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The Policy Discussion Paper series of Community Legal Help and Public Interest Centre is intended to stimulate active debate on public policy issues.

Policy Discussion Paper 2024-01

30 September 2024

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Without Just Transition and Inclusive Mobility

PTMP (PUVMP): ON THE WRONG SIDE OF THE ROAD

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When one is on the wrong side of the road, s/he is traveling against the flow of traffic. It poses a significant threat to road safety, leading to countless accidents, injuries, and fatalities. Like wrong-way driving, without just transition and inclusive mobility, the Public Transport Modernization Program (PTMP), formerly the Public Utility Vehicle Modernization Program (PUVMP) is working against the interest of its stakeholders, causing perils and unintended consequences.

If not adjusted, the PTMP (PUVMP) is setting up the Filipinos—and the country's climate action—to fail.

Transportation is about moving people, not vehicles.

PTMP (PUVMP), a climate action

The Philippines submitted to the United Nations Framework Convention on Climate Change (UNFCCC) its first Nationally Determined Contribution (NDC) in April 2021, committing to a projected greenhouse gas (GHG) emissions reduction and avoidance of 75%, of which 2.71% is unconditional, for the period 2020 to 2030 for the sectors of agriculture, wastes, industry, transport, and energy. This commitment is referenced against a projected business-as-usual cumulative economy-wide emission of 3,340.3 MtCO₂e for the same period. In order to meet these targets, the Philippines rolled out some projects and pursued mitigation actions.

One of these NDC projects is the PTMP (PUVMP) of the Department of Transportation, now called PTMP by the government, through which the country expects to decarbonize public transport; specifically, reduce GHGs at 2.91% by 2030 and 2.75% by 2040.

According to the United Nations Development Programme, climate action “means stepped-up efforts to reduce greenhouse gas emissions and strengthen resilience and adaptive capacity to climate-induced impacts, including climate-related hazards in all countries; integrating climate change measures into national policies, strategies and planning; and improving education, awareness-raising and human and institutional capacity concerning climate change mitigation, adaptation, impact reduction, and early warning.”

The most common GHG in the context of climate action is carbon dioxide, but others include methane, water vapor, nitrous oxide, and ozone. The rapid rise in GHG concentrations is primarily due to the combustion of hydrocarbon-containing fossil fuels and other carbon-containing compounds for the production of energy, whether it be from a vehicle, airplane, power plant, factory, or cooking fire. These emissions increase what is called the “greenhouse effect” wherein the GHGs effectively trap heat close to the surface of the earth by absorbing and emitting solar radiation that is reflected from the earth’s surface as infrared radiation, leading to rapid changes in climate and disturbances to historic weather patterns that can result in more frequent and severe storms, heat waves, and droughts for example. Normally, the greenhouse effect keeps our planet warm enough for life. Today, however, too much GHG is warming the planet faster than life’s ability to cope with the rapid climatic changes.

As a climate action, the goal of PTMP (PUVMP) is noble and necessary. However, how the policy problem was defined in the said government program may be problematic, and its noble end does not justify its oppressive means.

The policy problem

PTMP (PUVMP) identifies the traditional jeepney as a significant source of carbon emissions, air pollution, and safety issues. But it is a tiny aspect of the big problem.

Transportation is about moving people, not vehicles. Based on this, modernizing transport systems should not be focused or limited to mere engine change or phase-out of old, traditional public utility vehicles, and increasing fleet size or consolidation which is the current focus and extent of PTMP (PUVMP).

Justice requires that climate action is consistent with existing human rights agreements, obligations, standards, and principles.

Instead, transportation must promote freedom of movement through various means that emit less carbon and pollutants, and are safe and affordable. For example, by investing in better and safer walkways and bicycle lanes, decongesting traffic that produces most of the emissions from stationary vehicles with running engines, enhancing local government capacities for climate action, traffic management and route rationalization, updating air quality standard values in the Clean Air Act to be consistent with WHO's guidelines for enhanced vehicle regulation, promoting public transport, incentivizing e-vehicles, etc., the goals of PTMP (PUVMP) can also be achieved. Whether PTMP (PUVMP) promotes this freedom of movement through these various means is the appropriate policy question.

But because the problem that PTMP (PUVMP) is trying to solve is jeepney/PUV-focused and limitedly defined, the solutions it is offering are also questionable, and, as many stakeholders describe them, oppressive.

