16 June 2008

Department Order No. 2008-23

To: INTER-AGENCY COMMITTEE (IAC)
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Mr. Ferdinand Paguio, PBLMP
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Subject: GUIDELINES IN THE REVIEW OF ORDINANCES, ORDERS, RULES AND REGULATIONS ISSUED BY LOCAL GOVERNMENT UNITS CONCERNING PUBLIC TRANSPORTATION, INCLUDING THE GRANTING OF FRANCHISES TO TRICYCLES FOR HIRE, ESTABLISHMENT AND OPERATION OF PUBLIC TRANSPORT TERMINALS, RE-ROUTING OF PUBLIC UTILITY VEHICLES, ISSUANCE OF TRAFFIC CITATION TICKETS AND IMPOSITION OF OTHER LOCAL FEES AND CHARGES AFFECTING PUBLIC TRANSPORT OPERATION

Pursuant to Section 1 of Executive Order No. 712, issued last 12 March 2008, this Department, under Department Order No. 2008-16 dated 23 April 2008, created an Inter-Agency Committee (IAC) and a Technical Working group (TWG), composed of DOTC, DILG, LPP, LCP, LMP, VLMP, PBMP, PCL, MMDA, LTO, LTFRB and HLURB to review all existing ordinances, orders, rules and regulations issued by the local government units nationwide concerning public transportations, including the granting of franchises to tricycles for hire, establishment and operation of public transport terminals, re-routing of public utility vehicles, issuance of traffic citation tickets, and imposition of other local fees and charges affecting public transport operation.

The following guidelines are hereby issued to be used in the review of the said ordinances, orders, rules and regulations:

Section 1. Definition of Terms:

As used in this Order, the following terms shall be construed to mean as follows:

1. “Fees and charges” shall mean fees collected or charged by LGUs relating to public transport and does not include fines and penalties imposed for violation of traffic rules and regulations.

2. “Municipal and city roads” shall mean roads within the poblacion; they are roads that connect to provincial and national roads and provide inter-barangay connections to major Municipal and City infrastructure without traversing provincial road.

3. “National roads” shall mean any public road classified as primary and secondary declared as national road by the President of the Philippines upon recommendation of the Secretary of Public Works and Highways satisfying the criteria under Executive Order No. 113, Establishing Classification of Roads.
4. "Passing through public utility vehicles" shall refer to public utility vehicles plying the routes between points of origin and destination.

5. "Private terminal" shall mean any building or facility owned or operated by a private transport operator primarily for the purpose of loading and unloading of its passengers and cargoes and for the necessary repair and maintenance of its equipment to ensure public safety.

6. "Public hearing" shall include official notification of authorized representatives of the LTO, LTFRB, and other concerned agencies, public transport operators/drivers and stakeholders.

7. "Public transport terminal" shall mean any building or facility constructed or designated by the LGU primarily for the purpose of loading and unloading of passengers and cargoes by the different modes of public transportation and for the necessary repair and maintenance of equipment to insure public safety.

8. "Re-routing" shall mean the amendment or modification of the routes served by public utility vehicles as described in the certificate of public convenience issued by the Land Transportation Franchising and Regulatory Board (LTFRB).

9. "Traffic citation tickets" shall mean traffic violation receipts issued by traffic law enforcers in the course of their enforcement of traffic rules and regulations.

10. "Tricycles" shall refer to those tricycles being operated for a fee and which would necessarily need an approved franchise from the LGUs to operate legally.

Section 2. Granting of Franchises to Tricycles:

The LGUs are empowered to grant franchises for the operation of tricycles. However, it is the Land Transportation Office (LTO) that has the sole power to register all motor vehicles including tricycles and the licensing of drivers thereof. Likewise, only the LTO and its deputized agents shall implement the franchising conditions including those on tricycles and impose sanctions/penalties for violations thereof.

Tricycles may operate only along city/municipal streets, not along national roads. Moreover, their operation is limited only to routes not traversed by higher modes of public transport. However, the Sangguniang Bayan/Sangguniang Panglungsod may provide for exceptions taking into consideration public safety.
The ratio of the number of tricycles to population must be in accordance with the guidelines to be set by the DOTC. In the meantime, the LGUs may opt to adopt any of the following options or combinations hereof to address the unabated increase in the number of tricycles:

1. Color/Number coding scheme;
2. Moratorium in the grant of new tricycle franchise, the duration of which shall be determined by the city/municipality;
3. 50-50 Scheme with livelihood component; and

Section 3. Establishment and Operation of Public Transport Terminals:

The LGUs have the power to establish, designate and/or regulate the use of public transport terminals subject to the following conditions, to wit:

a. Compliance with the standards set by the LTFRB as prescribed in its Memorandum Circular No. 2008-013 dated 04 June 2008 or any amendment thereto, to wit:

I. FOR INTER-MODAL TRANSPORT TERMINAL

An inter-modal transport terminal is one which can simultaneously accommodate/serve at least three (3) types of public land transport vehicles, such as PUBs, PUJs, Multi-Cabs, Vans/AUVs, etc.

