

■ PROGRAM ON ALTERNATIVE DEVELOPMENT

Examining the PUVMP Through a Just Transition Lens

The Experiences of Selected “Consolidated”
Jeepney Operators in Bacolod City, Philippines

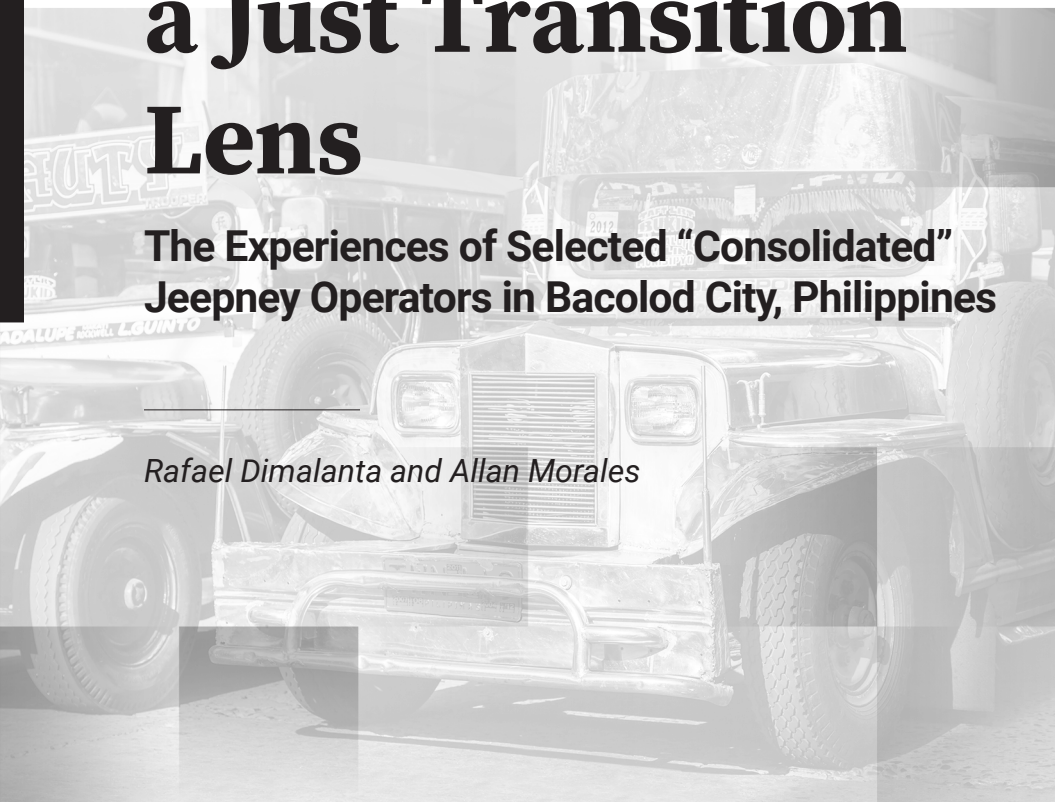
Rafael Dimalanta and Allan Morales

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Examining the PUVMP Through a Just Transition Lens

The Experiences of Selected “Consolidated” Jeepney Operators in Bacolod City, Philippines¹

Rafael Dimalanta and Allan Morales²

Introduction

The Paris Agreement was adopted after the 2015 United Nations (UN) Climate Change Conference in Paris or COP (Conference of Parties) 21. It established a global framework for reducing greenhouse gas emissions. Its aim is to enhance the global response to the climate crisis through strategies on mitigation,

¹ This study was conducted as a requirement for the graduate-level course, CD 202 (Development Theories in Community Development) taken by the authors at the College of Social Work and Community Development (CSWCD), University of the Philippines Diliman. The authors were under the guidance of Professor Emeritus Amaryllis Tiglaon-Torres from February to June 2024.

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adaptation, and finance. Ratifying governments are obliged to implement national decarbonization measures through their Nationally Determined Contributions (NDCs) in order to address the climate crisis (UN Climate Change). As this global commitment gains significant momentum, it has become evident that this shift towards net-zero carbon emissions would necessitate profound transitions that will impact various facets of human life (IPCC 2018).

In February 2017, the Philippine government ratified the Paris Agreement and incorporated its principles into national policy (McClean 2017). As part of the country's NDCs to reduce carbon emissions, the Department of Transportation (DOTr) introduced the Public Utility Vehicle Modernization Program (PUVMP) in June 2017. This is enacted through Department Order No. 2017-011, also known as the Omnibus Franchising Guidelines (OFG) (DOTr 2017a).

The PUVMP, co-implemented by the Land Transportation Franchising and Regulatory Board (LTFRB) and the Land Transportation Office (LTO), aims to overhaul the existing public transportation system, which these agencies have deemed unhealthy, unreliable, and uncomfortable. The primary objective is to replace traditional jeepneys and other public utility vehicles (PUVs), which have been operating for at least fifteen (15) years, with modern units that meet Euro 4 emission standards³ or are powered by liquefied petroleum gas (LPG), electric, or hybrid systems. These are features that are generally considered “ecological” and leave less toxic environmental footprints. Additionally, these modern PUVs must include high-technology features such as Global Positioning System (GPS)⁴, an automated fare collection system, and both closed-circuit television (CCTV) and dashboard cameras. According to the OFG, the transition was initially intended to be completed within three years—from June 2017 to June 2020 (DOTr 2017a; DOTr 2017b; Sunio et al. 2019).

³ European emission standards are a set of criteria that determines and limits toxic vehicular emissions, in order to ensure a cleaner, more breathable air across the globe. There are currently six (6) levels of Euro standards implemented in different parts of the world. The Philippines' implementation of Euro 4 falls under the Republic Act No. 8749 or the Philippine Clean Air Act of 1999; and is adopted and enacted by the Department of Environment and Natural Resources (DENR).

⁴ GPS is a navigation network of satellites, monitoring stations & receivers used to transmit global location data.

Transport groups have been strongly opposing this program since 2017. Taking the lead is the group, Pagkakaisa ng mga Samahan ng Tsuper at Operator Nationwide (literally, United Association of Drivers and Operators Nationwide), or PISTON (Dimalanta, Atienza, and Samonte 2023). PISTON is “a federation of public transport groups and associations in the Philippines,” whose members include “drivers and small operators of jeepneys, tricycles, and other informal public transport workers” (PISTON n.d.). The actions of the group and its allied civil society organizations (CSOs) helped extend the deadlines imposed by the DOTr and the LTFRB on traditional jeepney operators and drivers (JODs), which had to consolidate their Certificate of Public Convenience (CPCs). These CPCs are more commonly known as “franchises.” The consolidation of individual franchises into one marks their entry into the PUVMP.

The victory of groups who opposed the PUVMP was also due partly to the onset of the COVID-19 pandemic, which moved the initial consolidation deadline from 30 June 2020 to 31 March 2021. This was further extended to 31 March 2022, and later to 31 March 2023 (Roces 2023).

The program’s implementation resumed in 2023. PISTON and affiliated CSOs continued to resist. Since March 2023, mobilizations and solidarity efforts have widened to include transport workers, commuters, and active mobility groups (Dimalanta, Atienza, and Samonte 2023). This prompted President Ferdinand Marcos Jr. to pledge a review of the program. However, this commitment did not materialize (Roces 2023). Consequently, the deadline for franchise consolidation was shifted to 30 June 2023. Sustained resistance from PISTON and the CSOs led to further extensions: the deadline was moved to 31 December 2023, then to 31 January 2024, and finally to 30 April 2024.

It is imperative to recognize that the primary objective of these protest actions transcends mere deadline extensions. Rather, it demands a halt to the implementation of the program and a thorough review involving all stakeholders. The mounting opposition to the PUVMP has increasingly garnered support from an expanding array of CSOs. Most notable supporters include the following: House Representatives Raoul Manuel, Arlene Brosas, France Castro, Bonifacio Bosita, Dan Fernandez, Romeo Acop. All of them belong to the House Committee on Transportation; House Speaker Martin Romualdez; and Senators Grace Poe, Aquilino Pimentel Jr., and Imee Marcos. All of them endorsed the call of transport groups to review the PUVMP (Dimalanta and Conde 2023; Nazario

2023; Tamayo 2024; Barrio 2024; Felipe 2024; Escudero 2024; HOR 2024b). As such, the DOTr issued DO No. 2023-022 in December 2023, or also known as the “Guidelines on the Implementation of Public Transport Modernization Program (PTMP).” Superseding the “OFG,” the present DO⁵ (now renamed as PTMP) shall ensure a transition that ensures “just transition for all” (DOTr 2023, sec. 3). It states:

In the shift to more environmentally sound mobility solutions and high-quality public transportation systems, the workers in the transport industry, as well as the commuters and their welfare, should be considered and prioritized, ensuring a just transition for all. (DOTr 2023, sec. 3)

Moreover, numerous legal recourses were explored by PISTON starting in 2023. The group, along with Rep. France Castro, Rep. Arlene Brosas, and Rep. Raoul Manuel, filed House Resolution No. 1506 on 7 December 2023. This resolution urged the LTFRB to immediately junk the OFG and the 31 December 2023 deadline for franchise consolidation. The House Committee on Transportation, through the efforts of PISTON, approved a resolution on 24 January 2024, which lobbied for deadline extension “until the government can come up with a concrete plan” to address the major issues with the PUVMP implementation (PISTON 2023a; Barrio 2024; PISTON 2024).