Link to just transition

Central to climate action is the Paris Agreement. The Paris Agreement builds on the UNFCCC and it brings all nations together into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects. NDCs are at the core of this Agreement and the achievement of its long-term goals. NDCs embody efforts by each country to reduce national emissions and adapt to the impacts of climate change. The [Paris Agreement](#) (Article 4, paragraph 2) requires each Party to prepare, communicate, and maintain successive NDCs that it intends to achieve. Parties shall pursue domestic mitigation measures, to achieve the objectives of such contributions.[1]

However, in the pursuit of such mitigation measures, the preamble of the [Paris Agreement](#) underscores the close links between climate action, sustainable development, and a just transition of the workforce, with decent work and quality jobs for all.[2] "Justice requires that climate action is consistent with existing human rights agreements, obligations, standards, and principles.[3] Already, those who have contributed the least to climate change unjustly and disproportionately suffer its harms. To change their situation, they must be meaningful participants in, and primary beneficiaries of, climate action, and they must have access to effective remedies.[4]

Climate action must also bring about the active role and participation of the local governments. Borrowing the words of the UN Secretary-General António Guterres, "Cities are where the climate battle will largely be won or lost". They are the frontlines of sustainable and "inclusive development" and "the world's first responders to the climate emergency".[5] Hence, the local governments are in a crucial position in steering towards decarbonization.

Inclusive mobility

Equally important, in decarbonizing transport, inclusive mobility is imperative. Urban mobility is no longer just about moving people around by motorized vehicles. [6]

The Philippine transport system “must work for the poor and vulnerable; where everyone who can, must walk, bike, commute, and only as a last resort, take the car; where safety and civility are not sacrificed in a highly urbanized and complex city; and where those who have less in wheels must have more in roads”. [7] It must, therefore, make roads serve their purpose of moving the people, and not the cars.

For a transport system to be inclusive, it must work where air, streets, vehicles, and facilities are clean, and it must consider the public transport drivers, small operators, and commuters in the transportation innovation process, helping them co-design, co-develop, co-implement, and co-lead new mobility solutions and practices.

Photo source: 350 Pilipinas



To be inclusive, PTMP (PUVMP) must engage public transport drivers, small operators and commuters in the innovation process.

BOX 1

There's a growing movement of people for climate action and inclusive mobility. They are advocating for policies and infrastructure that are not singularly car or PUV-dependent. Cycling, for example, "can be a liberating tool to eliminate inequities in community health outcomes, mobility, and transportation access"[8] while advancing decarbonization. Although only 12% of Filipino households are car owners,[9] according to nonprofit 350 Pilipinas, most of the road spaces in Metro Manila and other urban centers of the Philippines are dedicated to them while the conditions for cyclists and pedestrians remain a challenge.

In July 2023, transport groups DLHB Transport Service Corp. (DLHB), Team UV Express Transport Service Cooperative (TEAM UV), AMCL UV Express Federation (AMCL), and Freeport Area of Bataan Jeepney Operators and Drivers' Association (FABJODA), and student passengers

Jonna Joyce N. Panti, Lei Andres A. Relojas and Alwyn Ryan Gaviola Mijos filed before the Supreme Court of the Philippines a Petition for Certiorari and Prohibition with Prayer to Declare Unconstitutional Sections 2.4; 3.2.4; 5.2; and 11.2 of Department of Transportation (DOTr) Department Order 2017-011, Section II of the DOTr Memorandum Circular No. 2018-010, and Guideline No. 2 of the DOTr Memorandum Circular 2018-013, with Urgent Prayer for Temporary Restraining Order/Writ of Preliminary Injunction. The said DOTr issuances operationalize PUVMP. The petitioners believe that the assailed sections of the said DOTr issuances violate their rights to due process, associate/dissociate, etc. The record of this case can be accessed from the Supreme Court portal [<https://sc.judiciary.gov.ph/public-pleadings/>].

Meanwhile, in January 2024, the Commission on Human Rights of the Philippines declared that "while we believe that modernization and development are legitimate government goals, they must be pursued without violating fundamental human rights. In the context of PUVMP, it is necessary to avoid actions that may impose an undue burden on the public. This includes avoiding financial difficulties for small transportation operators and protecting the livelihoods of the numerous drivers involved. The potential consequences, such as pushing these drivers and their families into poverty, highlight the need for a balanced and considerate approach in implementing modernization efforts to ensure they align with wider societal welfare." [10]

The problem (with PTMP or PUVMP)

Indeed, PTMP (PUVMP) is problematic without just transition and inclusive mobility.

The PTMP (PUVMP) is missing components to ensure just transition in its design and implementation, and it is not framed or linked to inclusive mobility; thus, it may be on the wrong side of the road.

