

[REPUBLIC ACT NO. 917, June 20, 1953]

**AN ACT TO PROVIDE FOR AN EFFECTIVE HIGHWAY
ADMINISTRATION, MODIFY APPORTIONMENT OF HIGHWAY
FUNDS AND GIVE AID TO THE PROVINCES, CHARTERED CITIES
AND MUNICIPALITIES IN THE CONSTRUCTION OF ROADS AND
STREETS, AND FOR OTHER PURPOSES.**

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

ARTICLE I.—Title and Scope of Act

SECTION 1. *Short title.*—This Act may be cited as the "Philippine Highway Act of nineteen hundred fifty-three."

SEC. 2. *Scope of Act.*—The provisions of this Act shall control the disposition of all funds accruing to the Highway Special Fund; the disposition of general funds when so provided by law; the manner of apportionment and conditions under which such apportionment shall be released; the selection and designation of highways or highway projects to receive national aid; the administration, maintenance, improvement, reconstruction and construction expenditures on highway projects; the classification of highways; and the widths, acquisition and use of rights of way.

ARTICLE II.—Definitions

SEC. 3. *Words and phrases defined.*—When used in this Act and in subsequent Acts having reference thereto, unless the context indicates otherwise:

- a. The term "highway" includes rights of way, bridges, ferries, drainage structures, signs, guard rails, and protective structures in connection with highways.
- b. The term "Division of Highways" means the division of the Bureau of Public Works that has charge of the administration of highways, and includes any regional provincial or city department, regional engineering division, section, engineering district, or office suitably equipped and organized or official having adequate powers to discharge the duties herein required.
- c. The term "maintenance" means the constant making of needed repairs to preserve a smooth-surfaced highway, and operation of existing ferries, but shall not be held to include extraordinary repairs nor reconstruction.
- d. The term "construction" means the supervising, inspecting, actual building, and all expenses, including the costs of right of way, incidental to construction of a highway, except locating, surveying and mapping.
- e. The term "reconstruction" means a widening or a rebuilding of a highway or any portion thereof to make it a continuous road of sufficient width and strength to care adequately for traffic needs.

- f. The term "improvement" means any repair of a highway or any portion thereof that results in its betterment by virtue of the use of materials of a quality superior to those repaired or the employment of more skillfull workmanship involving expenditure of money in excess of the normal cost of ordinary reconditioning or replacement.
- g. The term "local funds" include funds raised under the authority of a province, chartered city, or municipality; allotments of internal revenue accruing by law to their general funds and the "road and bridge" funds; and other revenues accruing to their general funds and made available by resolution of the Board or Council concerned for expenditure under the control of the Division of Highways, but does not include apportionments or allotments from the Highway Special Fund.
- h. The term "primary roads" means roads which form parts of the main trunk-line system continuous in extent; roads which are now declared national roads except those not forming parts of the continuous system, such as roads leading to national airports, seaports and parks, etc., or coast-to-coast roads not forming continuous part of the trunk-line system.
- i. The term "secondary roads" shall include all access roads, national, provincial and city roads and streets forming the secondary trunk-line system not classified as "primary roads," but shall exclude "feeder roads."
- j. The term "vehicle-kilometer" means the unit measure of road use expressed by the product of the actual number of motor vehicles passing thru a given section of a road in a specified unit time multiplied by the length of the section in kilometers. "Vehicle-kilometer age" is the sum total of the vehicle kilometers computed for a given highway system, and for the purpose of this Act shall be the sum of all the products of the inferred annual average twenty-four hours traffic count multiplied by the respective lengths in kilometers of the control sections where the traffic counts had been actually and periodically observed.
- k. The term "right-of-way" means the land secured and reserved to the public for highway purposes.

ARTICLE III.—*Disposition of Highway Revenue*

SEC. 4. *Amendment to Commonwealth Act Numbered Four hundred and sixty-six.*—Section three hundred and sixty-one of Commonwealth Act Numbered Four hundred and sixty-six, as amended by section one of Republic Act Numbered Three hundred and fourteen, is amended to read:

"SEC. 361. *Disposition of proceeds of taxes on motor fuel.*—The proceeds of the tax on motor fuel prescribed in subsections (b), (c), and (d) of section one hundred and forty-two of this Code shall be deposited in a special trust account in the National Treasury to constitute the Highway Special Fund, which shall be apportioned and expended in accordance with the provisions of the Philippine Highway Act of nineteen hundred and fifty-three.

