

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
Second Regular Session

HOUSE BILL NO. 5242

Introduced by Honorable Sherwin T. Gatchalian

EXPLANATORY NOTE

This bill seeks to establish the National Traffic Enforcement and Management Center.

Efficient traffic enforcement is an essential element of every road safety policy; hence, the importance of a competent traffic enforcement corps cannot be underestimated. Traffic enforcers play a vital role in maintaining public order and safety in our roads. A properly trained traffic enforcer coupled with the best practices in the enforcement of traffic laws will ensure a safer road for the public particularly to motorists and pedestrians.

This measure intends to establish a National Traffic Enforcement and Management Center which shall have the mandate to build capacity of our traffic enforcers by providing them formal trainings and instruction in all the areas of traffic enforcement and management including enforcement, road safety, accident investigation, driver training, post accident management, and understanding violations. The National Traffic Enforcement and Management Center shall also be responsible in educating the public about the proper observance of our traffic and road laws and in scientifically researching the causes and consequences of road collisions and accidents as well as preparing effective systems for their analysis in order to provide remedial measures.

"The National Traffic Enforcement and Management Center shall be the primary training center for all traffic enforcement

personnel in the country and a certification from the center shall be necessary for the deputization of traffic enforcement personnel of local government units."

Another important function of the National Traffic Enforcement and Management Center is to undertake road safety audits on highways and road transportation projects and traffic management schemes and to identify road risks and hazards. Developing a methodology for teaching road safety education to the public particularly to primary and tertiary students through the existing academic curriculum subjects and training the public in the basics of road traffic laws, driver education and behavior, current status of road environment and enforcement, causes and hazards which lead to road accidents shall also be done by the proposed National Traffic Enforcement and Management Center.

In view of the foregoing, approval of this Act is earnestly requested.

Sherwin T. Gatchalian
1st District, Valenzuela City

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HOUSE BILL NO. 5242

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AN ACT
ESTABLISHING THE NATIONAL TRAFFIC ENFORCEMENT
AND MANAGEMENT CENTER, DEFINING ITS POWERS,
FUNCTIONS AND DUTIES, AND APPROPRIATING FUNDS
THEREFOR

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 “*National Traffic Enforcement and Management Act.*”

SEC 2. **National Traffic Enforcement and Management Center.** – There is hereby established a National Traffic Enforcement and Management Center, hereinafter referred to as the Traffic Center, which shall be attached to the Department of Transportation and Communications for policy and program coordination.

SEC. 3. ***Purposes and Objectives.*** – The Traffic Center shall have the following purposes and objectives:

a) To build capacity of traffic enforcers through trainings and instruction in all the areas of traffic management including road safety, enforcement, accident investigation, driver training, post accident management, traffic engineering, and understanding violations;

b) To train personnel involved in traffic enforcement and management in analyzing accidents and accident-prone areas, potential risk parameters, speed analysis, volume counts, study of violations and the identification of deficiencies in geometric design, road infrastructure, and engineering principles;

c) To assess the capability of traffic enforcement and management personnel of the various local government units (LGUs);

d) To scientifically research the causes and consequences of road collisions and accidents as well as prepare effective systems for their analysis in order to provide remedial measures;

e) To undertake road safety audits on highways and road transportation projects and traffic management schemes and to identify road risks and hazards;

f) To develop a module and methodology for teaching road safety education to the public particularly to primary and tertiary students through the existing academic curriculum subjects;

g) To train the public in the basics of road traffic laws, driver education and behavior, current status of road environment and enforcement, causes and hazards which lead to road accidents, and post-accident management; and

h) To perform such functions related to road traffic enforcement, education and management that will redound to the benefit of the public.

SEC 4. ***Powers of the Traffic Center.*** – The Traffic Center shall have the following powers:

a) To adopt, alter and use an official seal;

b) To collect, receive and maintain a fund or funds from government appropriations and from donations, grants, gifts, bequests, loans from domestic and foreign sources, and to apply the income and principal thereof to the promotion of its aims and purposes;

c) To own, manage and hold such real and personal property as shall be necessary for the Traffic Center's purposes;

d) In furtherance of its purpose and objectives, to extend financial assistance to, and enter into contracts of every kind and for any lawful purpose, with any person, firm, association or corporation, domestic or foreign, or others in which it has a lawful interest; and

e) In general, to do all such acts and things as may be necessary to carry into effect the provisions of this Act.