Currently, the program has ten (10) components:

- Regulatory reform by launching the Omnibus Franchising Guidelines which serves as the guidelines in the issuance of franchises for public utility vehicles.
- Local Public Transport Route Planning (LPTRP) whereby local government units (LGU) are required to prepare their LPTRP that will be implemented in their respective localities.
- Route Rationalization whereby current public transport based on passenger demand, location of major movement, and future travel demand patterns will be assessed/studied.
- Fleet Modernization that will require “PUVs to follow modern policies which will complement what the traditional units lack”.
- Industry Consolidation “through the formation of transport cooperatives or other legal entities wherein these entities will be entitled to benefits such as government subsidies and access to credit facilities, among others, to aid in modernising their fleets and run the modernised units systematically and predictably”.
- Financial Aid to the operators provided by the government through government financing institutions (GFIs) namely the Landbank of the Philippines and the Development Bank of the Philippines.
- Vehicle Useful Life Program that will assist the owner of an old unit in selling at an appraised cost.
- Stakeholder Support Mechanism that involves other agencies such as TESDA and DOLE to be able to equip/assist drivers or operators who will opt out of the program which may be in the form of a training or a livelihood program.
- Initial Implementation during which franchises are being issued for routes that are identified and approved by DOTr and LTRFB which are categorized as New Routes while the LPTRPs and Route Rationalization studies are being prepared; and
- Communications of the program.

However, there are a lot of concerns that are not covered or addressed by any of the above-listed component programs of the PUVMP. How many drivers, co-drivers, barkers, and callers stand to lose their jobs once their operator fails to buy a modern jeepney replacement for the old unit that will be phased out, taking into consideration the cost of a modern or electric jeepney? To modernize existing transport services, brand-new and environment-friendly units shall be promoted and be given priority in the allocation of CPCs and deployment, based on route categories.

Environment-friendly units are vehicles that use an electric drive and/or a combustion engine that complies with Euro IV or better emission standards as prescribed by the DENR to reduce greenhouse gas emissions, toxic fumes, particular matter, and other forms of air pollution.^[11]

Consequently, PUV drivers/operators are compelled to give up and phase out their units and replace them with brand-new and environment-friendly units, most of which are manufactured and supplied by foreign manufacturers and suppliers.

No infrastructure was set forth for the transition to Euro 4-compliant engines and/or electric vehicles (EVs). As such, this current market is heavily import-dependent, which also begs the question: Who stands to benefit from this policy?

While the acquisition of Euro 4-compliant/e-jeepneys is expected to boost the importation and sales of these environment-friendly and modern jeepney units, the challenge of the shift is daunting. Some of them are as follows:

- They are so expensive; the price ranges from P2.5M to 2.6 M. Granting that there are enough Filipinos who are willing and able to invest in modern jeepneys, are there enough quality vehicles that can support the transition?
- Are Filipinos equipped with the skill to maintain them like the traditional jeepney units?
- What parts are new, say e-batteries, and other components that are needed to keep e-jeepneys running and road-worthy?
- Do we have enough e-vehicle charging stations strategically positioned to cater to the fleets of e-jeepneys that will be deployed year after the other?
- Do we have an adequate supply of electricity, or the facility, to support the program?

Traditional PUV drivers and operators lose their lifeline (jobs and livelihoods to support their families) to richer individuals and /or big businesses that can afford to invest in the modern jeepneys. These micro and small-scale traditional PUV drivers and operators, who are least responsible for the climate and environmental crises but are the primary victims of poor air quality from transport pollution, are now not only facing the impacts of these problems but also the impacts of their solutions.

The phase-out of traditional jeepney units also threatens to affect subsectors such as parts manufacturers, sellers, and services. How many shops will be affected? How many mechanics, and helpers may eventually be dislocated? How many auto parts supply shops stand to be affected and may eventually close shop and how many employees will be affected in case the effect of such jeepney phase-out eventually trickles down? Obviously, the phase-out of traditional jeepney units will create a domino effect.

Echoing these concerns, the Commission on Human Rights of the Philippines (CHR) pointed out that “the most serious concern is job loss as a result of the program’s entry barriers. These include the costs of updating existing vehicles and purchasing new vehicles, as well as the costs of forming and coordinating a cooperative or corporation. The government set a ceiling of P80,000 in subsidies per unit despite the updated jeepneys costing upwards of P1 million does not alleviate fears that the program will simply push poorer operators out, allowing well-financed corporations to take over.”^[12]



Photo source: Jojemar T. Peñaflor

Another thing is the two numeric aspects of jeepney modernization that must be considered to achieve the target date of the project's completion. One, the speed of local assembly of the modern jeepneys and two, the financing for the jeepney units. With the very slow rate of local assembly of modern jeepneys (at only 1,000 units per year), it will take 70 years before all the traditional jeepneys in Metro Manila will be replaced with modern jeepneys. [13]

On the other hand, it will take 270 years before all the traditional jeepneys will be replaced nationwide, even if there is no more opposition from drivers and operators. The solution to this may be simple, say, import the units required. But if this is so, then jeepney modernization is undesirably tied to onerous importation.[14]