PISTON also attempted to file petitions with the Supreme Court (SC) to suspend the program. On 20 December 2023, they sought a temporary restraining order (TRO) against the OFG and other executive issuances from the LTFRB, which mandated franchise consolidation and the 31 December 2023 deadline (PISTON 2023b). PISTON was legally represented by Atty. Neri Colmenares and Atty. Kristina Conti of the National Union of People’s Lawyers–National Capital Region (NUPL–NCR). They also filed a supplemental motion on 29 December 2023, to expedite the SC decision on their earlier petition for a TRO, and to include the revised OFG in their petition (PISTON 2023c). While awaiting the SC decision, PISTON filed on 29 April 2024 another supplemental motion for the issuance of

⁵ From here on, the DOTr Department Order No. 2023-022, previously referred to as the PUVMP, shall be referred to as the “revised OFG.”

a TRO against the PUVMP (Ayalin 2024), and again on 3 June 2024 (Hufana 2024). As of 13 June 2024, the SC has yet to issue a decision on these petitions.

Franchises of individual operators will be revoked if they fail to meet the consolidation deadline, which was set last 30 April 2024. “Consolidation” entails either combining individual franchises into one TSE⁶ or joining an existing TSE. Failure to do this will bar these groups from operating traditional jeepneys or PUVs (Cordero 2024; Bajo 2024). The unconsolidated traditional jeepneys and PUVs will be treated as “colorum” vehicles.⁷ Hence, unconsolidated JODs will be subjected to the following penalties: a fine amounting to Php 50,000; impounding of the vehicle; and a one-year suspension of the driver’s license (Fuentes 2024). The LTFRB announced that they would begin apprehending “colorum” vehicles on 10 June 2024 (Ferrerias 2024). This ironically coincided with the transport strike against the PUVMP/PTMP.

In July 2024, majority of the Senate issued a resolution seeking the suspension of the PTMP until the concerns of affected JODs are resolved. Only Senator Risa Hontiveros dissented. Despite this resolution, the DOTr plans to proceed with the full implementation of the program, citing a “marching order from the President” (Cabrera 2024; Mangaluz 2024).

The Labor-Movement Origins of Just Transition⁸

The concept of just transition (JT) was developed by workers in the United States during the 1970s and 1980s. It was a response to “job blackmail”—the misleading notion that workers must choose between their employment and environmental health. This “job blackmail” was promoted by corporations, and legitimized by politicians and the media. Tony Mazzochi, an American trade unionist “focused on occupational safety and health at the Oil, Chemical and Atomic Workers’

⁶ A TSE (transport service entity) is a legal entity of transport operators that have consolidated consolidated into a cooperative or corporation.

⁷ “Colorum” vehicles are those that operate without the necessary authorization from the LTO; private or public vehicles may be “colorum.”

⁸ This section is drawn from the works of Stevis, Morena, and Krause (2019); Wilgosh, Sorman, and Barcena (2022); and Schuster et al. (2023).

Union (OCAW),” is widely credited for the idea behind JT. Mazzocchi argued that certain jobs, such as those involving nuclear weapons, were too harmful to workers, society, and the environment. He believed in empowering workers and communities to act, particularly against job blackmail. Strengthening labor environmentalism was crucial to this empowerment. Although Mazzocchi’s efforts to reconcile environmental and social concerns were not initially labeled as “just transition,” they laid the foundational groundwork for the concept. He was not alone in these efforts; other local unions in the United States and various national unions also recognized and supported the intersection of employment and environmental issues.

By 2001, the concept of JT had largely receded in the United States and in many other countries. However, it saw a global resurgence by the end of the decade. A significant contribution to this was the formation of the International Trade Union Confederation (ITUC) in 2006, which aimed to prioritize environmental concerns. The green think tank Sustainlabour Foundation and national unions also played important roles in promoting JT. The collaboration of ITUC and Sustainlabour ensured that workers’ perspectives were included in national and international policy discussions, particularly within the UN Environment Programme (UNEP), the International Labour Organization (ILO), and the UN Framework Convention on Climate Change (UNFCCC). The UN climate process, particularly through the UNFCCC, became a central venue for advancing the JT agenda. The concept increasingly gained recognition as a valuable contribution of the trade union movement to the international climate debate.

JT served to foster partnerships with other actors, particularly with environmentalists engaged in climate discourse. In preparation for the 2015 UN Climate Change Conference in Paris (COP 21), the ITUC’s efforts helped various UN agencies and programs adopt the concept and language of just transition. The concept was further embedded in global development and environmental discussions.

Effects of Mainstreaming JT

JT has been mainstreamed in international, national, and subnational climate discourse because of the following factors: its integration into the Paris Agreement in 2015, and the drafting of JT guidelines by the International Labour Organization (ILO) (Stevis, Morena, and Krause 2019). The first high-level

ministerial roundtable on JT was held at the December 2023 UN Climate Change Conference (COP 28). The objective of the roundtable panel was to provide guidance and recommendations for the work program on JT. This program was established during COP 27, as a means “to assess, design, and scale up pathways to achieve the goals of the Paris Agreement” in a manner that is fair and “equitable for all” (UN Climate Change 2023). This ensures that no one is left behind.

The concept of JT has showcased the achievements of the union movement. However, it also faces the risk of appropriation. Such appropriation poses a threat of depoliticizing and undermining JT’s transformational capacity, particularly when utilized by entities less inclined towards fostering justice. Presently, JT is also being co-opted by governments and corporations in their discourse. These groups frequently employ JT for greenwashing,⁹ or frame it in managerial terms that give inadequate attention to present inequalities—its nature, complexity, and intersections (Stavis, Morena, and Krause 2019; Abram et al. 2022; ITF 2022).

Despite the proliferation of misinterpretations of JT, the concept has maintained its foundation within the international union movement. Through the efforts of organizations such as the ITUC and the International Transport Workers’ Federation (ITF), global union federations continue to advance the development of JT policies. The aim is to ensure its appropriate use and continuous relevance in responding to contemporary labor and environmental challenges. Stavis, Morena, and Kraus (2019)¹⁰ also underscore the importance of historicizing JT to reflect on how the concept was originated and evolved. “When we do this,

⁹ “Greenwashing” generally refers to a kind of false marketing employed by companies to convince the public that their goals/policies/products are environment-friendly. But in reality, they are not.

¹⁰ Dimitris Stavis is professor of politics at Colorado State University whose research focuses on global labour and environmental politics, with particular attention to labour environmentalism and social and ecological justice.

Edouard Morena is a Lecturer in French and European Politics at the University of London Institute in Paris whose research focuses on social and justice issues in the international climate regime through the study of different non-state actors’ involvement in the UNFCCC.

Dunja Krause is a Research Officer at the United Nations Research Institute for Social Development, where she leads the work on social dimensions of climate change and coordinates the Institute’s work on just transition (Pluto Press n.d.).

we realize that just transition involves more than simply helping workers to adapt to changes in their industries. It is about fulfilling a broader and deeper egalitarian and ecological vision” (Stevis, Morena, and Klaus 2019, 41).

Justice Dimensions in JT

JT is defined as a transition not only from the carbon crisis, but also from recreating inequalities (Stevis, Morena, and Kraus 2019; Abram et al. 2022; ITF 2022). It has an imperative to extend beyond mitigating the climate crisis and to actively confront systemic inequalities in carrying out the transition. The ITF elucidates that “addressing the climate crisis necessitates tackling preexisting inequalities within urban transport systems and beyond, which are often perpetuated and reinforced through the implementation of policies solely aimed at emissions reduction” (2022).

Integrating concepts from climate, energy, and environmental (CEE) justice scholarship, McCauley and Heffron (2018) proposed a framework which aimed to advance fairness and equity throughout the transition. This framework introduces the two primary justice dimensions prevalent in CEE justice scholarship: procedural justice and distributional/distributive justice. Indeed, inequalities manifest typically in terms of distribution or procedure. The framework also included restorative justice. Supplemental studies from Pai et al. (2020), Abram et al. (2022), and Schuster et al. (2023) included another dimension: recognitional/recognition justice. These four (4) dimensions of justice are the same ones that the ITF is using in advocating JT. The definitions of the four (4) dimensions of justice provided are drawn from McCauley and Heffron (2018); Pai et al. (2020); Abram et al. (2022); and Schuster et al (2023).