The administration of the Traffic Center and the exercise of its corporate powers shall be vested exclusively in its Board of Trustees.

SEC. 5. *The Governing Board; Manner of Appointment.* – a) *Composition* –The governing body of the Traffic Center shall be the Board of Trustees, hereinafter referred to as the Board, composed of the following:

1) Secretary of Transportation and Communications, as chairperson;

2) Chairperson of the Metro Manila Development Authority (MMDA), as co-chairperson;

3) Secretary of the Interior and Local Government, as member;

4) Director General of the Technical Education and Skills Development Authority (TESDA), as member;

5) Director of the National Center for Transportation Studies, as member; and

6) Two (2) private sector representatives who have distinguished themselves in their professions and in their field of specialization related to the core competency of the Traffic Center, as members.

The two (2) private sector representatives shall be appointed by the President of the Philippines upon recommendation of the Secretary of Transportation and Communications, in consultation with the other members of the Board.

b) *Term of Office* – The private sector representatives shall serve for a term of two (2) years from the date of appointment.

SEC. 6. *Powers and Duties of the Board of Trustees.* – The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all powers granted to the board of directors of a corporation under existing laws:

a) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the Traffic Center;

b) To receive and appropriate all sums as may be provided for the support of the Traffic Center in the manner it may determine, in its discretion, to carry out the purposes and functions of the Traffic Center;

c) To receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose of the same when necessary for the benefit of the Traffic Center, subject to limitations, directions and instructions of the donor, if any.

Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code, as amended: *Provided*, That such donations shall not be disposed of, transferred or sold;

d) To fix fees and other necessary charges including training fees as the Board may deem proper to impose.

Such fees and charges, including government subsidies and other incomes generated by the Traffic Center, shall constitute a special trust fund and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form part of the same fund for the use of the Traffic Center.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the Traffic Center from training fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the Traffic Center, and may be disbursed by the Board for instruction, research, extension, or other programs and projects of the Traffic Center.

If for reasons beyond its control, the Traffic Center shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the Traffic Center;

e) To authorize the construction or repair of the buildings, equipment and other facilities, and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the Traffic Center through the Board shall be exempted from all taxes and duties;

f) To appoint, upon the recommendation of the Executive Director of the Traffic Center, the officials and employees of the Traffic Center in accordance with a staffing pattern duly approved by the Board;

g) To fix and adjust the salaries of officials and employees subject to the provisions of the Revised Compensation and Position Classification System, as amended, and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper, to grant them at its discretion, leaves of absence under regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

h) To approve the institutional programs, projects and rules of discipline drawn by the Executive Director of the Traffic Center;

i) To establish research and extension centers of the Traffic Center where such will promote the development of the latter;

j) To delegate any of its powers and duties provided for hereinabove to the Executive Director or other officials of the Traffic Center as it may deem appropriate so as to expedite the administration of the affairs of the Traffic Center;

k) To develop consortia and other forms of linkages with LGUs, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the Traffic Center;

l) To develop arrangements for institutional capability building with appropriate institutions and agencies, public or private, local or foreign, and to appoint experts or specialists as consultants, or visiting or exchange trainers, researchers, as the case may be; and

m) To establish policy guidelines and procedures for participative decision-making and transparency within the Traffic Center;

SEC. 7. **Board Meetings; Quorum.** – The Board shall regularly convene at least once every quarter. The Chairperson of the Board of Trustees may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings. The members shall serve without compensation, but they shall be reimbursed for necessary expenses incurred in their attendance of meetings of the Board or in connection with their official business authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 8. **Executive Director of the Traffic Center; Term of Office; Powers and Duties.** – The administration of the Traffic Center shall be vested in an Executive Director who shall render full-time service. The Traffic Center shall be appointed by the Board upon the recommendation of the Chairperson of the MMDA. The Traffic Center shall have a term of four (4) years and shall be eligible for reappointment for another term.