In terms of financing, a large amount is needed for the program. For Metro Manila alone, about P182.5 billion is required to replace 73,000 traditional jeepneys. To replace 300,000 traditional jeepneys nationwide, financing will amount to P750 billion (@P2.M per unit). Will government banks have sufficient money to fund this enormous project of the government, and will these banks provide loans to new cooperatives that are yet to have a track record in managing huge amounts of loans? The expensive modern jeepney presents an insurmountable problem rather than a solution, and based on the facts above, the PUVMP seems to drive us towards unsustainable, import-dependent "modernization".[15]

If infused with a just transition framework, the PTMP (PUVMP) could have the potential to also: a) develop equitable and accessible transport systems that benefit both transport workers and commuters; b) lead into the formulation of genuine transport workers cooperatives wherein the decisions are made democratically and based on the collective interests of all its members; c) alleviate air pollution and limit transport workers' and commuters' exposure to air pollution; d) manage demand for imported crude oil to reduce further exploration, extraction, and combustion; and e) transition transport workers from informal to formal workers, with social stability and protection.

Legal controversies of PUVMP

PUVMP violates rights to due process, equal protection

Under Section 1, Article III (Bill of Rights) of the Constitution, no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Due process is the opportunity to be heard or an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of. Due process is comprised of two components – a substantive due process which requires the intrinsic validity of the law in interfering with the rights of the person to his life, liberty, or property, and procedural due process which consists of the two basic rights of notice and hearing, as well as the guarantee of being heard by an impartial and competent tribunal.^[17]

Section II of the DOTr MC No. 2018-010 states that:

"A. After the transition period, all routes throughout the country must be rationalized. **Said rationalization shall be tantamount to the cancellation of all existing Certificates of Public Convenience (CPCs).**

B. During the same period, existing operations must comply with all OFG requirements such as: (1) consolidation into a legal entity; (2) fleet management; and (3) OFG-compliant units, among others. **Failure to comply with any of the said requirements shall render the operator ineligible to apply for a new CPC and the rationalized route shall be opened to all interested applicants.** Compliant operators within the transitory period may be given incentives (e.g., extended franchise validity) as deemed appropriate by the DOTr/LTFRB." Emphasis ours.

Here, the DOTr MC No. 2018-010 does not provide any notice and hearing at all because **"rationalization shall be tantamount to the cancellation of all existing CPCs"**. It does not also provide opportunity for the traditional jeepney drivers/operators to be heard since such failure to consolidate and comply with any requirements **"shall render the operator ineligible to apply for a new CPC and the rationalized route shall be opened to all interested applicants"**. This is what happened in the Kasakbayan ^[18] case.

These guidelines are likewise violative of the statutory right to due process. Section 15 of Commonwealth Act No. 146, as amended, provides that:

The Commission shall prescribe as a condition for the issuance of the certificate or authorization provided in the preceding paragraph that the service can be acquired by the Republic of the Philippines or any instrumentality thereof, or the issuing local government unit, upon payment of just compensation in accordance with the

pertinent laws, rules, and regulations on expropriation; and likewise, that the certificate or authorization shall be valid only for a definite period of time and that the violation of any of these conditions shall, after hearing, result in the immediate cancellation of the certificate or authorization without the necessity of any express action on the part of the issuing authority.

Although DOTr through LTFRB has the power to cancel a franchise/provisional authority, it cannot be validly done automatically, such that rationalization “shall be tantamount to the cancellation of all existing CPCs”. In *Luque, et al. v. Hon. Antonio Villegas, Mayor of Manila, et al.* [19], “[W]e need but add that the Public Service Commission, a government agency vested by law with ‘jurisdiction, supervision, and control over all public services and their franchises, equipment, and other properties’ is empowered, upon proper notice and hearing, amongst others: (1) ‘[t]o amend, modify or revoke at any time a certificate issued under the provisions of this Act [Commonwealth Act 146, as amended], whenever the facts and circumstances on the strength of which said certificate was issued have been misrepresented or materially changed’; and (2) ‘[t]o suspend or revoke any certificate issued under the provisions of this Act whenever the holder thereof has violated or willfully and contumaciously refused to comply with any order, rule or regulation of the Commission or any provision of this Act: *Provided*, That the Commission, for good cause, may prior to the hearing suspend for a period not to exceed thirty days any certificate or the exercise of any right or authority issued or granted under this Act by order of the Commission, whenever such step shall in the judgment of the Commission be necessary to avoid serious and irreparable damage or inconvenience to the public or to private interests.’[...]”

