
23 certifications;
- 24 c) P.D. No. 1586, R.A. No. 3571 and their IRR requiring an Environmental
25 Clearance Certificate and Tree Cutting Permit; and
- 26 d) Labor Code of the Philippines requiring clearances and permits for the
27 employment of foreigners with regard to foreign technicians and expert
28 working in traffic-related projects.

29 Sec. 12. *Traffic Crisis Action and Mobilization Plan.* – The Czar, through their
30 Undersecretaries, shall create a Traffic Crisis Action and Mobility Plan for Metropolitan
31 Manila and Metropolitan Cebu, which shall sufficiently detail the process to effectively
32 solve the traffic crisis. The Program shall include the following:

- 1 a. Allocating duties and responsibilities to agencies for traffic management and
- 2 regulation;
- 3 b. Priority Projects;
- 4 c. Integrated traffic management plan, including the Local Government Units
- 5 adjacent to the metropolitan areas;
- 6 d. Route rationalization of land, sea and air public transport;
- 7 e. Identification of friendship routes and private village/subdivision roads to serve
- 8 as alternate or secondary routes;
- 9 f. Clearing of sidewalks;
- 10 g. Comprehensive traffic rules and regulations handbook;
- 11 h. Improve road surface quality; and
- 12 i. Traffic and road safety education.

13 Except for the route rationalization plan for public utility vehicles, which must be
14 studied and completed within six (6) months from the approval of this Act, the
15 Program must be completed within thirty (30) calendar days from approval of this Act.

16 Sec. 13. *Temporary Government Take-Over of the Operation of PUV.* – In
17 accordance with Section 17, Article XII of the 1987 Constitution, the Czar may take
18 over or direct the operation of any kind of PUV as may be necessary to implement the
19 purpose of this Act.

20 The ownership of the franchise shall not be transferred to the government and
21 shall remain with the owner. The take-over shall cease when, in the discretion of the
22 Czar, the take-over is no longer necessary or upon the expiration of this Act or until
23 the emergency power is withdrawn by Congress.

24 Sec. 14. *Private Roads.* – Private roads, including those within villages and
25 subdivisions, may be opened for public use subject to security and limitations that
26 shall be agreed upon between the Czar, the relevant local government unit, and the
27 affected residential association, or be the subject of expropriation. In case of refusal
28 by the residential association, or failure to agree within fifteen (15) calendar days, the
29 government may proceed to acquire the same in accordance with Section 8 of this
30 Act.

1 The Czar may order the immediate opening of closed public roads, after a five
2 (5)-day notice. Conditions and limitations for the use thereof may be imposed by the
3 Czar *motu proprio*, without need of public hearing.

4 *Sec. 15. Alternative Work Arrangements.* - All private and public entities, as well
5 as educational institutions, shall be allowed to adopt alternative work arrangements
6 including carpooling, share-a-ride programs, flexible working hours and school hours,
7 staggered schedules of attendance, and other transport demand management
8 schemes. The provisions of labor laws and regulations that restrict or prohibit these
9 acts shall be deemed suspended during the effectivity of this Act.

10 The Czar, in consultation with the Civil Service Commission and the Department
11 of Education shall implement staggered working or school hours for government
12 offices and public schools, respectively.

13 *Sec. 16. Violations under this Act.* - Any violation of or non-compliance with any
14 provision of this Act shall be considered a violation of Section 3 of Republic Act No.
15 3019 or the Anti-Graft and Corrupt Practices Act and shall be penalized with
16 imprisonment of not less than one (1) year nor more than ten (10) years and perpetual
17 disqualification from holding any public office.

18 *Sec. 17. Prohibition on the Issuance of Temporary Restraining Orders and*
19 *Preliminary Injunctions.* - In the implementation of this Act, no court, except the
20 Supreme Court, may issue any temporary restraining order or preliminary injunction
21 against the government or any of its subdivisions, official or any person or entity,
22 whether public or private, acting under government direction, to restrain, prohibit or
23 compel the following acts:

- 24 a. Acquisition, clearance, and development of the right-of-way, site or location of
25 any transportation project identified by the Czar;
- 26 b. Procurement of transportation projects, including infrastructure projects;
- 27 c. Commencement, prosecution, execution, implementation, operation of any
28 transportation project;
- 29 d. Opening of any private village gates necessary to provide alternate routes
30 throughout the effective period of this Act;
- 31 e. Termination or rescission of any transportation project; and

1 Undertaking or authorization of any other lawful activity necessary for any
2 transportation project.

3 *Sec. 18. Duration of Grant of Emergency Powers.* – The authority granted to the
4 President shall be valid and effective for a period of two years from the effectivity of
5 this Act, unless sooner withdrawn by resolution of the Congress, without prejudice to
6 rights and benefits that may have been vested and liabilities that may have been
7 incurred in the meantime.

8 *Sec. 19. Congressional Oversight Committee.* – There is hereby created a
9 Congressional Oversight Committee which shall monitor the implementation of this
10 Act and the exercise of the powers herein granted. The Committee shall be composed
11 of the Chairperson of the Senate Committee on Public Services and the Chairperson
12 of the House of Representatives Committee on Transportation, as Co-chairperson, and
13 two (6) other members from each House, to be designated by the Senate President
14 and the Speaker of the House of Representatives, respectively.

15 The Czar shall submit a monthly report to the Congressional Oversight
16 Committee on the efficiency and effectiveness of the measures undertaken to
17 implement this Act and alleviate the traffic crisis.

18 *Sec. 20. Funding.* – The amount needed for the implementation of this Act shall
19 be sourced from the following:

- 20 a) The General Appropriations Act;
21 b) By way of a special budget enacted by Congress;
22 c) Motor Vehicle Users Charge Fund under R.A. No. 8794;
23 d) Any savings and/or unexpended portion from the Special Purpose Funds of the
24 President, for other expenses and/or to augment the preceding items; and
25 e) Fifteen percent (15%) of the Philippine Amusement and Gaming Corporation
26 annual aggregate gross earnings.

27 *Sec. 21. Transitory Provision.* – As far as practicable, the provisions of this Act
28 shall apply to all perfected procurement contracts involving only transport projects,
29 which have already commenced but with no Notice of Award yet issued.

30 *Sec. 22. Separability Clause.* – In the event that any provision of this Act is
31 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of
32 the remainder of the provisions of this Act shall not be affected thereby.

1 *Sec. 23. Repealing Clause.* – All laws, presidential decrees, letters of instructions,
2 executive orders, rules, regulations, and other issuances or parts thereof which are
3 contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed,
4 amended or modified accordingly.

5 *Sec. 24. Effectivity.* – This Act shall take effect fifteen (15) days following the
6 completion of its publication in the Official Gazette or in at least one (1) newspaper of
7 general circulation.

Approved,