

[EXECUTIVE ORDER NO. 686, December 19, 2007]

TOLL REGULATORY BOARD

**TRANSFERRING BACK THE TOLL REGULATORY BOARD FROM THE
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS TO THE
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
AND CLARIFYING ITS MANDATE**

WHEREAS, on 31 March 1977, Presidential Decree NO. (PD) 1112 authorized the establishment of toll facilities on public improvements and created a board for the regulation thereof, now known as the Toll Regulatory Board (TRB or Board);

WHEREAS, PD 1112 gave the Board the power, subject to the approval of the President of the Philippines, to enter into contracts in behalf of the Republic of the Philippines for the construction, operation and maintenance of toll facilities;

WHEREAS, PD 1112 gave the Board the power to determine and decide the kind type and nature of public improvement that will be constructed and/or operated as toll facilities;

WHEREAS, PD 1112 gave the Board the power to condemn private property for public use subject to the provisions of existing law;

WHEREAS, PD 1112 gave the Board the power to issue, modify and proclaim from time to time the rates of toll that will be charged the direct users of toll facilities and upon notice and hearing, to approve or disapprove petitions for the increases therefore;

WHEREAS, PD 1112 gave the Board the power to grant authority to operate a toll facility and to issue the necessary "toll Operation Certificate";

WHEREAS, on 10 October 2002 Executive Order No. (EO) 133 transferred the TRB from the Office of the President (OP) to the Department of Transportation and Communications(DOTC);

WHEREAS, on 29 August 2006 the Supreme Court in *Mirasol vs. the Department of Public Works and Transportation and TRB* decided that the DOTC and not DPWH "has the authority to administer and enforce all laws, rules and regulations relative to transportation";

WHEREAS, on 30 July 2007, EO 644 transferred the TRB from DOTC to the Department of Public Works and Highways;

WHEREAS, entering into contracts is not a regulatory function but rather an