Also, Section 16(n) of the Public Service Act, further provides that:

Section 16. Proceedings of the Commission, upon notice and hearing.
- The Commission shall have power, **upon proper notice and hearing** in accordance with the rules and provisions of this Act, subject to the limitations and exceptions mentioned and saving provisions to the contrary:

(n) To suspend or revoke any certificate issued under the provisions of this Act whenever the holder thereof has violated or willfully and contumaciously refused to comply with any order rule or regulation of the Commission or any provision of this Act: *Provided*, That the Commission, for good cause, may prior to the hearing suspend for a period not to exceed thirty days any certificate or the exercise of any right or authority issued or granted under this Act by order of the Commission, whenever such step shall in the judgment of the Commission be necessary to avoid serious and irreparable damage or inconvenience to the public or to private interests.

According to the case of Land Transportation Franchising and Regulatory Board (LTFRB) v. G.V. Florida Transport Inc.,^[20] the law clearly states that petitioner has the power "[t]o suspend or revoke any certificate issued under the provisions of [the Public Service Act] whenever the holder thereof has violated or willfully and contumaciously refused to comply with any order rule or regulation of the Commission or any provision of this Act [...]" However, the exercise of this power is limited by the due process requirement.

True, "the Certificate of Public Convenience does not confer upon the holder any propriety right or interest".^[21] However, it "cannot be taken or interfered with without due process of law. Appropriate actions may be maintained in courts by the holder of the certificate against those who have not been authorized to operate in competition with the former and those who invade the rights which the former has pursuant to the authority granted by the Public Service Commission".^[22]

The lack of notice and hearing in LTFRB Memorandum Circular No. 2018-010 is not cured by the subsequent issuance of LTFRB Memorandum Circular No. 2023-051 in December 2023, which mandates the issuance of a Show Cause Order for operators who are unable to comply with the consolidation requirements. Team UV (one of the petitioners in DLHB, et al. v. DOTr, et al., see text box above), for example, lost its prior opposition to a competitor because the latter was prioritised when Team UV was still consolidating. There are no immediate or retroactive remedies available to Team UV under the said December 2023 circular.

As aptly raised by the CHR, given the economic and financial implications of PUVMP, most of the program's financial burden will fall on drivers and operators. "It is worth noting that the vast majority of PUV operators are from the vulnerable sector. Adhering strictly to rigid consolidation deadlines may jeopardize PUV operators' right to a sustainable livelihood."^[23]

The equal protection of the law clause is against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality. It is not intended to prohibit legislation which is limited either in the object to which it is directed or by territory within which it is to operate. It does not demand absolute equality among residents; it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced. The equal protection clause is not infringed by legislation which applies only to those persons falling within a specified class, if it applies alike to all persons within such class, and reasonable grounds exist for making a distinction between those who fall within such class and those who do not.^[24]

The requisites of valid classification are: (1) such classification rests upon substantial distinctions, (2) it applies equally to all members of the same class, (3) it is germane to the purposes of the law, and (4) it is not limited to existing conditions only.^[25]

Guideline No. 2 of the DOTr MC No. 2018-013 creates the classification that will be prioritized in or denied of CPC issuance/renewal. The basis of the priority classification is consolidation into bigger fleet with OFG-compliant or modern units. It states that:

“Priority shall be given to applicants who have already **consolidated** as a cooperative or corporation under the Industry Consolidation component under the OFG with ready, available and **OFG-compliant units** without prejudice to existing operators who consolidated into a single legal entity pursuant to MC No. 2018-006.”

Also, DOTr D.O. 2017-011 states that:

“5.2 Modernization of Public Transport Services

To modernize existing transport services, brand new and environmentally-friendly units shall be promoted and be given **priority** in the allocation, based on route categories.”

“11.5 During the transitory period, the LTFRB shall adopt a policy whereby franchise applications will undergo a two-step process. On the first stage, the citizenship requirement and financial capability as well as proof of public need shall be submitted, except for the unit or vehicle proposed to be authorized. On the second stage, the operator will be given a period by the LTFRB to procure their vehicle(s). **Operators with smaller fleets shall have an earlier deadline than those with large fleets.** Once the vehicle is presented and approved, then the franchise is granted.”

Here, the equal protection clause was violated when the larger, modern fleets with OFG-compliant or modern PUV units are given priority in the allocation of CPCs and deployment. Before PUVMP, there are individual operators and a typical fleet consists of 5-10 operators with traditional PUVs. Under PUVMP, individual operators and fleet with less than 15 PUV units will no longer be allowed. The rationale behind consolidation is, a bigger fleet translates to more efficient management and better working conditions of drivers. With that, drivers are envisioned to be happier and safer in driving because they have guaranteed minimum wage at the end of the day.^[26]

However, bigger fleet with 15 OFG compliant units are not substantial distinctions to achieve the purpose of the law--which is to achieve modern, safe, and environmentally sustainable transport (and happier or safer drivers).