1. Procedural justice refers to “the right to a fair process for different stakeholders” in the transition. This ensures that everyone can participate “equitably in the decision-making process regarding the transition.” It is crucial for marginalized sectors to be actively involved and for their concerns to be genuinely considered.
2. Distributional/distributive justice pertains to the equitable distribution of costs, risks, and benefits, and how all these are shared among stakeholders in the transition. There must be focused attention on the equitable and fair transition among vulnerable sectors in society, to avoid exacerbating their marginalization.

- 3. Restorative justice is “implicitly aligned with procedural justice.” It involves addressing the harm caused or being caused prior to the transition—harm to individuals, the environment, or the climate. This also entails confronting the potential harm in the transition. It must be recognized that the transition may incur various dimensions of loss, such as loss of community, culture, and territories, among others.
- 4. Recognitional/recognition justice is implicitly connected to distributional/distributive justice. This involves acknowledging the suffering caused by persistent inequalities, and the possibility that decisions related to the transition may exacerbate these inequalities. It must be understood that vulnerable sectors are already facing multiple, interconnected forms of marginalization as a result of global structures.

PUV Modernization and Issues in its Implementation

According to the OFC, the PUVMP comprises ten (10) components: Regulatory Reform, Franchise Consolidation, Fleet Modernization, Financing, Vehicle Useful Life, Local Public Transport Route Planning, Route Rationalization, Initial Implementation, Social Support, and Communications. Table 1 provides the brief descriptions for each of these components. Even with the issuance of the revised OFG, these components remain intact.

Table 1. 10 components of the PUVMP and their Brief Descriptions (DOTr n.d.)

Components		Description
1	Regulatory Reform	This component is realized through the issuance of various policies, in coordination with the DOTr’s attached offices and other national government agencies. They aim to provide guidance, direction, and clarity on attaining the objectives of the program.

	Components	Description
2	Franchise Consolidation	<p>This component involves the strategic merging of operators into a consolidated entity. “Transport cooperatives or other legal entities ... will be entitled to benefits such as government subsidies and access to credit facilities, among others, to aid in modernizing their fleets and run the modernized units in a systematic and predictable manner.”</p> <p>The Department, with its sectoral agencies, shall conduct seminars on the advantages of forming a cooperative or corporation. These seminars also aim to capacitate transport cooperatives and corporations in fleet management systems, and discuss compliance with labor rules and regulations, among others.</p>
3	Fleet Modernization	<p>This component seeks to mandate PUV stakeholders to follow modern policies on maintenance and operations, especially those that were not enacted on traditional units.</p>
4	Financing	<p>This encompasses the provision of financing programs for consolidated entities, specifically through two mechanisms: (1) Special loan facilities offered by eligible financial institutions, including Government Financing Institutions (GFIs); and (2) Equity subsidies for loans obtained from these special loan facilities, as well as loans secured through Private Financing Institutions.</p>
5	Vehicle Useful Life	<p>This component aims to establish vehicle scrappage facilities equipped to properly dispose of waste material from old, dilapidated units. Republic Act No. 8749 mandates the proper and responsible disposal of old and non-roadworthy public utility vehicles (PUVs).</p>

Components	Description
6 Local Public Transport Route Planning	<p>Operators can use the salvage value generated from the scrapping process as additional capital in their transition efforts.</p> <p>This component involves the active participation of Local Government Units (LGUs) in the development of Local Public Transport Route Plans (LPTRPs). Given that LGUs possess extensive knowledge and familiarity with their territorial jurisdictions, the responsibility of planning routes within the localities is delegated to them, specifically through city or municipal governments. They are tasked with planning intra-city and intra-municipal routes, while provincial governments handle inter-city or inter-municipal but intra-provincial routes.</p> <p>In their LPTRPs, the “LGUs are expected to rationalize their existing routes” based on factors such as “passenger demand, road hierarchy, and road capacity.” They are also responsible for identifying new or developmental routes by formulating their own LPTRPs. To effectively undertake this task, LGUs must be equipped with the necessary skills and resources to develop comprehensive and efficient route plans.</p>
7 Route Rationalization	<p>This component mandates that the DOTr and the LTFRB manage the planning and implementation of inter-zonal routes due to their increased complexity. Specifically, route rationalization studies are conducted for inter-regional and inter-provincial (IRIP) areas. This also covers the Metro Manila Update and Capacity Enhancement Project (MUCEP) areas.</p>

Components	Description
	<p>IRIP includes all routes terminating at MUCEP cities, as well as all IRIP routes between Regions 1, 2, 3, 4A, 5, 9, 10, 11, 12, CAR and CARAGA.</p>
	<p>MUCEP covers Metro Manila and portions of Laguna, Bulacan, Rizal, and Cavite, specifically:</p>
	<ul style="list-style-type: none"> ■ Laguna (Biñan, Cabuyao, Calamba City, Los Baños, San Pedro City, Santa Rosa City) ■ Bulacan (Balagtas, Bocaue, Bulacan, Calumpit, Guiguinto, Hagonoy, Malolos City, Marilao, Meycauayan City, Norzagaray, Obando, Pandi, Paombong, Plaridel, Pulilan, San Jose del Monte City, Santa Maria) ■ Rizal (Angono, Antipolo City, Baras, Binangonan, Cainta, Cardona, Jalajala, Morong, Pililla, Rodriguez, San Mateo, Tanay, Taytay, Teresa) ■ Cavite (Bacoar City, Carmona City, Cavite City, Dasmariñas City, General Mariano Alvarez, General Trias City, Imus City, Kawit, Naic, Noveleta, Rosario, Silang, Tanza, Trece Martires City)
	<p>This introduces new or developmental routes, which will take place after the finalization of the Route Rationalization Studies and the LPTRPs. Initiated in 2018, this component aims to demonstrate the feasibility of the program. Various routes in the National Capital Region (NCR), alongside Regions 2, 3, 6, 7, 8, 10, and 12 were included in the preliminary implementation.</p>

Components		Description
8	Initial Implementation	This component seeks to demonstrate the feasibility of the program. Various routes in the National Capital Region (NCR), alongside Regions 2, 3, 6, 7, 8, 10, and 12 were included in this preliminary implementation.
9	Communications	The component aims to educate major stakeholders about the program and to garner support. This will be done through the production of Information, Education, and Communication (IEC) materials, and engagement of stakeholders through consultations, forums, and caravans (LTFRB).
10	Social Support	This is designed to “provide a social safety net” for drivers and operators who may face displacement due to the implementation of the program. Such support shall be facilitated through two (2) main programs: the Tsuper Iskolar Program and the EnTSUPERneur, which seek to provide alternative employment and establish sources of income outside the public transport industry, respectively.

■ Table 1. The components of the PUVMP and their corresponding roles and functions.
Source: DOTr (n.d.)

Jhoanne Estipular (2020); Teodoro Mendoza (2021); Rafael Dimalanta, Jan Marvi Atienza, and Edrich Samonte (2023); Noriel Tiglaio et al. (2023); Jose Biona et al. (2023); and Gina Gatarin (2024) offer an analysis of the issues associated with the PUVMP implementation predating the issuance of the revised OFG.

Published by the Congressional Policy and Budget Research Division (CPBRD), Estipular’s study (2020) scrutinizes the PUVMP, particularly its flawed sequencing and excessive emphasis on vehicle replacement. It argues that the program should prioritize finalizing the LPTRPs and route rationalization before proceeding with the other components. Estipular underscores the importance

of conducting a thorough examination of the project's financial feasibility to identify the optimal subsidy levels required to mitigate the financial challenges faced by operators. This will also incentivize their modernization efforts. Biona et al. (2023) also draw from Estipular's study and emphasizes the urgent necessity to reconsider the timeline and implementation framework of the PUVMP.

Conversely, Mendoza (2021) delineates the "blindsides" of the program: the "high price per unit of the modern jeepney and the domino effect of a possible fare hike to cover the cost of purchasing modern jeepney units." Notable financial challenges associated with fleet modernization are highlighted. He also sheds light on other crucial concerns, including the exorbitant costs of foreign-made and imported modern PUV units, insufficient government subsidies and inaccessible financing programs, increasingly high operational and maintenance costs of these units, and their dubious durability and longevity. He cited some of these as reasons for the fare increase.

Dimalanta, Atienza, and Samonte (2023) argue that the PUVMP not only impacts drivers and operators, but also commuters. They affirm Mendoza's concern about the risk of corporate takeover of small-capacity public transportation. The provisions of the PUVMP could marginalize jeepney operators and drivers, consolidating market control among corporate entities.

Tiglao et al. (2023) raise legal concerns on the imposition of the 31 December 2023 deadline for franchise consolidation. There is a pending TRO case filed by PISTON in the Supreme Court to suspend the program. Issues arise about the constitutionality of enforcing the consolidation deadline. Its forceful implementation may violate rights to liberty and due process. The study also emphasizes that franchise consolidation exacerbates the marginalization of jeepney operators and drivers, asserting that:

The multitude of jeepney operators and drivers who have just borne the brunt of the pandemic should not be faulted for not complying with consolidation requirements due to the serious inadequacies of the modernization program—increasing price of the modern jeepney unit and inadequate financing and institutional support, the absence of proper route rationalization plans, [the] lack of proper guidance from concerned agencies, and [the lack] of local government capacity on public transport planning. (Tiglao et al. 2023, 2)

Gatarin (2024) echoes the sentiments of Dimalanta, Atienza, and Samonte (2023) and highlights the importance of implementing a just transition in decarbonizing PUV transportation. She emphasizes that the transition needs “to promote not just environmental and mobility justice, but also labour justice, especially for the informal transport workers” (Gatarin 2024, 19).

