AN ACT
PROTECTING THE RIGHTS OF PUBLIC UTILITY BUS DRIVERS AND
CONDUCTORS TO A FIXED MONTHLY SALARY, SECURITY OF TENURE,
AND SELF-ORGANIZATION AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF

EXPLANATORY NOTE

A few days before Christmas of 2013, a bus under the “Don Mariano” line that was full of
passengers on their way to work came crashing down from the Skyway in Alabang, Metro Manila.
The incident resulted to the death of 18 persons and the injury of 11 others. Investigation revealed
that the bus driver had been driving for 19 hours, virtually nonstop, without sleep and rest—just
because he had to make sure that he would meet his daily quota and earn enough for his
commission.

It has been almost normal to hear media reports of traffic jams and vehicular accidents involving
buses. Many accidents involve competing buses, each trying to outdo each other in getting more
passengers. In some instances, the accidents are caused by tired and sleepy drivers who are forced
to work for more than 16 hours a day.

In 2018, the Metro Manila Accident Reporting and Analysis System (MMARAS) in its traffic
accident report from January to December recorded 9,612 bus accidents or a daily average of 26
accidents involving buses all over the country. It has recorded 16 fatalities, 605 non-fatal injuries,
and 8,991 accounted damage to property caused only by bus accidents. According to the data,
most fatal accidents happen during the noontime and morning rush.

According to Robbie Torres, President of Autodelta Coach Builders and a Bus Operator, the five
common violations usually committed by drivers that cause accidents in the streets are over
speeding, tailgating, beating the red light, backing up without adequate guidelines, and reckless
overtaking.

In July 2012, the Department of Labor and Employment (DOLE) and Land Transportation
Franchising and Regulatory Board (LTFRB) issued Department Order No. 118-12, ordering bus
operators to give fixed salaries to their bus drivers and operators on a minimum basis. However,
the Supreme Court issued a Status Quo Ante-Order after bus operators appealed to the Supreme
Court arguing that the DO is unconstitutional, null and void. In the meantime, that there is a Status
Quo Ante-Order, situation remains the same for bus drivers competing with each other for higher commissions from bus operators.

Poor working conditions, unfair boundary or commission-based systems pushing drivers and conductors to compete with each other for passengers are at the root of these accidents. They are often forced to take graveyard shifts, with some driving for almost 20 hours a day. Despite the painstaking work, bus drivers and conductors, like most contractual workers, are deprived even of collective and individual rights for humane working conditions.

In majority of Metro Manila bus lines, drivers get a commission of 9% from the gross collection while conductors receive 7%. Bus owners or operators are the ones who set the commission rate for drivers and conductors. Not meeting the quota for the day would deprive them of the coveted bonus or worse, half of the cost of the gasoline will be deducted from their collections and their commission would be computed based on the remaining amount. At present, most bus drivers and conductors work three to five days a week, eight hours or more a day (some double that) while relievers work less than three days a week. They work less than five days a week but almost without rest, to the detriment of the passengers.

This bill, originally filed as House Bill 3611 by Bayan Muna Representatives Carlos Isagani T. Zarate and Neri Colmenares with Anakpawis Party-list Rep. Fernando Hicap, during the 16th Congress and refiled by Rep. Zarate during the 17th Congress as HB 3879, seeks to regulate the compensation of public utility bus (PUB) drivers by requiring the operators of PUBs to grant fixed salaries as well as fixed working hours. A sample computation will show that drivers currently earning P900 a day and working more than 12 hours a day for three days a week will receive almost the same income based on the minimum wage for working eight hours a day for six days a week. The difference is that under this proposed act, drivers will get enough rest while operators spend almost the same amount for salaries.

In fact, several provincial bus companies are already employing a fixed monthly salary scheme for their drivers and conductors pursuant to Department of Labor and Employment Department Order No. 118-12. However, bus drivers and conductors’ association Malayang Alyansa ng Bus Employees at Laborers or MANIBELA have reported practices that circumvent DO 118-12, wherein drivers and conductors are made to sign regular salary slips and yet paid through the commission-based system.

With the assurance of the fixed salaries on a regular basis, PUB drivers and conductors will no longer be pressured to compete for passengers or be forced to work beyond humane working hours, therefore significantly lessening serious accidents and traffic problems.