A bigger fleet, like big business, does not always mean efficient management and better working conditions, and efficient management and better working conditions do not automatically translate to modern and safe transport. It requires better roads, charging stations and stops, availability of parts and supplies for modern PUVs, cycling and walking paths, effective traffic regulation, etc.

Also, mere change of engine, from one fossil fuel-based to another, will not lead to environmentally sustainable transport. These distinctions are artificial; they tend to favor bigger capitalists and discriminate smaller scale, traditional PUV drivers/operators.



Photo source: Jojemar T. Peñaflo

PUVMP affects freedom to associate, dissociate

The 1987 Constitution safeguards the right to association. As provided in Section 8, Article III of the 1987 Constitution:

“The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.”

The right to association has also been recognised in various jurisprudence, particularly because this right also entails the right to dissociate or not to associate. According to *Imbong v. Patajo and Miraflores*, “[27] the freedom of association also implies the liberty not to associate or join with others or join any existing organisation.”

Section II of the Memorandum Circular No. 2018-010 states that:

“B. During the same period, existing operators must comply with all OFG requirements such as: 1) consolidation into a legal entity; 2) fleet management; and 3) OFG-compliant units, among others. Failure to comply with any of the said requirements shall render the operator ineligible to apply for a new CPC and the rationalized route shall be opened to all interested applicants. [...]”

By requiring existing operators to consolidate into a legal entity (e.g., registered cooperative, association or business organization) with no less than 15 OFG-compliant units under pain of non-renewal of authority/CPC upon failure to do so, Memorandum Circular No. 2018-010 fails to recognize the right not to associate, in violation of the right to association as provided in Article III of the 1987 Constitution. Ordinarily, the business registration can be done by individuals as single proprietors and by smaller fleet operators as partnerships, corporations, cooperatives and associations. Therefore, requiring consolidation into a legal entity with bigger fleet is not necessary to business registration and/or acquisition of legal personality. It infringes instead the right to dissociate.

The CHR even reminded, “the Commission remains committed to its mandate to stand against all forms of actions that impede the fundamental rights of everyone. Article XIII, Section 3 of the 1987 Philippine Constitution states that the ‘State shall guarantee the rights of all workers to self- organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law’.[28] Moreover, the International Labor Organization Convention 87 (ILO 87) states that ‘workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without prior authorization.’ Needless to say, participating in a cooperative should be a voluntary decision.”

Impacts of PUVMP thus far

Unintendedly, “while there has been a stagnation in the number of new franchises for traditional jeepneys, the registration of private cars and motorcycles is ever increasing”.[29] When PUVMP began in 2017, there were only one (1) million private cars plying our roads. In 2022, the Land Transportation Office estimated a total of 1.27 million private cars, or an average annual increase of 54,000 newly registered cars. This is only in addition to the increasing number of motorcycles on the roads. [30]

In contrast, there were only 6,000 modern jeepneys that were introduced in our public transport system within the same period.[31] Quite clearly, the reduction in GHG emissions attributed to the 6,000 modern PUVs is outdone by the GHG emissions from the newly introduced 270,000 private cars from 2017-2022.

In fact, the PTMP (PUVMP) may have even increased GHG emissions as an unintended effect because the stagnation in the number of new franchises for traditional jeepneys effectively limited the supply of available public transportation; thus, compelling more people to acquire private vehicles, such as cars and motorcycles.[32]

Even assuming that there are other government projects relating to public transportation, that does not justify the automatic cancellation of CPCs and the resulting ineligibility of non-OFG-compliant operators to apply for new CPCs. As discussed above, “decarbonising” only PUVs led to more private cars and implementing the assailed issuances without the necessary infrastructure for inclusive mobility in place affects only the petitioners and the poor who are already vulnerable to the impacts of climate change.

Measures that are aimed to bring about climate neutrality do not affect everyone equally: different regions and social groups have varying capacities to adapt and enjoy the gains of the net zero transition.[33] That’s why the just transition principle was introduced in the UNFCCC.

The principle states that the move away from carbon-intensive activities to combat climate change should not cause or contribute to adverse human rights impacts. There is a risk that as part of this necessary transition to more sustainable practices, workers and communities, in particular those who are most vulnerable from a human rights perspective, will be negatively impacted. [34]



Photo source: Jojemar T. Peñafior

This is especially relevant because the UN has recently recognized the right to a clean, healthy and sustainable environment as a human right and the Office of the High Commissioner for Human Rights (OHCHR) has called for a “human rights-based approach to climate change.” [35]

Also, as stated by the CHR, “the repercussions of this program extend to commuters, resulting in unintended consequences such as strikes, tigil pasada, and protests, among others. The suspension of franchise issuances for traditional jeepneys has led to challenges in maintaining a sufficient supply and reliability of public transportation services that led to disruptions in the daily commute for the general public”.[36]

35 PUVMP documents, no reference to just transition and inclusive mobility

At least 35 government-provided documents which are considered bases/reference in the development of PTMP (PUVMP) were perused in search of “just transition”, inclusive mobility”, “human rights approach” and related key words or discussions to test whether they are policy considerations in PTMP (PUVMP).