Objectives and Methodology

Aforementioned studies have provided critiques on PUVMP and its implementation. Their analyses are mainly based on policy documents, particularly the OFG and succeeding executive issuances for the implementation of the program. However, there is scant literature on the challenges faced by individual operators, who have been compelled to participate in the program, either by establishing their own cooperative or corporation, or by joining an existing TSE. Their acquiescence came after a series of deadline impositions from the DOTr and LTFRB.

According to PISTON,¹¹ those who were able to enter the program are reluctant to voice their concerns for fear of expulsion from their corporation or cooperative. Anecdotal evidence gathered by PISTON suggests that TSE members face such a threat when they seek transparency from management about TSE operations. Removal would mean losing their livelihood.

TSE members are also prohibited from participating in demonstrations of public resistance against the PUV modernization program. A strict “no-strike” policy is enforced under LTFRB MC No. 2011-004, which states that engaging in any form of protest that inconveniences passengers is considered contempt of the government-awarded franchise. The LTFRB has previously revoked the franchises of TSEs who took part in transport strikes (Dela Cruz 2019). This policy seeks to dissuade jeepney operators and drivers (JODs) from striking against the PUVMP (Talabong 2017; Dela Cruz 2019; Cariaso 2023). Thus, it would be extremely difficult to invite consolidated operators or drivers for interviews, or

¹¹ Mody Floranda (National President of PISTON) and Jan Marvi Atienza (Public Information Officer of PISTON) separately held a discussion with authors: the former in May 2024 via Zoom, and the latter in June 2024, in Sampaloc, Manila City.

for a collaborative research that discusses their experiences within TSEs under the program, now refashioned as PTMP.

Taking off from these findings, this study has two objectives:

1. Surface the experiences of individual operators who have entered the PTMP; and
2. Assess the PTMP implementation in terms of its adherence to JT's dimensions of justice, which has been previously foregrounded.

The study specifically focuses on the experience of individual operators who entered the program by joining Choret Corporation, a TSE operating in Bacolod City. The Choret Corporation holds CPCs to service four (4) routes in Bacolod City: (1) Eroreco–Central Market Loop (11 units); (2) Punta Taytay–Central Market; (3) San Dionisio–Central Market Loop; and (4) Punta Taytay–Fr. Ferrero St. Loop. The Corporation operates on these four routes, among the twenty-four (24) courses in the Local Public Transport Route Plan of Bacolod City (LTFRB 2024a).

We conducted a focus group discussion (FGD) with Philip Burata and two other individual operators that consolidated into the said TSE. They represent nineteen (19) other individual operators who “attached” their group to the Choret Corporation before the franchise consolidation deadline on 31 December 2023. Burata and his group, which is comprised of twenty-two (22) individual operators, have purchased forty-four (44) modern PUV units for the program. They are plying the route Punta Taytay–Fr. Ferrero St. Loop, which necessitates 130 modern PUV units.

Similarly present in the FGD were two individuals referred to us by PISTON (who has been a close collaborator for this study): Lilian Sembrano of the Kabacod Negros Transport Organization (KNETCO), a Bacolod City–based federation of jeepney operators and drivers; and Noli Rosales of the UNDOC (United Negros Drivers and Operators Center)–PISTON, a chapter of PISTON in Negros Occidental province, who provided the local context of the situation of JODs. Burata and two of his companions were in Metro Manila in May 2024 to protest and testify at the House of Representatives (HOR) Committee on Transportation hearings about PTMP issues. Burata continued to testified in January 2024, representing himself and his group who attached to the Choret Corporation. The House of

Representatives (HOR) conducted the investigation in January 2024. This was after the House Speaker, Martin Romualdez, received reports alleging widespread corruption in the implementation of the PTMP (HOR 2024b).

The present study also conducted semi-structured interviews with PISTON leaders, Mody Floranda (National President) and Jan Marvi Atienza (Public Information Officer). These discussions sought to provide a broader perspective on the plight of JODs in the country and the latest developments on the PTMP. They also wished to deepen the empirical data gathered from the FGDs.

The FGD and interview with Jan Marvi were conducted in-person at PISTON National's office located in Sampaloc, Manila. Only the interview with Mody was held online, through the video conferencing platform, Zoom. These discussions were held between May and June 2024.

Burata requested to disclose his name in sharing their experiences under the Choret Corporation. However, the names of his two companions have been concealed for security reasons. We refer to them as "Burata's male companion" and "Burata's female companion," respectively.

This study is an initial endeavor to disclose the "concealed" challenges encountered by individual operators within the PTMP implementation. While this represents a singular case, it potentially indicates a pattern in the experiences of individual operators forced to enter the program under the threat of livelihood deprivation, should they fail to consolidate.

The FGD and interviews were transcribed to allow for a thematic analysis.¹² This method aims to identify and examine patterns within the collected data (Braun and Clarke 2006). It enabled us to code the experiences of the participants and align them with the principles of JT, specifically its two primary justice dimensions: procedural justice and distributional/distributive justice. The two other dimensions (restorative and recognitional/recognition) were discussed based on how they intersected with the main ones.

¹² This approach is relevant to qualitative research since it provides a systematic yet flexible way for analyzing and interpreting varied and complex qualitative data.

Our study focused on the PTMP components related to the issuance or revocation of CPCs, such as the Franchise Consolidation (Cluster 1), and those pertaining to vehicle replacement, which includes Fleet Modernization, Financing, and Vehicle Useful Life (Cluster 2). While those under Cluster 2 are distinct components of the PTMP, their requisites and processes overlap, as do the experiences of operators in complying with them. These were identified as the most relevant to the experiences of Bacolod City-based operators from the Choret Corporation.

Results and Discussion

Latest Developments in the PTMP in Bacolod City

Bacolod City is a highly urbanized city in Western Visayas (Region 6), Negros Occidental Province, Philippines.¹³ It has already established a Local Public Transport Route Plan (LPTRP), which has undergone review and evaluation. The city was issued a Notice of Compliance by the LTFRB RFRO Region 6 Office on 25 June 2020. This plan encompasses twenty-four (24) routes, including rationalized existing routes and new/developmental ones. Bacolod City has also enacted a local ordinance that adopts this LPTRP and outlines guidelines for its implementation (LTFRB 2022b). Bacolod City is among the mere 174 local government units (LGUs) with approved LPTRPs. Over a thousand LGUs still lack such plans as of May 2024. Currently, only 11 percent of LGUs nationwide have approved LPTRPs, reflecting a one-percent increase from the status reported in December 2023 (Table 2).

¹³ At the time of the study, Bacolod City and Negros Occidental were part of Region 6. On 13 June 2024, they were reassigned to the Negros Island Region (NIR), through R.A. No. 12000.

Table 2. LPTRP Status Nationwide

	December 2023	May 2024
Number of LGUs with Approved LPTRP	162	174
Total Number of LGUs	1,574	

- Table 2. This shows the number of LGUs with approved LPTRPs in December 2023 and May 2024. Source: Failon 2023; HOR 2024a

The city is home to approximately 2,313 traditional jeepneys. Since 2017, transport groups in Bacolod City have actively opposed the phase-out of traditional jeepneys, even before the PUVMP/PTMP was formally launched (Adiong 2017; Bayoran 2017; Bayoran 2019; Adiong 2022; Adiong 2023; Watchmen Daily Journal 2024). Following the 30 April 2024 deadline, only 27 percent of these traditional jeepneys had undergone franchise consolidation as of May 2024, meaning 73 percent are unconsolidated (Table 3). This denotes a four-percent increase in the consolidation rate compared to January 2024, after the 31 December 2023 deadline.