SEC. 5. *Amendment to Act Numbered Three thousand nine hundred and ninety-two.*—Section seventy-three of Act Numbered Three thousand nine hundred and ninety-two, as amended by section two of Republic Act Numbered Three hundred and fourteen, is amended to read:

"SEC. 73. *Disposal of moneys collected.*—Moneys collected under the provisions of this Act shall be deposited in a special trust account in the

National Treasury to constitute the Highway Special Fund, which shall be apportioned and expended in accordance with the provisions of the Philippine Highway Act of nineteen hundred and fifty-three.

SEC. 6. *Deductions for administrative expenses, highway equipment, and contingent emergency expenditures.*—

- a. *Administrative expenses.*—So much as may be required but not to exceed three *per centum* of all moneys accruing to the Highway Special Fund, or such sum as may hereafter be appropriated for expenditure under the provisions of this Act, shall be deducted from the Highway Special Fund and made available until expended, for administering the provisions of this Act as the Secretary of Public Works and Communications may deem necessary, including expenditures for sundry expenses, salaries and wages of the necessary personnel of the Division of Highways, in-service training programs, and for carrying on the necessary highway research, fiscal and cost accounting, statistical and investigational studies independently or in cooperation with other fiscal and research agencies, and for publishing results thereof.
- b. *Highway equipment, machineries, etc.*—So much as may be needed but not to exceed two and a half million pesos upon the passage of this Act, and so much as may be required for each fiscal year thereafter, but not to exceed one percent of the Highway Special Fund, shall be set aside from the said Fund and made available and expended for the purchase of highway equipment, machinery, laboratory and testing material, equipment, motor vehicles ferries, and all needed and necessary accessories and spare parts, and for the establishment and/or maintenance of the necessary repair shops, motor pools, storage depots, laboratory, material testing and other highway construction aids and facilities by the Division of Highways whenever deemed necessary by the Director of Public Works and approved by the Secretary of Public Works and Communications.
- c. *Contingent emergency expenditures.*—Six per centum of the Highway Special Fund, shall be set aside and made available and expended in the discretion of the Secretary of Public Works and Communications for the relief of provinces, chartered cities and municipalities which have suffered unusually serious loss or damage or destruction beyond their reasonable capacity to bear: *Provided*, That the sums so authorized shall be expended for restoration, including relocation of roads and bridges damaged or destroyed, in such manner as to give the largest measure of permanent relief, under the rules and regulations to be prescribed by the Secretary of Public Works and Communications.
- d. *Unexpended contingent fund.*—In the event, however, that the sums corresponding to the contingent emergency fund provided in the preceding paragraph, or part thereof, remain unexpended after the fiscal year during which it has been set aside, the same shall be made available for investigation, survey, and improvement of roads in the National System at the discretion of the Secretary of Public Works and Communications upon the recommendation of the Director of Public Works.

After making the deduction authorized by this section, the said Secretary shall apportion the remainder of the Highway Special Fund among the different provinces, chartered cities and municipalities in the manner provided for in the next article.

ARTICLE IV.—*Apportionment*

SEC. 7. *Maintenance fund to be released separately and regularly.*—Fifty per centum of all apportionable sums in the Highway Special Fund shall be released separately and as frequently as at least five million pesos are collected and/or accumulated in this Fund, but not less oftener than every quarter irrespective of what amount has been accumulated, for the maintenance of all existing and un-abandoned roads, streets and bridges to be distributed among the several provinces, chartered cities and municipalities as provided in section nine of this Act. It shall be unlawful for any fiscal officer to withhold, or cause the withholding of any moneys apportionable under this section beyond the quarterly period, except for causes determined under paragraph (b) of section nine of this Act.