These documents are as follows:

- 1.Transforming Public Transportation in the Philippines: The Jeepney + NAMA of the Philippine Government
- 2.Reforming the (semi-)informal minibus system in the Philippines: The ‘Public Utility Vehicle Modernization Program’ Early Route Evaluation
- 3.LTFRB Consultation Meeting with Stakeholders (March 24, 2017)
- 4.Consultation on Omnibus Franchising Guidelines (March 27, 2017)
- 5.LTFRB Public Consultation Meeting (March 31, 2017)
- 6.LTFRB Memorandum Circular Number 2019-066 (*Simplified Process for Applications for Consolidation of Individual and Existing Franchise Holders in Compliance with the PUVMP and the Department Order No. 2017-011 [OFG]*)
- 7.LTFRB Memorandum Circular Number 2020-027 (*Extension of Provisional Authority Under MCs 2018-010 and 2019-066*)
- 8.LTFRB Memorandum Circular Number 2020-084 (*Extension of Time to File Applications for Consolidation Pursuant to Industry Consolidation of PUVMP*)
- 9.LTFRB Memorandum Circular No. 2021-077 (*Opening of Applications for Consolidation on Routes Without Applicant as of 31 March 2021*)
- 10.LTFRB Memorandum Circular No. 2022-071 (*Extension of Time to File Application for Consolidation on Routes without Applicants*)
- 11.LTFRB Memorandum Circular No. 2023-017 (*Recalling Memorandum Circular No. 2023-013 [Re: Guidelines on the Industry Consolidation of PUJ, FILCAB, and UVE after 31 March 2023] and Extending the deadline for Industry Consolidation for Routes without filed application for consolidation until 31 December 2023*)
- 12.LTFRB Memorandum Circular Number 2023-047 (*Guidelines for the Acceptance of Application for Consolidation*)
- 13.LTFRB Memorandum Circular Number 2023-051 (*Allowing Operations of Consolidated Transport Service Entities in All Routes with Filed Application for Consolidation on or before 31 December 2023*)
- 14.Application for Consolidation of Individual Franchises & Conversion into a Cooperative of a Certificate of Public Convenience with Extension of Validity to Operate a UV Service filed by DLHB Transport Service Corporation
- 15.Application for Consolidation of Certificates of Public Convenience (CPCs) of TEAM UV EXPRESS TRANSPORT SERVICE COOPERATIVE

16. Caravans During Initial Implementation
17. PUVMP–CPMO MUCEP LGU Consultation Post-Activity Report
18. Summary and Highlights of Region 2 PUVMP Transport Stakeholders’ Consultation at Go Hotels Plus, Tuguegarao City last August 11, 2023
19. Consolidated Report of MIMAROPA Regional/Provincial PUVMP Consultations
20. Summary and Highlights on the Consultation Forum Held on 07 August 2023 at People’s Hall, Quezon Memorial Circle, Quezon City
21. Region XII PUVMP Consultation Forum Post-Activity Report
22. Summary and Highlights on the Transport Consultation Forum Region 6: Panay Island, Guimaras, Bacolod and Negros Occ.
23. CARAGA Region PUVMP Consultation Post-Activity Report
24. Region VII PUVMP Consultation Post-Activity Report
25. Summary and Highlights of PUVMP Transport Consultation Forum Held on July 14, 2023 in the Province of Negros Oriental Together with the Province of Siquijor; Summary and Highlights of PUVMP Transport Consultation Forum Held on July 13, 2023 in the Province of Cebu; Summary and Highlights of PUVMP Transport Consultation Forum Held on July 12, 2023 in the Province of Bohol
26. Summary and Highlights on the Consultation Forum Held on 11 July 2023 at SM City 27. Pampanga, City of San Fernando, Pampanga
27. PUVMP Regionwide Consultation Report
28. Summary and Highlights on the Part I Transport Consultation Forum with the Local Government Units held at Dipolog City on June 29, 2023; Summary and Highlights of the Part II Transport Consultation Forum with the Operators and Drivers held at Zamboanga City on June 27, 2023
29. Regional PUVMP Consultative Meeting (Region 10)
30. Summary and Highlights on the Consultation Forum Held on June 22, 2023 at Sen. Claro M. Recto Events Center, Lipa City, Batangas
31. Davao Region PUVMP Consultation Post-Activity Report
32. Summary and Highlights on the Consultation Forum Held on July 26–27, 2023 in Bicol Region
33. Summary and Highlights on the Consultation Forum Held on May 5, 2023 at the BCSAT, Baguio City
34. Roadmap for Transport Infrastructure Development for Metro Manila and its Surrounding Areas (Region III & Region IV–A)
35. As of 29 September 2023 Manufacturers, Assemblers, Importers, Rebuilders, Dealers, and other Entities (MAIDROEs) issued with new template of COC