The owner/operator of such terminal shall install/provide the following:

1. Separate and sufficient parking slots/spaces for each mode of transport;
2. Adequate and comfortable benches and/or seats with backrests for waiting passengers;
3. Concrete pavement and flooring;
4. Roofing that would provide sufficient shade to passengers from heat of the sun and rain;
5. Wide entrances and exits for easy mobility to and from the terminal;
6. Communication facilities (such as Telephone, Fax Machines, Internet, etc.);
7. Public Address System Facilities and CCTV cameras/monitors;

8. Information and Passenger Assistance Counters;

9. Appropriate and adequate signages;

10. Sufficient number of security personnel for the protection of passengers from abusive vendors, pickpockets, and other lawless elements and for the proper inspection of baggage;

11. Separate rest rooms for male and female and disabled passengers which must at all times be clean, sufficiently lighted, foul odor-free, ventilated, with clean running water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, dispenser with soap, hand dryer, dry flooring, functional door lock, and janitorial maintenance personnel;

12. Diaper changing tables inside the female restrooms for female passengers travelling with infants/babies; and

13. Priority lane for persons with special needs specifically pregnant women, mothers travelling with infants and/or small children and those with physical disabilities.

II. FOR BUS TERMINALS OR TERMINALS WHICH CATER TO LESS THAN THREE VEHICLE TYPES, ONE OF WHICH WOULD BE PUBs

The owner/operator of such terminal shall install/provide the following:

1. Adequate and comfortable benches and/or seats with backrests for waiting passengers;

2. Concrete pavement and flooring;

3. Roofing that would provide sufficient shade to passengers from heat of the sun and rain;

4. Wide entrances and exits for easy mobility to and from the terminal;

5. Communication facilities (such as Telephone, Fax Machines, Internet, etc.);
6. Public Address System Facilities and CCTV cameras/monitors;

7. Information and Passenger Assistance Counters;

8. Appropriate and adequate signages;

9. Sufficient number of security personnel for the protection of passengers from abusive vendors, pickpockets, and other elements and for the proper inspection of baggages;

10. Separate rest rooms for male and female and disabled passengers which must at all times be clean, sufficiently lighted, foul odor-free, ventilated, with clean running water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, dispenser with soap, hand dryer, dry flooring, functional door lock, and janitorial/maintenance personnel; and

11. Priority lane for persons with special needs specifically pregnant women, mothers travelling with infants and/or small children and those with physical disabilities.

III. FOR JEEPNEY TERMINALS OR OTHER KINDS OF PUV TERMINALS NOT FALLING UNDER THE FIRST TWO (2) CLASSIFICATIONS

The owner/operator of such terminal shall install/provide the following:

1. Adequate and comfortable benches and/or seats with backrests for waiting passengers;

2. Roofing that would provide sufficient shade to passengers from heat of the sun and rain;

3. Availability of Information and Passenger Assistance Counters or Personnel;

4. Appropriate and adequate signages;

The owner/operator of such terminal shall install/provide the following:

1. Adequate and comfortable benches and/or seats with backrests for waiting passengers;

2. Roofing that would provide sufficient shade to passengers from heat of the sun and rain;

3. Availability of Information and Passenger Assistance Counters or Personnel;

4. Appropriate and adequate signages;

5. Sufficient number of security personnel for the protection of passengers from abusive vendors, pickpockets, and other lawless elements and for the proper inspection of baggages;

6. Priority lane for persons with special needs specifically pregnant women, mothers travelling with infants and/or small children and those with physical disabilities.
Existing terminals that are not in compliance with the above-mentioned standards are given (1) year from the effectivity of the aforementioned Memorandum Circular to comply with the same. Any further extension of time for compliance may be submitted by the concerned owner/operator, transport association or cooperative on justifiable reasons, subject to the approval of the LTFRB or its Regional Directors, as the case may be.

Should there be an existing LGU-operated/owned Inter-Modal Grand Terminal which is compliant with LTFRB standards, the existing transport terminals of franchise grantees within the said LGU should be considered as garage and the use of the LGU operated/owned inter-modal terminal is hereby encouraged.

