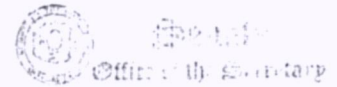


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE
P.S. Res. No. 910



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Introduced by Senator Grace Poe

RECEIVED

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC SERVICES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTS BY PUBLIC UTILITY VEHICLE (PUV) DRIVERS AND OPERATORS IN VARIOUS PROVINCES OF THE COUNTRY THAT THE PENALTIES UNDER DOTR-LTFRB-LTO JOINT ADMINISTRATIVE ORDER NO. 2014-01 ARE UNJUSTLY HARSH, AND SEVERELY IN EXCESS OF THOSE PROVIDED UNDER REPUBLIC ACT NO. 4136, OTHERWISE KNOWN AS THE "LAND TRANSPORTATION AND TRAFFIC CODE", IN RECOGNITION OF THE WIDELY-ACCEPTED LEGAL PRINCIPLE THAT IMPLEMENTING RULES AND REGULATIONS MUST NOT OVERRIDE, SUPPLANT, OR MODIFY WHAT IS PROVIDED IN LAW, AS THAT WOULD CONSTITUTE AN INVALID ENCROACHMENT BY THE EXECUTIVE BRANCH INTO THE LEGISLATIVE POWER VESTED BY THE CONSTITUTION IN BOTH HOUSES OF CONGRESS.

WHEREAS, Article VI, Section 1 of the 1987 Philippine Constitution vests the legislative power in the Congress of the Philippines;

WHEREAS, it is an established principle in Constitutional law that the Congress may neither surrender nor abdicate its legislative power to any other body;

WHEREAS, however, agencies in the executive branch have the power to issue "implementing rules and regulations" which are necessary to implement the provisions of the law;

WHEREAS, the Supreme Court, in the case of *Department of Agrarian Reform v Romeo C. Carriedo* (G.R. No. 176549) laid out the requirements for such administrative rules and regulations to be valid:

"Administrative issuances must not override, supplant or modify the law, but must remain consistent with the law they intend to carry out. Only Congress can repeal or amend the law... The rule-making power of a public administrative body is a delegated legislative power, which it may not use either to abridge the authority given it by the Congress or the Constitution or to enlarge its power beyond the scope intended." (emphasis supplied)

WHEREAS, Republic Act 4136, or the "*Land Transportation and Traffic Code*", controls, the registration and operation of motor vehicles and the licensing of owners, dealers, conductors, drivers, and similar matters;

WHEREAS, Chapter V, Article 1 of R.A. No. 4136 provides for a comprehensive list of prohibited acts and the corresponding penalties therein;

WHEREAS, in 2014, the Department of Transportation (DOTr), Land Transportation Office (LTO) and Land Transportation Franchising and Regulatory Board (LTFRB) issued Joint Administrative Order No. 2014-01, which provides for the revised penalties for violations of laws, rules and regulations governing land transportation;

WHEREAS, in the numerous hearings held by the Senate Committee on Public Services in various provinces of the Philippines, there have been many complaints from local public utility vehicle (PUV) drivers and operators that the penalties under JAO No. 2014-01 are too harsh, and are severely excessively beyond those laid out in R.A. 4316;

WHEREAS, these testimonies are an indicator that JAO No. 2014-01 has transgressed the penalties laid out in R.A. 4136, and may thus be an violation of the limitations for such administrative rules and regulations to be valid;

WHEREAS, the penalties in JAO No. 2014-01 are already in effect an amendment of Republic Act No. 4136, which is an encroachment of the Executive Branch into the legislative power vested in the Congress;

WHEREAS, even if the penalties in R.A. 4136 are out-dated, the proper remedy is to amend the law, and not to bypass it through the implementation of excessive rules and regulations;

WHEREAS, only Congress can amend or revise what Congress has enacted, and the rule-making power of an administrative body cannot abridge what Congress has created as law;

NOW THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate of Philippines, to direct the Senate Committee on Public Services to conduct an inquiry, in aid of legislation, on the reports by public utility vehicle (PUV) drivers and operators in various provinces of the country that the penalties under DOTR-LTFRB-LTO Joint Administrative Order No. 2014-01 are unjustly harsh, and severely in excess of those provided under Republic Act No. 4136, otherwise known as the "*Land Transportation and Traffic Code*", in recognition of the widely-accepted legal principle that implementing rules and regulations must not override, supplant, or modify what is provided in law, as that would constitute an invalid encroachment by the Executive Branch into the legislative power vested by the Constitution in both houses of Congress.

Adopted,