In case of vacancy by reason of death, compulsory retirement, resignation, removal for cause or incapacity of the Executive Director to perform the functions of the office, the Board shall have the authority to designate an officer-in-charge of the Traffic Center within six (6) months from the date of vacancy, pending the appointment of a new Executive Director.

In case of vacancy in the office of the Executive Director as mentioned in the immediately preceding paragraph, the successor shall hold office only for the unexpired portion of the term.

The salary of the Executive Director of the Traffic Center shall be in accordance with the Revised Compensation and Position Classification System, as modified by Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and compensation laws, and shall be comparable to that being received by the presidents of higher education institutions.

The Executive Director of the Traffic Center shall exercise the following powers and duties:

a) To submit for the consideration of the Board of Trustees the policies and measures necessary to carry out the purposes and objectives of the Traffic Center;

b) To recommend, coordinate and administer the programs and projects of the Traffic Center;

c) To direct and supervise the operations and internal administration of the Traffic Center, and to delegate administrative responsibilities in accordance with the rules and regulations of the Traffic Center;

d) To submit an annual report to the Board of Trustees setting forth the work of the Traffic Center during the year, its financial operations and status, and a program and budget for the ensuing year; and

e) To exercise such other powers and to discharge such other functions as may be vested in him by the Board of Trustees.

SEC. 9. **Secretary.** – The Board shall appoint a Secretary, who shall serve as such for both the Traffic Center and the Board, and shall keep all records of the Board.

SEC. 10. **Treasurer.** – The Treasurer of the Philippines shall be the *ex officio* Treasurer of the Traffic Center.

SEC. 11. **Development Plan; Organizational and Administrative Structure.** – Within one hundred twenty (120)

days after the approval of this Act, the Traffic Center shall accomplish the following:

a) Submit to the President of the Philippines and to both Houses of Congress a five (5) year development plan, including program budget; and

b) Set up its organizational and administrative structure including the appointment of key officials of the Traffic Center.

SEC. 12. *Training of Local Government Units' Personnel.* – The Traffic Center shall primarily cater to the training needs of traffic enforcers of LGUs in the country. All LGUs shall endeavor to provide their personnel who are involved in traffic management and enforcement with the opportunity to train at the Traffic Center. LGUs shall coordinate with the Traffic Center for the conduct of training programs in their respective localities.

The head and supervisors of the traffic management office of an LGU, or its equivalent office, shall be required to undergo training at the Traffic Center not later than ninety (90) days upon assumption to office. Likewise, traffic enforcement personnel of LGUs shall obtain a certification from the Traffic Center that they have undergone the necessary training to continue in the

performance of their functions not later than six (6) months from appointment or hiring as a traffic enforcement personnel.

The Traffic Center shall likewise organize a core group of trainers who will train traffic enforcers of the various LGUs.

As used in this Act, a *traffic management office* refers to the office of an LGU in charge of setting policies concerning traffic in and responsible in coordinating and regulating the implementation of all programs and projects concerning traffic management in the LGU specifically those that pertains to enforcement, engineering and education.

SEC. 13. ***Auditing.*** – All accounts and expenses of the Traffic Center shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 14. ***Filing of Report.*** – Not later than the thirtieth day of December, the Board shall file with the Office of the President of the Philippines and to both Houses of Congress, a detailed annual report on the progress, conditions and needs of the Traffic Center.

SEC. 15. ***Endowment Fund.*** –There is hereby established an Endowment Fund which shall be self-sustaining and shall consist of contributions, donations, grants, or loans from

domestic and foreign sources, government subsidies, and other income accruing from the earnings of the Traffic Center. The amount of One hundred million pesos (P100,000,000.00) is hereby appropriated from any fund in the National Treasury not otherwise appropriated for the initial organization and operations of the Traffic Center. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Traffic Center shall be generated by the Traffic Center from the earning of this Endowment Fund.

SEC. 16. **Repealing Clause.** – All laws, presidential decrees, executive orders, memoranda, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 17. **Separability Clause.** – If any part or provision of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 18. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,