GENERAL GUIDELINES FOR THE IMPLEMENTATION OF THE PANTAWID PASADA PROGRAM

JOINT MEMORANDUM CIRCULAR NO. 001, S. 2018, August 06, 2018

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Adopted: 11 July 2018

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WHEREAS, Executive Order No. 292 mandated the Department of Transportation (DOTr) as the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the Government on the promotion, development and regulation of a defendable and coordinated network of transportation, as well as in the fast, safe, efficient and reliable transportation services;

WHEREAS, The DOTr is empowered to call upon any agency, corporation or organization, whether public or private, whose development programs include transportation as integral parts thereof, to participate and assist in the preparation and implementation of a comprehensive and integrated programs for transportation;

WHEREAS, Republic Act No. 7638, otherwise known as the “Department of Energy Act”, mandated the Department of Energy (DOE) to prepare, integrate, coordinate, supervise, and control all plans, programs, projects, and activities of the Government to ensure continuous, adequate, and economic supply of energy;

WHEREAS, Executive Order No. 127, mandated the Department of Finance (DOF) to formulate, institutionalize and administer of fiscal policies in coordination with other concerned subdivisions, agencies and instrumentalities of government. The DOF shall be responsible for the generation and management of the financial resources of government, ensuring that said resources are generated and managed judiciously and in a manner supportive of development objectives.

WHEREAS, Executive Order No. 25 and subsequent issuances mandated the Department of Budget and Management (DBM) to promote the sound, efficient and effective management and utilization of government resources (i.e., technological, manpower, physical and financial) as instrument in the achievement of national socioeconomic and political development goals;

WHEREAS, The Land Transportation Franchising and Regulatory Board (LTFRB), as an agency under the administrative supervision and control of the DOTr, is mandated to promulgate, administer, enforce, and monitor compliance of policies, laws, and regulations of public land transportation services. Further, the LTFRB is directed to prescribe and regulate routes of service, economically viable capacities and zones or areas of operation of public land transportation services provided by motorized vehicles in accordance with the public land transportation development plans and programs approved by the Department of Transportation.

WHEREAS, Republic Act No. 3844, established the Land Bank of the Philippines (LBP) as a Government Financial Institution serving as an official depository of the Republic of the Philippines, where the majority of the deposits of the national government agencies are maintained.

WHEREAS,Republic Act No. 10963, otherwise known as the “Tax Reform for Acceleration and Inclusion”

(TRAIN) Law which amended Section 288 of National Internal Revenue Code, was enacted to provide, as much as possible, an equitable relief to a greater number of taxpayers and their families in order to improve levels of disposable income and increase economic activity, thus, to ensure that the government is able to provide for the needs of those under its jurisdiction and care through the provision of better infrastructure, health, education, jobs, and social protection for the people.

WHEREAS, The TRAIN Law prescribed the allotment and provision for Fuel Vouchers as one of its social mitigating measures that will provide targeted relief to the public transport sector to cushion the impact of fuel prices brought by excise tax;

> Section 82. Section 288 of the NIRC, as amended, is hereby further amended to read as follows:
>
> "Sec. 288. Disposition of Incremental Revenue.-
>
> "(C) xxx
>
> "(D) xxx
>
> "(E) xxx
>
> "(F) Incremental Revenues from the Tax Reform for Acceleration and Inclusion (TRAIN) – For five (5) years from the effectivity of this Act, the yearly incremental revenues generated shall be automatically appropriated as follows:
> "(1) xxx
> "(2) Not more than thirty percent (30%) to fund:
>
> "(a) xxx
> "(b) xxx
> "(c) A social welfare and benefits program where qualified beneficiaries shall be provided with a social benefits card to avail of the following social benefits:
>
> "(i) xxx
> "(ii) Fuel vouchers to qualified franchise holders of Public
> Utility Jeepneys (PUJs);
> "(iii) xxx
> "(iv) xxx

NOW THEREFORE, the DOTr, DOE, DOF, DBM, LTFRB, together with LBP, collectively known as the Parties, hereby adopt this Joint Memorandum Circular (JMC).

1. COVERAGE OF THE JOINT MEMORANDUM CIRCULAR. These rules shall cover and govern the principles and guidelines of the Program.

2. GENERAL PRINCIPLES

2.1 Program Name. The Fuel Vouchers, Fuel Subsidy Program, and the Pantawid Pasada Program shall be considered as one and the same program.

2.2 Purpose. Grant of fuel subsidy to the qualified Public Utility Jeepney
(PUJ) franchise holders or operators with valid LTFRB franchise.