Table 3. Franchise Consolidation Status in Bacolod City

	Consolidated Traditional Jeepneys	Percentage of Completion
January 2024	540/2313	23%
May 2024	579/2313	27%

- Table 3. This shows the percentage of consolidated jeepneys in Bacolod City between January 2024 and May 2024. Source: Masculino 2024; Salinas 2024

The unconsolidated 1,734 units may face apprehension; they will be labeled as “colorum” vehicles, or those who operate without legal authorization. The enforcement of penalties supposedly begins on 2 May 2024; however, the LTRFB RFRO Region 6 has not yet received formal guidelines from the Central Office regarding this matter (Delilan 2024; Salinas 2024). On 7 June 2024, LTRFB chairperson, Teofilo Guadiz III, announced that the agency would begin a

nationwide apprehension of unconsolidated vehicles on 11 June 2024. However, this was first implemented in Metro Manila, which coincided with a transport trike from 10 to 12 June (ABS-CBN News 2024). Guadiz stated:

Habang sila ay nagsa-strike ay makikikipagmeeting kami with DOTr, MMDA, [at] PNP kung paano ang aming gagawing panghuhuli. May mga target areas kami in Metro Manila kung saan itinuturing [namin] na maraming bumibiyaheng traditional jeepney galing PISTON. (ABS-CBN News 2024)

While the transport groups are on strike, we will be meeting with the DOTr, Metro Manila Development Authority (MMDA), and Philippine National Police (PNP). We will discuss how to conduct our apprehensions. We have target areas in Metro Manila where there are many traditional jeepneys operating under PISTON. (Authors' own translation)

There remains the looming threat of franchise removal for 1,734 traditional jeepneys. This poses a danger to thousands of transport workers (including operators, drivers, dispatchers, conductors, and mechanics), and their families who depend on the traditional jeepney industry. More than 30,000 individuals in Bacolod City rely on the industry for their livelihood (Delilan 2024).

On 3 May 2024, the Bacolod City Council approved Resolution No. 31, Series of 2024, which urged the Congress to expedite legislative measures on addressing PTMP issues encountered by the transport industry. A copy of the resolution was forwarded to both the House of Representatives and the Senate. Councilors of Bacolod City relayed their wariness for “social unrest” if these concerns are not immediately resolved. Lilian Sembrano argued that there may be a transport “mess” in the locality once the apprehensions are enacted (Delilan 2024).

Unveiling the Forms of “Injustice” in the Transition under the PTMP

Our analysis of the empirical data gathered from the FGD, interviews, and a review of relevant documents (e.g., executive issuances and news articles) revealed a total of eight (8) injustices. Table 4 show these forms of injustice based on the main justice dimensions. For Cluster 1, we identified at least three

(3) injustices related to procedural justice, and one (1) related to distributional/distributive justice. In Cluster 2, we found at least one (1) procedural injustice and two (2) distributional/distributive injustices (see table 4).

Table 4. Forms of injustice experienced within the PTMP			
Dimension	Definition	Forms of “Injustice” in Clusters 1 and 2	
		Franchise Consolidation (Cluster 1)	Fleet Modernization, Financing, and Vehicle Useful Life (Cluster 2)
Procedural justice	Adherence to a fair process and equitable decision-making for the different stakeholders, particularly the marginalized sectors	1. Compelled to consolidate by joining existing TSEs because of fear of losing livelihood (as a result of franchise revocation) 2. Forced into a TSE without proper education or guidance from the government 3. Government neglect in addressing concerns of TSE members	1. Forced to shoulder immense financial burdens in order to purchase a huge number of expensive modern PUV units

Dimension	Definition	Forms of “Injustice” in Clusters 1 and 2	
Distributional/ distributive justice	Equitable distribution of costs, risks, and benefits, avoiding the exacerbation of marginalization faced by marginalized sectors	4. Exploitation by syndicate-like groups	2. Burdened by high maintenance costs of high-technology features of modern PUV units, and difficulties in replacing broken or malfunctioning parts of modern PUV units 3. Experienced anxiety over the potential replacement of newly purchased modern PUV units with electric PUVs before recouping their investment

The other justice dimensions are:

- Restorative justice: Addressing the past harm caused and potential harm in the future, as well as recognizing various dimensions of loss; and
- Recognitional/recognition justice: Recognizing the suffering caused by persistent inequalities and acknowledging that such inequalities might be exacerbated by transition-related consequences.

■ Table 4. This details the different forms of injustice based on the main justice dimensions. Source: Authors

C1. Franchise Consolidation (Cluster 1)

Respondents highlighted three (3) procedural injustices in the franchise consolidation process: compelled to consolidate because of fear of losing livelihood (as a result of franchise revocation); forced into a TSE without proper education or guidance from the government; and government neglect in addressing concerns of TSE members. One (1) distributional/distributive injustice was discovered: exploitation by syndicate-like groups.

C1.1. Compelled to consolidate because of fear of losing livelihood (as a result of franchise revocation)

Philip Burata and his group consolidated into the Choret Corporation before the 31 December 2023 deadline set by the DOTr and LTFRB. Burata stated that they felt “forced” to join “out of fear” of losing their franchise. Without a franchise, they would be unable to operate and lose their means of supporting their families. As Philip elaborated,

Sumali kami sa kanila dahil naipit kami—kung ’di kami nag-consolidate, mawawalan na kami ng trabaho . . . Ang pampakain ko sa aking pamilya ay itong pagbibiyahe ko lang.¹⁴

We joined them because we were cornered. If we didn’t consolidate, we would lose our jobs . . . My family depends solely on my work as a jeepney driver. (Authors’ own translation)

Rather than applying independently for franchise consolidation, Burata’s group opted to join an existing TSE with CPC and assigned route/s. This is a faster and more secure process. Franchise consolidation involves numerous steps, including the following: (1) submission of preliminary documents (which are then categorized into “Legal,” “Technical,” and “Financial”); (2) a hearing after submission of requirements to the LTFRB; and (3) completion of the requirements (Appendix A). There is no guarantee of being awarded a CPC and route/s, even if the applicant operator/s meets the minimum requirements. There may be other

¹⁴ Excerpts from the interviews represent a near-verbatim record. Minor edits have been made for further clarity and readability.

applicants that are deemed more “qualified” by the PTMP implementers. As Mody Floranda confirmed,

Ang mga nag-apply ay hindi siguradong “approved” dahil maaaring may tinukoy ang LTFRB na mas “qualified” batay sa requirements na pinasa ng mga applicants.

Applicants may not be approved if the LTFRB determines that another applicant is more qualified based on the submitted requirements. (Authors’ own translation)

According to respondents, this situation creates an opportunity for corruption. It also heavily skews the issuance of CPCs and the awarding of routes in favor of wealthier and more powerful TSEs. Such context explains why Burata’s group chose to join an existing TSE (like Choret Corporation) in order to have a higher chance of retaining their livelihood.

The National Union of Peoples’ Lawyers (NUPL Panay 2023) in Western Visayas identifies this situation as an instance of state power abuse and a violation of constitutionally protected rights, namely, the freedom of association and the right to due process. As with the argument in the TRO petition filed by NUPL-NCR and PISTON, Mody and Jan Marvi highlighted that the threats of livelihood removal for unconsolidated transport workers constitute human rights violations, which include the right to gainful employment and livelihood.

As stipulated in the LTFRB Memorandum Circular (MC) No. 2024-001, franchise consolidation temporarily requires only the submission of “legal” documents. However, the “technical” and “financial” requirements would also need to be accomplished during the awarding of CPC and route/s. The same MC ‘suspends’ the requirement of a minimum of fifteen (15) modern PUV units for consolidation. However, an LTFRB representative indicated that this requirement remains to be in place (HOR 2024a). This was revealed during the hearing last 21 May 2024, in which the House of Representatives Committee on Transportation discussed implementation issues surrounding the PTMP. Mody interpreted this strategy as an attempt to downplay the difficulty of obtaining requirements and to encourage franchise consolidation.

Binago nila ang requirements para sa application ng franchise consolidation. Pina-simple nila ito para mas “makahikayat” ng mga operator na pumasok sa PTMP. Bahagi siya ng taktika nila para masabi na ‘di naman pala mahirap mag-comply.

They simplified the requirements for filing the application for franchise consolidation to attract more operators into the PTMP. This tactic aims to create the impression that compliance is not as challenging as previously thought. (Authors’ own translation)

C.1.2. Forced into TSE without proper training or guidance from the government

Pontawe and Napalang (2018) emphasized the numerous benefits of a well-executed consolidation for TSEs, including enhanced revenue, reduced maintenance costs, efficient capital and operational expenditure distribution, and streamlined dispatching and fleet management systems. However, realizing these benefits becomes exceptionally improbable; the formation of TSEs is driven primarily by pressure and haste from the PTMP implementers.

Respondents have reported experiencing this pressure. Insufficient education or guidance from the implementing agencies exacerbates the challenges faced by individual operators entering the program. According to respondents, the program merely urges operators to surrender individual franchises and then leave them to independently navigate the intricacies of consolidation and the eventual TSE operations.

This lack of support poses significant challenges. The transition from independent public transport operations to a cooperative or corporation entails substantial changes in governance, management, and operational protocols. Mastery of these aspects requires adequate time and guidance. They are crucial operating as a collective identity, and also in preventing individual operators from being misled, deceived, or exploited.

C.1.3. Exploitation by syndicate-like groups

The distributional/distributive injustice that was underscored by the respondents is the exploitation by syndicate-like groups. Coercion and pressure amid the looming consolidation deadline force operators into making hasty

decisions without fully understanding their long-term implications. The lack of proper support from the PTMP implementers also leaves operators vulnerable to manipulation by sinister entities.

The Choret Corporation made Burata and his group believe that they were officially a part of the TSE. However, verification from the Securities and Exchange Commission (SEC)¹⁵ revealed that they were neither incorporators nor members of the Corporation. As Burata's female companions stated, "Nalaman namin na wala ang aming mga pangalan sa SEC" (We discovered that our names were not listed in SEC).