Only the *Summary and Highlights on the Consultation Forum Held on May 5, 2023 at the BCSAT, Baguio City*, shows that during the public consultations, the common issue raised by the participants was the high cost of modern jeepneys while some transport groups called for just transition.

Specifically, the Baguio-Benguet Movement Against Jeepney Phase-out and JAO raised the issue that, “... PUV Modernization program is really designed to phase out the traditional PUVs which will deprive operators and drivers of their livelihood, and will result to greater number of stranded local commuters like the daily scenario of very long queues of commuters in the city. Instead of a just transition program by supporting our local manufacturing industry and allowing the rehabilitation and overhauling of traditional jeepneys to carry cleaner and environmentally sound engines.” On this issue, there was no recorded response from the LTFRB.

In addition, the Pico Puguis Transport Cooperative pointed out that that, “The PUVMP has been created in compliance with the DENR Clean Air Act. Why is that the LTFRB came up on a solution of phasing out the traditional PUJs while in fact what causes the pollution is the fuel it emits. The modernization does not solve the problem on pollution. Also, Baguio PUV expressed that, “PUVMP had focus mainly on modernization, substitution became the focal point of the program, which operators think is not proper.” BATJODA MPC reiterated that the “Implementation of PUV Modernization could result in unemployment and the displacement of many jeepney drivers and small operators.

Based on these documents, there was no agreement or indication on how to address the issues raised during consultations with stakeholders.

Conclusion and recommendations

In sum, the current PUVMP is on the wrong side of the road for not taking into account just transition and inclusive mobility thereby causing perils and potentially more GHG emissions. It does not promote self-reliance which is the foundation of meaningful, lasting modernization. For it to achieve its noble and necessary goals, the following are recommended:

- The assailed issuances must be reformed to integrate just transition, inclusive mobility and human rights frameworks in PTMP (PUVMP), it being a climate action.
- PUVMP must be integrated with other government policies and programs for climate mitigation, adaptation, environmental sustainability, economic development, inclusive mobility, social welfare and justice, and lifelong education.
- The Philippine Climate Commission, Presidential Commission on Urban Poor, Department of Social Welfare and Development, National Economic Development Authority, Department of Trade and Industry, Department of Environment and Natural Resources, Department of Education and other concerned agencies must engage in this integration exercise.



Photo source: Ramcez Villegas/Sunstar Life

- Dialogues must be held anew for the proposed policy and program reforms, to address long-standing issues of stakeholders, and learn from initiatives and practices of organisations and movements for climate action, just transition and inclusive mobility. Dialogues must end in agreements on action points and pathways.
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- Conditions must be put up that enable stakeholders to actively and effectively participate in the policy and program reform processes.
- The DOTr must work with, and give support to, the local manufacturing industry to localize the design and manufacturing of the modern jeepneys (including parts and services) and to generate jobs for Filipinos.
- The Clean Air Act's air quality guideline values must be revisited to align with the World Health Organization's latest recommendations as part of improving regulation of vehicles and traffic management.

Endnotes:

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- [3] [4] Understanding Human Rights and Climate Change. Office of the High Commissioner for Human Rights. Retrieved from <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf>
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- [21] Luque v. Villegas, G.R. No. L-22545, Nov. 28, 1969
- [22] A.L. Animen Transportation Co. v. Golingco, G.R. No. 17151, Apr. 6, 1922
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[26] Minimum wage is the amount fixed by law or regulation which serves as the lower limit of compensation that employers may legally pay their employees. It only pertains to a numerical figure and has no relation to passenger safety or driver satisfaction. In one case (PBOAP vs. DOLE, G.R. No. 202275, July 18, 2018), it was the petitioner bus drivers who were vehemently opposed to the imposition of minimum wage, ironically, on the ground that it will lead to diminution of income. Unfortunately, the case was dismissed for failure of the petitioners to substantiate their claims. Nevertheless, it bears stressing that if the drivers who will be affected are vehemently opposed to the minimum wage, that all the more reinforces the notion that the mere imposition of minimum wage on the transport sector will not result in more satisfied drivers or safer driving.

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