2.3 Program Duration. The Program shall be implemented for a period of two (2) years or from 2018 up to 2019.

2.4 Identification of Beneficiaries. As prescribed by the TRAIN Law, fuel vouchers will be given to Qualified

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Franchise Holders of PUJs, identified and validated by the LTFRB.

2.5 Program Budget. DOTr as the lead agency for the Pantawid Pasada Program, intends to utilize the amount of Php997,000,000.00 for the first year (2018), and Php3,855,759,667.20 for the second year (2019), to be sourced from the available funds, which will be transferred to the implementing agency, the LTFRB. The DOTr and the LTFRB shall use the funds for the implementation of the Pantawid Pasada Program, as well as the cost of Pantawid Pasada Cards, bank service fees and management costs, administrative costs including Project Management Office and other expenses relative to the implementation of the Program, and in accordance with the Implementing Rules and Regulations (IRR).

2.6 Mode of Payment. The Mode of Payment shall be through the issuance of the Pantawid Pasada Cards in lieu of the fuel vouchers, or other means as agreed by the Parties and in accordance with the IRR.

2.7 Amount of Fuel Subsidy. Each Eligible Franchise Operator shall be entitled to a fixed subsidy amount per year from 2018 to 2019. The amount as well as its schedule shall be determined through a separate issuance or as part of the IRR.

3. IMPLEMENTING RULES AND REGULATIONS

3.1 The DOTr, LTFRB and LBP are hereby authorized and directed to issue within thirty (30) days from the issuance of this Circular, the Implementing Rules and Regulations in consonance with the General Principles listed above, necessary for the implementation of the Program.

3.2 The Implementing Rules and Regulations shall include, but not necessarily limited to, the following matters:

3.2.1 The criteria and process for selecting, validating and registering eligible Franchise Holders of the Pantawid Pasada Program;

3.2.2 Program Mechanics and Guidelines;

3.2.3 Terms and Conditions of the Pantawid Pasada Card, including its distribution and claiming process;

3.2.4 Fund Source, Release and Liquidation; and

3.2.5 Specific functions and responsibilities of the Parties.

4. GENERAL RESPONSIBILITIES OF THE AGENCIES

4.1 The Parties herein undertake the following general duties and responsibilities:

4.1.1 For the DOTr, to serve as the Program’s lead agency and perform oversight, monitoring and evaluation functions; to lead the Program Steering Committee and the Technical Working Group providing policy direction and agency coordination for the Program; and to establish a unified Project Management Office (PMO) to support the implementation, monitoring, and evaluation of the Program;

4.1.2 For the DOE, to coordinate with the Oil Companies relative to the implementation of the program, as well as provide relevant data and information on petroleum retail outlets for the implementation of the program.

4.1.3 For the LTFRB, to serve as the Program’s implementing agency to work with the DOTr in the monitoring, evaluation and implementation of the Program; to deal directly with the PUV operators with valid franchise, as the beneficiary of the program; to provide franchise data and other information deemed necessary in the implementation of the Program; and handle the liquidation of the Pantawid Pasada Program Fund.

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4.1.4 For the DOF, to provide the necessary policy guidance on the implementation of the TRAIN Law and to assist and facilitate coordination between agencies mandated to implement the TRAIN Law.

4.1.5 For the DBM, to assist in the identification of sources of fund relative to the implementation of the Program; facilitate the approval of the special budget request submitted by the DOTr; release the Special Allotment Release Order (SARO) and Notice of Cash Allocation (NCA); and monitor the timely utilization and reporting of budgetary releases of the DOTr.

4.1.6 For the LBP, to assist and take part in the implementation of the Program in its capacity as a Government Financial Institution (GFI); and to receive the fund appropriated or allocated for the Program's implementation.

5. GOVERNING CLAUSE

5.1 The DOTr, as the lead agency, shall identify and resolve issues on the Program's implementation. The DOTr, may call upon the Program Steering Committee and Technical Working Group consisting of the DOE, DOF, DBM, LTFRB and LBP for coordination.

5.2 The Program Steering Committee and the Technical Working Group headed by the DOTr may amend and supplement this JMC, as may be necessary.

5.3 Any external request for clarification on the provision of this JMC shall be referred to the DOTr, which shall then resolve the matter in coordination with DOE, DOF, DBM, LTFRB and LBP.

6. REPEALING CLAUSE

6.1 All existing issuances, released jointly or separately by the DOTr, DOE, DOF, DBM, LTFRB, and LBP, which are inconsistent herewith are hereby repealed or modified accordingly.

7. EFFECTIVITY

7.1 This JMC shall take effect immediately following completion of its publication in the Official Gazette and/or in a newspaper of general circulation and the filing of three (3) copies hereof with the UP Law Center pursuant to Memorandum Circular 11 dated 09 October 1992 of the Office of the President.

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