This occurred despite the respondents' diligent compliance with the PTMP requirements (Cantos 2024). Burata's group executed a deed of assignment in favor of Choret Corporation. This covered their respective individual franchises and the registration of their modern PUV units. Burata, along with 21 individual operators, purchased 44 modern PUV units. Many of these were under installment agreements with the Land Bank of the Philippines (LBP). They also constructed a garage for their vehicles to comply with PTMP guidelines for PUVs operating on the Punta Taytay–Fr. Ferrero route.

Officers of the Choret Corporation claimed that Burata and his fellow operators were merely employees of the corporation, and denied that they were the owners of the modern PUV units. This led to a dispute between the two parties. According to the Burata's male companion, their group was threatened with retaliation if they disagreed with the corporation.

The situation escalated when Burata's group asserted their claim to the units they purchased. The corporation charged four of them with 38 counts of carnapping in December 2023, citing Republic Act No. 6539, also known as the Anti-Carnapping Act of 1972. Thirty-eight (38) modern PUV units remained with Burata's group, since they were parked in the garage they owned. However, six (6) were taken by the corporation.

¹⁵ This is an attached agency of the Department of Finance that is responsible for monitoring the legal registration of entities, securities, and/or corporations, and regulating their operations.

After joining the Choret Corporation, Burata and his companions deposited their payments for the PUV units into the bank account of the corporate secretary, who was supposed to transfer the amounts to the LBP. However, their payments had not been deposited. This offense was in addition to the carnapping accusation filed against them.

Burata's female companion noted that they were also charged various fees, including those for SEC amendments, totaling to roughly PhP 85,000. She argued that the pressure to consolidate with unfamiliar partners or entities made stakeholders vulnerable to deceit. A male respondent confirmed that when they entered the program, the process of consolidation was unclear to them; now, it has victimized them.

C.1.4. Government neglect of arising concerns of TSE members

Drawing from their experience of the consolidation process, the respondents identified a third procedural injustice: government neglect in resolving issues concerning TSE members.

Burata's group raised their concerns with the LTFRB RFRO Region 6. However, the government labeled their grievances as "internal disputes" that must be resolved only among the members of the TSE. A respondent narrated that they were warned not to tarnish the name of the LTFRB by dragging them into the clash. Categorizing their issues as "internal" absolves the government of responsibility. Operators are left to fend for themselves, even when they were forced by the government agencies into the consolidation program.

Burata argued that the franchise consolidation process should be closely monitored by DOTr and LTFRB, since this is under the PTMP. He lamented that there is a lack of protection for individual operators who have consolidated. "Kapag nagkaproblema na, 'pag nagkakagulo na, sasabihin nila, 'Wala kaming pakialam diyan'" (Once problems arise, they tell us, "We don't care."). The experience of Burata's group exemplifies the potential dangers that come with the forceful enactment of the consolidation.

C.2. Fleet Modernization, Financing, and Vehicle Useful Life (Cluster 2)

Respondents highlighted at least one procedural injustice in this cluster: Operators are compelled to shoulder immense financial burdens in order to purchase a huge number of expensive modern PUV units.

Two other distributional/distributive injustices surfaced: (1) Transport workers are burdened by high maintenance costs of high-tech features of modern PUV units, and face difficulties in replacing broken or malfunctioning parts of the modern PUV units; and (2) they experience anxiety over the potential replacement of newly purchased modern PUV units with electric PUVs before recouping their investment.

C.2.1. Compelled to shoulder immense financial burdens in order to purchase a huge number of expensive modern PUV units

The process of vehicle replacement in PTMP unveils the staggering financial burdens imposed on individual operators. This experience is confirmed by Burata and his group. Such burdens emanate from the coercive nature of the program, which forces individual operators to purchase a substantial number of expensive PUV units. These “modern” vehicles are often imported from foreign manufacturers, particularly those from China.

There are fifty-nine (59) models of compliant modern PUV units listed in the DOTr’s catalog as of April 2024. Thirty-four (34) of these were sourced from China (DOTr 2024). Their price average is PhP 2,697,812.50 (see appendix B). Mendoza aptly asserted that “import-based full modernization of public transport is very expensive” (2021, 47). According to him, the high acquisition cost is due to the high-tech features of these units and the imported Euro 4 engines, which are already outdated overseas. Mendoza echoed this sentiment during the Transport Summit organized by PISTON in June 2023. “Are we being transformed into a receptacle for obsolete and costly engines?” (Dimalanta and Conde 2024).

Burata liquidated his assets to acquire these modern PUV units. Burata, Mody, and Jan Marvi lamented that it was disheartening to know that purchasing units does not guarantee the acquisition of a franchise or route. A respondent called such situation a “gamble;” operators are compelled to substantially invest hard-earned money into a venture with uncertain returns.

During the multi-stakeholder consultation in October 2023, representatives from DOTr and LTFRB presented their proposed scheme for complying with the fleet modernization program. Routes with approved LPTRPs will follow a 6–15–27-month scheme, with 25 percent, 50 percent, and 100 percent compliance milestones. In the first six (6) months, operators should achieve 25-percent compliance with the required number of PUV units. Then this should grow to 50 percent within fifteen (15) months, until they reach 100 percent compliance within twenty-seven (27) months. Meanwhile, routes without an approved LPTRP will follow a 12–27-month timeline, with 25-percent and 100-percent compliance milestones. This requires operators to achieve 25-percent compliance within the initial twelve (12) months, and ultimately reach 100 percent by the twenty-seventh month. Despite the extended timeline, Mody lamented that the consequences of the program remained unresolved, and failure to comply within the timeframe will similarly revoke the previously issued CPC for the TSE.

Moreover, inadequate subsidies barely address the problem (Mendoza 2021). Although they have increased from PhP 80,000 in July 2018 to PhP 280,000 in October 2023 (see appendix C), these amounts still cannot cover the substantial costs of the units.

Respondents also raised their concerns about the government's preference for imported and foreign-made vehicles from China, instead of supporting local vehicle manufacturers. They emphasized the potential benefits of investing in local industries, including the creation of job opportunities and economic development. Reliance on foreign corporations undermines the potential for growth of domestic industries and manufacturers, such as Sarao and Francisco.¹⁶ The local industry could flourish with government support, as one respondent asserted. Making a single jeepney requires twelve workers, with tasks that include assembling the chassis, wiring, steering wheel, body, painting, etc.

C.2.2. Transport workers are burdened by high maintenance costs of high-tech features of modern PUV units, and face difficulties in replacing broken or malfunctioning parts of the modern PUV units

¹⁶ Sarao Motors and Francisco Motors are local vehicle manufacturers that have played a pivotal role in the development and proliferation of the traditional jeepney.

The experience of Burata's group sheds light on the hurdles faced by operators, particularly issues on maintenance expense and part replacements. Respondents emphasized that the airconditioning (AC) systems in modern PUV units are either low-quality or unsuitable for public transport, where doors frequently open and close for boarding. These AC units often malfunction and require regular repairs. Burata noted that the compressors and motors of these units consume excessive fuel and thus increase expenses. He also emphasized that the maintenance cost for a single compressor alone can amount to approximately PhP 68,000.00. Repairing and replacing PUV parts are also complex. Parts of traditional jeepneys may easily be serviced and sourced from local auto supply stores. Meanwhile, there are delays in acquiring replacement parts for modern PUV units due to their unavailability in the Philippine market. As Mody elaborated,

Matagal ang pag-request ng part replacement. Hindi agad magagawa 'yan; hindi ka puwede mag-angkat ng paisa-isang part. Bultuhan ang order niyan. Pumapasok din ang mga middleman para maging priority ang order ng cooperative/corporation.

Requesting for or ordering replacement parts is typically an arduous process. Individual parts cannot be imported separately; bulk orders are required. Intermediaries also meddle and prioritize orders from cooperatives or corporations. (Authors' own translation)

Mody also called out the absence of warranty coverage for modern PUVs. According to him, this is another layer of uncertainty for operators, who face the risk of incurring significant repair and maintenance costs without adequate protection.

Many modern units remain inactive and nonoperational because essential parts are awaiting replacement. The high maintenance costs and delayed repairs result in increased downtime and expenses for operators. These issues add to their financial burdens. Furthermore, the inability to address maintenance issues compromises safety for transport workers and commuters alike.

C.2.3. Workers experience anxiety over the potential replacement of newly purchased modern PUV units with electric PUVs before recouping their investment

The recent discourse on electric public utility vehicles (ePUVs) has sparked anxiety among operators, who have already invested on Euro 4-compliant PUV units. This anxiety arises from the possibility that they may be required to transition to electric-powered vehicles before they recover their investment.