SEC. 8. *Fund for improvement, reconstruction and construction.*—The other fifty per centum of said apportionable balances in the Highway Special Fund shall be apportioned among the different provinces, chartered cities, and municipalities for improvement, paving, reconstruction and wherever practicable for construction of roads, streets, and bridges in the manner and under the conditions set forth in section ten of this Act to be released by the Secretary of Public Works and Communications, upon the recommendation of the Director of Public Works: *Provided*, That seventy-five per centum of the sums shall be released during any year until the total number of lineal meters of existing temporary timber bridges and other non-permanent stream-crossing aids shall have been reduced to below twenty-five per cent of the total number of lineal meters of bridges and other stream-crossing aids inventoried in the Philippines.

SEC. 9. *Apportionment of maintenance funds.*—

- a. *Regular share.*—The sums set aside for maintenance of all existing and unabandoned roads, streets and bridges shall be distributed among the several provinces, chartered cities and municipalities as follows:

Fifteen *per centum* to the municipalities to be apportioned in proportion to population as provided in section twelve hereof.

Thirty *per centum* equally among the provinces and chartered cities.

Forty *per centum* to the provinces and chartered cities in the ratio which the combined lengths of all existing unabandoned roads and streets in each province or city bear to the combined existing unabandoned roads and streets in the Philippines as inventoried by the Division of Highways and approved by the Secretary of Public Works and Communications during the next previous year: *Provided*, That for the purposes of this section only one-fourth of the lengths of concrete roads and one-half of those of high-type bituminous asphalt roads shall be counted in proportioning the shares of the different provinces, and chartered cities.

Fifteen *per centum* to the provinces and cities in proportion to the number of motor vehicles registered in the Province or city.

Except when otherwise provided in this Act, the Sub-Provinces of Benguet and Siquijor of the Mountain Province and the Province of Oriental Negros, respectively, and all chartered cities shall each be considered as a Province for

the purposes of this section.

b. *National aid for maintenance of provincial and city roads, streets and bridges.*

—The national aid to be extended to any province or city for the maintenance of provincial or city roads, streets and bridges shall be deducted from the total regular share apportioned to each province or city under this section. This sum shall be a percentage of the share of the province or city equal to at least one-half of but not more than the ratio which the combined length of provincial or city roads bears to the total combined lengths of national, provincial and city roads in the province or city as counted in the same manner as provided in paragraph (a) hereof. The remainder shall be made available for expenditure for maintenance of national roads in said province or city.

Within sixty days after the passage of this Act and periodically as may be required by regulations to be promulgated by the Secretary of Public Works and Communications, the provincial board or city council concerned shall designate the existing and unabandoned provincial or city roads actually serving motor vehicular traffic upon which this aid shall be expended and shall cause their respective district or city engineers to prepare a maintenance program and estimates thereon. Upon approval of the program and estimates by the Director of Public Works, the provincial board or city council concerned shall provide in their annual road and bridge budget an appropriation equal to one-half the total estimated maintenance requirement, to be taken from local fund or road and bridge fund. This appropriation shall be certified to by the provincial or city treasurer concerned and made available for expenditures by the Division of Highways. Upon receipt by the Director of Public Works of this certificate of availability of local funds, he shall recommend to the Secretary of Public Works and Communications the periodic release of the national aid provided in this section which shall be applied to and cover the other half of the aforesaid total estimated maintenance requirement.

No aid for maintenance of provincial or city roads shall be released by the Secretary of Public Works and communications in excess of the amount equal to that appropriated by the provincial board or city council and in no case shall this amount be more than half of the total estimated maintenance requirement, but when the province or city is financially unable to put up the required counterpart of the estimated cost of maintenance as provided for in this Act, the entire share of the province or city, or the balance thereof, shall be released on condition that the Secretary of Finance shall certify as to the inability of such province or city at the end of the fiscal year.

SEC. 10. *Apportionment for improvement, reconstruction and construction.*—

a. *Regular share.*—The sum set aside in section eight of this Act for improvement, reconstruction, paving, and, wherever practicable, for construction of roads, streets and bridges shall be distributed as follows:

Sixty *per centum* to provinces and chartered cities in proportion to the potential area (uncultivated and undeveloped) available for agricultural and industrial purposes including commercial timber lands as shown by the latest census or data available in the Department of Agriculture and Natural Resources, and populated but isolated areas that are served only by existing