



Senate
Office of the Secretary

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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'22 AUG -8 AIO :13

SENATE

RECEIVED BY:

S.B. No. 1059

Introduced by SEN. WIN GATCHALIAN

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

EXPLANATORY NOTE

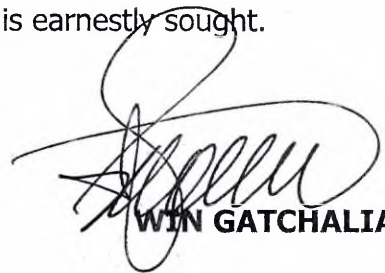
Efficient traffic enforcement is an essential element of every road safety policy; hence, the importance of a competent traffic enforcement corps cannot be underestimated. Traffic enforcers play a vital role in maintaining public order and safety in our roads. A properly trained traffic enforcer coupled 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 ("Traffic Center") which shall be mandated to build the 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 Traffic 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 Traffic 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. It shall also 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 Traffic Center.

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



WIN GATCHALIAN



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**AN ACT
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DUTIES, AND APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

1 Section 1. *Short Title.* — This Act shall be known as the "National Traffic
2 Enforcement and Management Act. "

3

4 SEC 2. *National Traffic Enforcement and Management Center.* — A National
5 Traffic Enforcement and Management Center is hereby established, hereinafter
6 referred to as the "Traffic Center," which shall be attached to the Department of
7 Transportation for policy and program coordination.

8

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

11 a) To build capacity of traffic enforcers through trainings and instruction in all
12 the areas of traffic management including road safety, enforcement, accident

1 investigation, driver training, post-accident management, traffic engineering, and
2 understanding violations;

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

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

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

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

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

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

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

22
23 SEC 4. *Powers of the Traffic Center.* — The Traffic Center shall have the
24 following powers:

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

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

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

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

7 e) In general, to do all such acts and things as may be necessary to carry into
8 effect the provisions of this Act. The administration of the Traffic Center and the
9 exercise of its corporate powers shall be vested exclusively in its Board of Trustees.

10
11 *SEC. 5. The Governing Board; Manner of Appointment. —*

12 a) Composition —The governing body of the Traffic Center shall be the Board
13 of Trustees, hereinafter referred to as the Board, composed of the following:

14 1) Secretary of Transportation, as chairperson;

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

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

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

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

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

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

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

30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7
8 **SEC. 7. Board Meetings; Quorum.** — The Board shall regularly convene at least
9 once every quarter. The Chairperson of the Board of Trustees may call a special
10 meeting whenever necessary: *Provided, That* members are notified in writing at least
11 three (3) days prior to said meeting. A majority of all members holding office shall
12 constitute a quorum for board meetings. The members shall serve without
13 compensation, but they shall be reimbursed for necessary expenses incurred in their
14 attendance of meetings of the Board or in connection with their official business
15 authorized by resolution of the Board, subject to existing laws and regulations.

16
17 **SEC. 8. Executive Director of the Traffic Center; Term of Office; Powers and**
18 **Duties.** — The administration of the Traffic Center shall be vested in an Executive
19 Director who shall render full-time service. The Traffic Center shall be appointed by
20 the Board upon the recommendation of the Chairperson of the MMDA. The Traffic
21 Center shall have a term of four (4) years and shall be eligible for reappointment for
22 another term.

23 In case of vacancy by reason of death, compulsory retirement, resignation,
24 removal for cause or incapacity of the Executive Director to perform the functions of
25 the office, the Board shall have the authority to designate an officer-in-charge of the
26 Traffic Center within six (6) months from the date of vacancy, pending the
27 appointment of a new Executive Director. In case of vacancy in the office of the
28 Executive Director as mentioned in the immediately preceding paragraph, the
29 successor shall hold office only for the unexpired portion of the term.

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

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

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

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

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

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

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

20
21 SEC. 9. *Secretary.* — The Board shall appoint a Secretary, who shall serve as
22 such for both the Traffic Center and the Board, and shall keep all records of the Board.

23
24 SEC. 10. *Treasurer.* —The Treasurer of the Philippines shall be the ex-officio
25 Treasurer of the Traffic Center.

26
27 SEC. 11. *Development Plan; Organizational and Administrative Structure.* —
28 Within one hundred twenty (120) days after the approval of this Act, the Traffic Center
29 shall accomplish the following:

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

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

5
6 SEC. 12. *Training of Local Government Units' Personnel.* — The Traffic Center
7 shall primarily cater to the training needs of traffic enforcers of LGUs in the country.
8 All LGUs shall endeavor to provide their personnel who are involved in traffic
9 management and enforcement with the opportunity to train at the Traffic Center. LGUs
10 shall coordinate with the Traffic Center for the conduct of training programs in their
11 respective localities.

12 The head and supervisors of the traffic management office of an LGU, or its
13 equivalent office, shall be required to undergo training at the Traffic Center not later
14 than ninety (90) days upon assumption to office. Likewise, traffic enforcement
15 personnel of LGUs shall obtain a certification from the Traffic Center that they have
16 undergone the necessary training to continue in the performance of their functions
17 not later than six (6) months from appointment or hiring as a traffic enforcement
18 personnel.

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

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

26
27 SEC. 13. *Auditing.* — All accounts and expenses of the Traffic Center shall be
28 audited by the Commission on Audit or its duly authorized representative.

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

5
6 SEC. 15. *Endowment Fund.* — There is hereby established an Endowment Fund
7 which shall be self-sustaining and shall consist of contributions, donations, grants, or
8 loans from domestic and foreign sources, government subsidies, and other income
9 accruing from earnings of the Traffic Center. The amount of One hundred million pesos
10 (P100,000,000.00) is hereby appropriated from any fund in the National Treasury not
11 otherwise appropriated for the initial organization and operations of the Traffic Center.
12 Thereafter, such sums as may be necessary for the continued operation and
13 maintenance of the Traffic Center shall be generated by the Traffic Center from the
14 earning of this Endowment Fund.

15
16 SEC. 16. *Repealing Clause.* — All laws, presidential decrees, executive orders,
17 memoranda, rules and regulations contrary or inconsistent with the provisions of this
18 Act are hereby repealed, amended, or modified accordingly.

19
20 SEC. 17. *Separability Clause.* — If any part or provision of this Act is declared
21 unconstitutional or invalid, the remaining parts or provisions not affected shall remain
22 in full force and effect.

23
24 SEC. 18. *Effectivity.* — This Act shall take effect fifteen (15) days after its
25 publication in the Official Gazette or in a newspaper of general circulation.

Approved,