The momentum towards electric mobility is evident in the proposed DO, which detailed the Guidelines on the Promotion of Electric Vehicles Pursuant to the Electric Vehicle Industry Development Act (EVIDA). EVIDA, enacted in 2022, aims to diminish reliance on fossil fuels by promoting the adoption of electric vehicles (EVs). In May 2024, the DOTr PTMP National Program Management Office conducted consultations on this drafted DO. The objective is to facilitate the transition of PUVs to electric mobility. It is palpable that public transport vehicles will be among the primary focus of the shift.

This possible transition to ePUVs presents another challenge and uncertainty for operators. Respondents fear that the Euro 4-compliant modern PUVs they purchased may become obsolete sooner than expected. PUVs may be phased out after fifteen (15) years. With the seven-year repayment period for modern PUVs, operators only have eight (8) years to recover their investment before going through another acquisition. Burata's male companion expressed his concern that shifting to modern PUVs does not guarantee long-term operations for transport workers, especially amid talks of transition to ePUVs.

'Yung mga modern PUVs, tumatakbo pa ngayon, pero walang assurance kung hanggang kailan. Ngayon pa lang may pinaplano na sila na palitan talaga ng electric lahat. Kaya hindi assurance na ganoon pa rin sa loob ng tatlo o apat na taon.

Although modern PUVs are still in operation, there is no assurance they will stay for long. Now, there are talks of replacing units with electric ones. There's no guarantee that they will still operate in three or four years.

Burata similarly expressed his frustrations over the possible shift. "Laki ng pinuhunan namin doon, kasama na ang pagod at puyat. Tapos puwedeng sabihin ng DOTr na mag-electric na lang tayo" (We've invested so much in those modern PUVs. We worked tirelessly. And the DOTr will just phase us out and switch to electric.). Operators who complied with the modernization program now face this predicament and forcibly grapple with the uncertainty of their livelihood.

Intersections of the Justice Dimensions

The specific experiences in this section are from informal transport workers, particularly operators, who are a vulnerable group. Sovacool et al. (2019) argued that the dimension of recognitional/recognition justice is already inherent in this context.

This section explores restorative justice by focusing on the various dimensions of loss incurred during the modernization program. In Cluster 1 (Franchise Consolidation), there was a loss of community, which resulted in restorative injustice. The consolidation has disrupted the linkages of JODs that had long existed within specific routes. It has also complicated the connections among jeepney operator and driver associations (JODAs) that have been in service for many years. In Cluster 2 (Fleet Modernization, Financing, and Vehicle Useful Life), the loss of culture was manifested. The traditional jeepney, a major cultural icon in the Philippines, has been a source of national pride for Filipinos (Gatarin 2024). Mody lambasted the revised OFG, which states that “[modern] PUVs are encouraged to emulate the artistic design of the traditional PUJs to preserve the country’s cultural heritage” (DOTr 2023, sec. 5). The invention and development of traditional jeepneys were contextually rooted in addressing gaps in public transportation, which makes their historical and cultural significance irreplaceable.

In conducting this assessment, we align with Abram et al. in asserting that “while these dimensions [of justice] are analytically useful, they are not always clear-cut in practice” (2022, 8). Our analysis reveals that the constructs of justice dimensions—procedural, distributional/distributive, recognitional/recognition, and restorative—are indeed valuable for framing and understanding issues. However, the lived experiences of the informal transport workers are a testament to how these dimensions often overlap and intersect in complex ways.

Conclusion

This preliminary study was conducted to assess whether the current implementation of the PTMP, through modernizing the PUVs, demonstrates justice in its aim to reduce carbon emissions.

Our findings indicate that the processes in both Cluster 1 (Franchise Consolidation) and Cluster 2 (Fleet Modernization, Financing, and Vehicle Useful Life) are primarily impositions from the government. In both clusters, there is a glaring absence of procedural justice; there is no fair process for marginalized stakeholders, specifically informal transport workers. Furthermore, the stakeholders' grievances were ignored throughout their efforts to comply.

In terms of distribution, it is evident that informal transport workers bear the brunt of the costs and risks in both clusters. They shoulder the burden of spending amounts that exceed their means. In Cluster 1, operators took the risk of hastily joining a TSE without proper guidance and mastery over the operations within a transport cooperative or corporation. Joining a cooperative appears to be the more secure way of retaining their livelihood, as opposed to the uncertainties of securing a franchise on their own. While both are a gamble, securing a franchise on their own is also far more arduous and disadvantageous process to them. In Cluster 2, workers also undertook significant risks and costs, such as purchasing expensive vehicles without sufficient financial support from the government. They also faced the risk of losing their CPC and route/s if they could not purchase the required number of modern PUV units. Additionally, there is a considerable risk in purchasing units with Euro 4 engines, amid the foreseeable transition to ePUVs.

This case study has shown that the PTMP implementation aligns with the appropriated form of JT that is stripped of its transformative agenda. It focuses heavily on technological fixes (e.g. the replacement of traditional jeepneys with Euro 4-compliant PUVs or ePUVs). The ITF emphasized that “technological fixes by themselves are false solutions [to the climate crisis]” (2022, 21). This approach will only exacerbate the vulnerabilities of marginalized groups and result in the displacement of the current workforce in the urban transportation system (Abram et al. 2022; ITF 2022).

The findings from this initial assessment underscored the imperative for PTMP implementers to confront and rectify these various forms of injustice. The program must be suspended indefinitely so that it may be reviewed. It is essential not only to incorporate JT language into policy documents and program guidelines, but also to ensure that justice is realized and tangibly experienced during the transition, especially by the most vulnerable groups.

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Appendix A: Franchise Consolidation Process: A Comparison	
March 2022 LTFRB MC No. 2022-033: ¹⁷	February 2024 LTFRB MC No. 2024-001 ¹⁷
<p>1. Applicant operators with at least 15 compliant units shall file their petition for consolidation of CPCs, along with the documentary requirements, to the LTFRB Executive Director (as head of the Qualification Committee) or concerned Regional Qualification Committee. Applicants shall indicate in the petition/application the individual case numbers of the franchises for consolidation and the route applied for.</p> <p>2. Applicant operators shall present the minimum documentary requirements for filing of petition/application:</p> <p><i>A. Legal Qualifications</i></p> <ul style="list-style-type: none">■ If cooperative: CDA Certificate of Registration, Articles of Cooperation and Bylaws, latest Cooperative Annual Performance Report issued by CDA, and OTC Certificate of Accreditation	<p>1. Operators shall file Petition/ Application for Consolidation of CPCs to LTFRB. They shall indicate in the petition the individual case numbers of the franchises for consolidation and the route applied for.</p> <p>2. Requirements for the filing of petition/application:</p> <p><i>A. Legal Qualifications</i></p> <ul style="list-style-type: none">■ LTO-issued OR/CR of the units to be consolidated■ If cooperative: CDA Certification of Registration and OTC Certificate of Accreditation; If Corporation, SEC Certificate of Registration (See below for requirements)■ Affidavit of Conformity (expressing consent to have their CPCs canceled and exchanged for a single consolidated CPC) by operators of the units to be consolidated

17 “Guidelines on Public Utility Vehicle Modernization Program (PUVMP) Implementation after 31 March 2022” and “Guidelines on Industry Consolidation During the Period of Extension.” This appendix is a near-verbatim reproduction of both memoranda, which can be viewed at LTFRB (2022a; 2024).

March 2022LTFRB MC No. 2022-033:¹⁷

- If corporation: latest General Information Sheet from SEC, SEC Certificate of Incorporation/Registration, Articles of Incorporation / Registration, Articles of Incorporation and Bylaws (see below for requirements)

B. Technical Qualifications

- Number of compliant units with LTO-issued Official Receipt and Certificate of Registration (OR/CR) of existing compliant units. Units shall be compliant with specifications and standards under OFG and DTI-PNS
- If no compliant units are available; undertaking to procure the required number of compliant units within the period: 25 percent of the number of required units within six months; 50 percent within nine months; 100 percent within twelve months will be delivered as certified by the vehicle supplier (starting from the date of submission of qualification documents)
- Proposed garage space pursuant to LTFRB MC No. 2017-027 or undertaking to have a compliant garage with LGU zoning clearance immediately upon availability of compliant units

February 2024LTFRB MC No. 2024-001¹⁷

3. The qualification documents (Legal and Technical Qualification and Financial Capability) detailed in the existing issuances shall be presented during the hearing of the application for consolidated CPCs (see Process under LTFRB MC No. 2022-033).

Note: For routes with a pending application for consolidation:

- The 6–9–12-month scheme to replace the existing units (that are not compliant) under LTFRB MC NO. 2022-033 is set aside; this is subject to subsequent issuances.
- The requirement of 15 compliant units for the issuance of CPC under the LTFRB MC No. 2022-033 is also set aside.

For routes without a pending application for consolidation:

- All Provisional Authorities (PA) issued to individual operators are revoked effective 1 January 2024.

Note: Individual members/stockholders are allowed to withdraw membership from the TSE cooperative/corporation only if the application is still pending with the LTFRB and no CPC has been issued.