Furthermore, as important as it is to provide public utility bus drivers and conductors with just and regular wages, they also need to be protected from unfair labor practices and violations of their other rights as workers, it is thus it important to ensure their rights to security of tenure and the right to organize themselves are upheld.

In view of the foregoing, approval of this bill is highly and earnestly recommended.

Approved,
Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6509

Introduced by
BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT

AN ACT
PROTECTING THE RIGHTS OF PUBLIC UTILITY BUS DRIVERS AND
CONDUCTORS TO A FIXED MONTHLY SALARY, SECURITY OF TENURE,
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THEREOF

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

SECTION 1. Short Title. This Act shall be known as the “Bus Drivers and Conductors’ Welfare Act of 2020.”

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State:

a) To grant just and humane working conditions for public utility bus drivers and conductors;
b) To secure and safeguard citizens from the risks of vehicular accidents and traffic problems caused by competing and overworked public utility bus drivers;

Towards this end, the State shall endeavor to improve the working conditions and terms of employment of public utility bus drivers and conductors through the recognition and protection of their rights to just and regular wages, security of tenure, and self-organization.

SECTION 3. Coverage. All persons who have been issued a Certificate of Public Convenience (CPC) to operate a public utility bus service shall pay their PUB drivers and conductors as compensation for work performed a fixed monthly salary which shall not be less than the minimum wage fixed by law, plus benefits and incentives.

SECTION 4. Driver and Conductor Qualifications and Standards. All operators of public utility bus service shall comply with the driver and conductor qualifications and standards which shall be established by the Land Transportation and Franchising and Regulatory Board (LTFRB) in order to ensure the employment of qualified and experienced drivers and conductors.

SECTION 5. Driving Hours. All operators of public utility bus service shall require their drivers to observe the following work scheme:

a. Regular driving hours shall not exceed eight (8) hours inclusive of the rest period;
b. A two-shift system shall be employed; and

c. There should be at least one (1) hour rest per working day.
d. Overtime work may be performed following pertinent provisions of the Labor Code, but
must not exceed 12 hours within a 24-hour period.

SECTION 6. Daily Time Record or Trip Report Monitoring System. All PUB operators
shall require their drivers to submit daily time records or trip reports in order to monitor the
number of trips made and the number of driving hours worked. A copy of the summary of daily
time record or trip report shall be submitted to the LTFRB as a requirement for the annual renewal
of registration of the PUB.

SECTION 7. Payment of Monthly Salary. The monthly salary of PUB drivers and conductors
shall not be less than the minimum wage fixed by law. Salaries shall be paid in cash at least once
every two (2) weeks and shall be paid directly to the PUB drivers and conductors. Benefits and
incentives as stipulated in the Labor Code and related laws, and/or in collective bargaining
agreements, shall also be accorded to drivers and conductors.

SECTION 8. Status of Employment. All public utility bus drivers and conductors, except those
under probationary employment, shall be considered regular workers and shall enjoy all the rights
and privileges granted to regular workers pursuant to the provisions of the Labor Code.

SECTION 9. Security of Tenure. All public utility bus drivers and conductors shall have the
right to security of tenure. Public utility bus drivers and conductors can only be terminated for just
or authorized causes pursuant to the provisions of the Labor Code and subject to the requirements
of due process.

SECTION 10. Right to Self-Organization. All public utility bus drivers and conductors shall
enjoy the right to self-organization, and to freely form, join, or assist organizations of their own
choice for collective bargaining, for the protection of their interests, and to obtain redress of their
grievances through peaceful concerted activities.

SECTION 11. Penalties. For any violation or circumvention of this Act, the operator of any
public utility bus service shall be fined not less than One Hundred Thousand Pesos (P100,000.00)
but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of the franchise
to operate.

Provided, that the suspension of the franchise to operate shall only be until such time that the
operator has complied and paid the drivers and conductors of their back wages and appropriate
benefits.

SECTION 12. Implementing Rules and Regulations. – The Chairman of the Land
Transportation Franchising and Regulatory Board (LTFRB) shall, in coordination with the
Secretary of Labor and Employment, issue the necessary rules and regulations for the effective
implementation of this Act.

SECTION 13. Repealing Clause. – All laws, presidential decrees, executive orders, rules and
regulations, and other issuances inconsistent with the provisions of this Act are hereby repealed
or modified accordingly.

SECTION 14. Effectivity. – This Act shall take effect fifteen (15) days after publication in the
Official Gazette or in two (2) national newspapers of general circulation.

Approved.