The LTFRB, through its concerned Regional Directors, shall be conducting inspections of the terminals within their jurisdiction at least twice a year. Owner/operators of terminals which are found to be non-compliant shall be subjected to disciplinary sanctions and or penalties as the LTFRB may determine.

b. Compliance with the minimum locational standards provided under the HLURB’s Locational Guidelines and Standards for Land Transportation Terminals and Garages pursuant to Board Resolution No. R-408, series of 1988, or any amendment thereto, to wit:

1. If the municipality has an approved zoning ordinance, the location of bus stations/terminals, freight/truck terminals should be at the periphery of a commercial zone.
3. Terminals should be more than 100 meters away from institutional establishment particularly schools and hospitals as a safeguard against noise and air pollution;

4. The terminal must be accessible to commuters, i.e. transfer routes are available or within its services radius. However, direct access to major thoroughfares especially high speed highways and express-ways should be discouraged for safety and smooth traffic flow purposes.

c. Compliance with the standards set by the Department of Health (DOH) as provided under Chapter IX Section 54 of the Sanitation Code of the Philippines or any subsequent amendment thereto, to wit:

1. Rest areas, bus terminals, bus stops and service stations shall be established with ample area to prevent overcrowding of motor vehicles and travelers.

2. They shall be provided with adequate ventilation and lighting and away from sources of nuisance.

3. Safe and adequate water supply shall be provided in accordance with the provisions of Chapter II of this Code.

4. Excreta and sewage collection and disposal shall be provided in accordance with the provisions of Chapter XVII of this Code.

5. Refuse collection and disposal shall be in accordance with the provisions of Chapter XVIII of this Code.

6. Comfort rooms - Adequate number of comfort rooms shall be provided as well as auxiliary facilities therein in accordance with the provisions on Chapter XVII of this Code.

7. Waiting sheds for commuters shall be of adequate size to comfortably accommodate a minimum of thirty (30) persons. Floors shall be of smooth concrete finish and adequate sitting facilities provided for.

8. Sale of foodstuffs in those establishments shall be done in conformity with the provisions of Chapter III of this Code.

d. There must be a public hearing and publication of the construction of the public transport terminals in local newspapers of general circulation and/or posting in at least four (4) conspicuous and publicly accessible
places including the main entrance of the city/municipal hall prior to the commencement.

e. The LTFRB, pursuant to its regulatory power, has the authority to inspect terminals to determine its conformity with the prescribed standards and impose sanctions for violations thereof.

In addition, the establishment, designation and/or regulation of the use of public transport terminals shall be also be subjected to the following limitations:

a) LGUs cannot compel, directly or indirectly, operators/drivers with existing private terminals to use the public transport terminals established or designated by the LGUs;

b) Vehicles merely passing through cannot be compelled to use the public transport terminals established or designated by the LGUs;

c) LGUs cannot encroach upon property rights and the legitimate use thereof, thus, LGUs cannot close down existing private terminals or curtail the operation of said terminals for the purpose of using the public transport terminals established or designated by the LGUs.

Existing public transport terminals not in compliance with the aforementioned standards shall be given a period of one (1) year from the effectivity of this Order to implement and fully comply with the same. The LTFRB, pursuant to its regulatory powers, shall conduct periodic inspection to ensure compliance and impose administrative sanctions to those found not complying with this Order.

Fees to be charged in the use of the public transport terminals shall be reasonable and commensurate with the administrative and operating expenses in the operation of the said terminals.

All disputes affecting the regulation of the public transport terminals, including questions on the propriety or assessment of fees, imposts, charges and the like shall be within the exclusive and primary jurisdiction of the LTFRB.

Section 4. Re-routing of Public Utility Vehicles

The LGUs have the power to re-route public utility vehicles subject to the following limitations: general welfare clause, public safety and public hearing.

Re-routing must be temporary (indicating the duration) if it involves national road; it may be permanent in case of city/municipal roads subject to public hearing and publication in local newspapers of general circulation and/or
posting in at least four (4) conspicuous and publicly accessible places including
the main entrance of the city/municipal hall and in conformity with Section 21-C
and D of the Local Government Code prior to re-routing. Should the re-routing
scheme amend or modify any established route authorized by the LTFRB, prior
consultation with the latter is required.

Section 5. Issuance of Traffic Citation Tickets

The LGUs can issue traffic citation tickets but only the LTO and their
deputized agents can confiscate drivers’ licenses. However, in Metro Manila, the
single ticketing system shall be worked out.

Section 6. Imposition of Other Local Fees and Charges Affecting
Public Transport Operation

As a general rule, the LGUs should desist from unilaterally increasing fees
and charges that would contribute to higher public transport costs. Increases in
fees and charges should be in coordination with the LTFRB and should be
commensurate with the administrative expenses. Before changes in fees can be
imposed, there must be a public hearing and publication in local newspapers of
general circulation and/or posting in at least four (4) conspicuous and publicly
accessible places including the main entrance of the city/municipal hall prior to
said imposition.

As provided for under Section 10 of Republic Act No. 8794 (An Act
Imposing A Motor Vehicle User’s Charge On Owners Of All Types Of Motor
Vehicles And For Other Purposes), to wit:

“No other tax, fee or any other charge of similar nature, as the
Motor Vehicle User’s Charge shall be imposed by any political
subdivision or unit in the country.”

For immediate compliance.

LEANDRO R. MENDOZA
Secretary

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