—Nothing further—

March 2022	February 2024
LTFRB MC No. 2022-033: ¹⁷	LTFRB MC No. 2024-001 ¹⁷
<ul style="list-style-type: none">■ Proposed garage space pursuant to LTFRB MC No. 2017-027 or undertaking to have a compliant garage with LGU zoning clearance immediately upon availability of compliant units■ Undertaking to submit proof of off-street terminal (i.e. Letter of Support from property owners/managers regarding use) and location in map—pursuant to LTFRB MC No. 2017-030■ Supporting documents to show capability for global navigation satellite system (GNSS) receiver, free WiFi, CCTV, automated fare collection system (AFCS), speed limiter, and dash camera■ Fleet management system with organized vehicle dispatch procedures (Certificate from fleet management system's IT solution service provider)■ Evidence of formal arrangement with an AFCS service provider■ If routes applied for are not yet covered by approved LPTRP/Route rationalization, undertaking that they will comply with the approved route plan	

March 2022 LTFRB MC No. 2022-033: ¹⁷	February 2024 LTFRB MC No. 2024-001 ¹⁷
<p><i>C. Financial Capability</i></p> <ul style="list-style-type: none">■ Original or Certified True Copy of the latest audited Financial Statement that is received by the BIR; or Certificate of Registration from BIR for newly formed legal entities■ Proof of financial capability of at least equal to the set-aside bank deposit duly certified by the depository bank—PhP 50,000 for PUBS and minibuses, or PhP 20,000 for PUJs and UV Express, multiplied by the total number of vehicles for the route being applied for by the applicant operator. <p>3. The Committee shall examine the qualification documents after submission—based on their compliance with the legal, technical, and financial capability requirements. The Committee may make inquiries with the application operator for the purpose of clarifying the contents of the qualification documents; missing or unsatisfactory submissions will result in failure to be qualified.</p> <p>4. If found qualified, the Qualification Committee shall submit to the LTFRB or the concerned Regional Direction, its recommendation for the approval of the applicant operator through a Memorandum or Resolution which will be the basis for issuance of a Notice of Selection.</p>	

March 2022	February 2024
LTFRB MC No. 2022-033: ¹⁷	LTFRB MC No. 2024-001 ¹⁷
<p>5. The selected applicant operator shall file an Application for New CPC six months from receiving the Notice of Selection, with at least 25 percent of the required number of compliant units in the route applied for. The selected applicant operator shall follow the results of the LPTRP/route rationalization.</p> <p><i>Note:</i></p> <p>Individual operators who joined a cooperative (included in the Application for consolidated CPC and submitted their Affidavit of Conformity) are not allowed to withdraw their membership to the cooperative unless allowed by the OTC.</p>	

Requirements for CDA Registration and OTC Accreditation

Requirements for CDA Registration (see <https://cda.gov.ph/frequently-asked-questions/> and <https://cda.gov.ph/services/regulatory-services/registration/>)

- Economic Survey;
- Articles of Cooperation and Bylaws;
- Surety bond of accountable officers;
- Treasurer's Affidavit;
- Approved Cooperative Name Reservation Slip;
- Certificate of PMES

Requirements for OTC Accreditation for Franchise Holders (See: <https://otc.gov.ph/services/requirements/>)

- Letter of Intent signed by the cooperative's chairperson
- Photocopy of CDA Certificate of Registration
- At least 15 OR/CRs together with their copy of the franchise with the same type of service and route
- Bank Certification of Deposit representing the paid-up capital of the cooperative that will operate the following: PhP 1 million for PUBs and Minibuses; PhP 750,000 for air-conditioned vans, taxis, or transport network vehicle service (TNVS) units; PhP 300,000 for PUJs and multicabs; PhP 200,000 for trucks for hire (two units); and PhP 15,000 for tricycles

Requirements for OTC Accreditation for Non-Franchise Holders:

- Letter of Intent signed by the cooperative's chairperson
- Photocopy of CDA Certificate of Registration
- Bank Certification of Deposit representing the paid-up capital of the cooperative that will operate the following: PhP 1 million for PUBs and minibuses; PhP 750,000 for air-conditioned vans, taxis, or TNVS units; PhP 300,000 for PUJs and multicabs; PhP 200,000 for trucks for hire (two units); and PhP 15,000 for tricycles

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- Appendix A. This compares how the franchise consolidation process has changed from March 2022 to February 2024, in order to entice traditional jeepney operators. Source: LTFRB 2022a; LTFRB 2024

Appendix B. Models of Modern PUV units with DOTr Certificate of Compliance (as of 1 May 2024)

Country	Make or Brand	No. of Units	Seating Capacity	Declared SRP (in PhP)
China	Dongfeng	34	28 (Class 2)	2,550,000.00
			26 (Class 3)	2,750,000.00
			25 (Class 3)	2,750,000.00
			24 (Class 3)	2,785,000.00
			23 (Class 3)	2,550,000.00
			21 (plus 12 standing) (Class 2)	2,785,000.00
			21 (Class 2)	2,400,000.00
			12 (Class 1)	No declared SRP
	FAW	34	25 (Class 3)	2,750,000.00
			20 (Class 2)	2,550,000.00
	Zhong Zhi	34	24 (Class 2)	6,500,000.00
	Zhongtong	34	27 (Class 3)	2,900,000.00
			23 (Class 2)	2,700,000.00
			22 (Class 2)	6,000,000.00
	Dayun	34	26 (Class 3)	All No declared SRP
			25 (Class 3)	
			22 (Class 2)	
			21 (Class 2)	
			20 (plus 7 standing) (Class 2)	
	e-Future (Body Maker: Jiangsu Fulaidisi Automobile System)	34	22 (Class 2)	2,800,000.00
	Foton	34	29 (Class 2)	2,510,000.00
			17 (Class 2)	1,990,000.00
			12 (Class 1)	1,235,000.00

Country	Make or Brand	No. of Units	Seating Capacity	Declared SRP (in Php)
	Wuling	34	22 (Class 3) 18 (plus 10 standing) (Class 2)	All No declared SRP
	JAC (Jianghuai Automobile Co.)	34	25 (Class 3) 24 (Class 3)	2,630,000.00 No declared SRP
	Higer Motors (Suzhou Kinglong)	34	26 (Class 2) 25 (Class 3)	2,480,000.00 2,680,000.00
	QSJ Motors (FAW Philippine Distributor)	34	27 (Class 3)	2,750,000.00
	Forland Motors	34	15 (Class 1)	1,680,000.00
	JMC (Jiangling Motors Corporation)	34	30 (Class 2) 29 (Class 2)	2,030,000.00 2,500,000.00
	Yutong	34	26 (Class 3)	2,500,000.00
China and Japan Venture	Kingling Isuzu (Venture between Qingling Motors and Isuzu Japan)	1	23 (Class 3)	2,465,000.00

Country	Make or Brand	No. of Units	Seating Capacity	Declared SRP (in PhP)
Japan	Isuzu	18	25 (Class 3)	2,750,000.00
			24 (Class 2)	No declared SRP
			23 (Class 3)	2,675,000.00
			14 (Class 1)	1,575,000.00
			14 (Class 1)	1,950,000.00
			12 (Class 1)	No declared SRP
	Toyota	18	12 (Class 1)	No declared SRP
	Hino	18	24 (Class 3)	2,550,000.00
			23 (Class 3)	2,855,000.00
			23 (Class 3)	2,880,000.00
			21 (Class 2)	2,650,000.00
			20 (Class 2)	1,765,000.00
			18 (Class 2)	2,400,000.00
			14 (Class 1)	No declared SRP
	Assem-blepoint	18	11 (Class 1)	1,276,000.00
	Fuso (Mitsubishi)	18	35 (Minibus)	3,830,000.00
			25 (Class 3)	2,795,000.00
			19 (Class 2)	2,675,000.00
India	Tata	3	13 (Class 1)	1,320,000.00
	Mahindra	3	22 (Class 2) 12 (Class 1)	2,550,000.00 or 2,600,000.00 1,100,000.00

Country	Make or Brand	No. of Units	Seating Capacity	Declared SRP (in PhP)
Philippines	Basic Geep (Body Maker: Del Monte Motor Works)—Philippines (Distributor of International Manufacturers)	3	23 (Class 2)	No declared SRP
	Sta. Rosa Motor Works—Philippines (E-Vehicles)	3	29 (Class 2)	No declared SRP
	Tojo Motors—Philippines (E-Vehicles)	3	14 (Class 1)	1,800,000.00

- Appendix B. This shows the complete list of modern PUV models that have been authorized by DOTr for acquisition. Majority of these are from foreign manufacturers in China. Source: DOTr 2024

Appendix C. Equity Subsidy from 2018 to 2023			
	July 2018	June 2020	October 2023
Class 1	PhP 80,000.00	PhP 160,000.00	PhP 210,000.00
Class 1/2/3/4	PhP 80,000.00	PhP 160,000.00	PhP 280,000.00

- Appendix C. This presents how the subsidies for purchase of modern PUVs have increased from July 2018 to October 2023. Source: DOTr 2018; DOTr 2020; LTFRB 2023

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