
SUGGESTION AND THE FORCE OF LAW: A COMPARISON OF THE PHILIPPINE, JAPANESE, AND SINGAPOREAN BUS SYSTEMS

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Abstract

The bus system of the Philippines is compared to those of Japan and Singapore to propose solutions to the inconsistent and neglected use of bus stops in Metro Manila, an issue among many that may threaten the sustainability of the economic gains made by the country at large. Cross-national comparative and historical comparative research methods, along with the authors' personal experiences, are used to examine the bus systems, guided by Standpoint Theory and Information-Integration Theory. While the three countries all have laws to address bus safety, driver wages, and bus stops, implementation is found to be the main cause of the bus problem in the Philippines, which is evidenced by both the poor enforcement of the government and the negative view of the involved public toward the bus laws. The use of three frames of reference and certain parameters for enforcement used for traffic enforcement in Europe is suggested; such use is foreseen to establish a proper template for better bus and traffic law enforcement in the Philippines.

Keywords: *bus systems, traffic enforcement, traffic rules, Standpoint theory, mass transportation*

1.0 INTRODUCTION

Even as the Philippines is known for various tourist destinations such as the white sand beaches of Boracay or the majestic underwater caves in Palawan, it also carries a reputation for urban blight, with heavy traffic and an overburdened public transportation system being among its most prominent features. The Philippines has been featured in television programs like Discovery Channel Canada's *Don't Drive Here*, where a foreign driver attempted to drive in Manila, the capital city, only to realize how difficult and dangerous it is (Younghusband & MacDonald, 2013).

Traffic in Metro Manila threatens to undo, or at least severely imperil, the economic gains made by the country at large. The Metro Manila Development Authority (MMDDA) has, for instance, implemented volume-reduction and volume-confinement programs. Examples of these programs are limiting cargo trucks to certain hours apart from limiting them to just one

lane in certain thoroughfares, and the Unified Vehicular Volume Reduction Program (UVVRP), more popularly known as the "odd-even" scheme, given that it bars cars with license plates ending in one odd and odd even number from plying Metro Manila roads on any given workday.

For instance, one of the paper's authors has a 32-kilometer commute from home to workplace and vice-versa, something that takes him anywhere from one to three hours, depending on the time he leaves for and from work. This commute is made using private transport; the experience of those who use public transport is far more horrible, given certain country-specific realities such as the sheer volume of vehicles on the road, lax implementation of laws, and questionable licensing policies, among others.

However, the present paper is limited only to an examination of the bus systems in Metro Manila. The choice to concentrate on this particular aspect of the Philippine traffic situation was made owing to buses transporting many low-

to middle-income persons living in the metropolis. In addition, buses have also received media coverage for supposed sins of omission and commission, ranging from bus drivers using amphetamines to boost alertness during a shift that lasts at least 12 hours to causing deaths by routinely going over the speed limit.

1.1 Bus Systems in the Philippines and Elsewhere

Bus systems have been extensively studied; intuitively, these studies have focused on the researchers' respective home countries (Goldenbeld et al., 2000; Boquet, 2013; Lukyamuzi & Friday, 2014; Menon & Loh, 2006; Looi & Tan, 2007; Consumer Unity and Trust, 2013; Goldenbeld, 1996), with frequently examined factors being enforcement, technology, and traffic data.

The Communities and Infrastructure Research Institute of the Technical Research Centre of Finland (VTT), in partnership with various European institutions, studied traffic, driver behaviour, enforcement tools, and safety in European roads. From these efforts, a report entitled "Legal and administrative measures to support the police enforcement of traffic rules" was released in June 2000, which clearly defined the traffic law enforcement chain from legislation up to rehabilitation. It also provided an analysis of the effectiveness and efficiency of deterrents in traffic law enforcement such as objective detection, legal sanctions, and threat of license withdrawal. Administrative support systems were also analysed in the report, focusing on the penalty point system and the administrative law of various European countries. Data on the rehabilitation measures used for drivers were presented to show the effect of different programs and factors that should be accounted for. These measures specifically addressed the problems of alcohol consumption, speeding, and young drivers in terms of traffic law enforcement. A framework and a prescribed approach to traffic law enforcement were also provided (Goldenbeld et al., 2000).

Road communication technologies such as breathalysers, car tracking and navigation, traffic signal control systems, variable message signs, automatic licence plate recognition, and speed cameras have been studied for their effects in accident reduction in Uganda (Lukyamuzi & Friday, 2014). These technologies have the effect of reducing law enforcement manpower requirements and increasing drivers' situational awareness.

These studies in concert provide detailed reports and analyses of traffic law enforcement; however, these focus more on enforcement as a whole rather than towards buses specifically. Data are obtained from European and African settings rather than a Philippine one. While the data can be extrapolated to fit the Philippine milieu, there are factors such as culture and driver attitudes that may be unique to the country. This paper thus focuses on the bus system in the Philippines while also adding data to the factors that affect the enforcement of traffic laws in the Filipino setting.

Yves Boquet (2013) of the Université de Bourgogne Dijon, in a collaboration with the University of the Philippines Diliman, filled this literature gap with a paper on bus transportation in the Philippines. Using fieldwork observations, he provided observations and analyses of bus transportation in the Philippines through a review of traffic data from the Philippines, personal observations, and traffic policies from other countries. Travel time, distance, general traffic situation, and common practices by the bus drivers were evaluated across different bus routes, with the conclusion being a proposal towards the improvement of the rail system in the Philippines and improving maintenance of not only buses but also other forms of public transportation in order to lessen traffic caused by buses.

The aforementioned paper provided analyses of the Philippine bus system from an etic perspective, focusing more on the idea of road and traffic management than enforcement itself. There is a need to look at the Philippine bus system from an emic perspective, with particular emphasis on the enforcement of the bus system

laws by the government. The present paper attempts to provide such a perspective.

1.2 Theoretical Backdrop

The study is guided by two theories, namely Standpoint Theory and Information Integration Theory. The former theory, more popularly used as one among many methods of understanding feminist discourse, states that the starting point for understanding experience is not social conditions, role expectations, or gendered definitions, but the distinctive ways individuals construct those conditions and their experiences within them (Littlejohn & Foss, 2008). The applications of this theory have expanded to such an extent that it has been described as “productively controversial” (Harding, 2009). It has crossed disciplinary boundaries, in that from its nascence as an explanation for feminist research, it is now used for race and peace studies (Ardill, 2013), among others. Harding (2009) goes further to describe the theory as multidisciplinary, transdisciplinary, and a method of inquiry. This paper attempts to look at the possible standpoints of bus drivers and the companies that employ them.

Information-Integration Theory, on the other hand, is focused on the ways persons accumulate and organize information about other persons, objects, situations, and ideas to form attitudes or predispositions to act in a positive or negative way toward some object (Littlejohn & Foss, 2008). Two variables, namely valence and weight, are measured in their effects on attitude change. Valence, also known as direction, refers to whether information supports one’s beliefs or refutes them (Estrada-Reynolds, Gray, & Nuñez, 2015). Weight is a function of credibility in the sense that if one thinks the information is probably true, one will assign a higher weight to it than if it were deemed to be probably false. More weight means the information has greater impact on the person’s system of beliefs (Littlejohn & Foss, 2008). The theory posits that attitude change occurs because new information is brought to bear on a belief, causing a shift in attitude, or because new information changes the

weight or valence given to some piece of information. Any one piece of information usually does not have too much influence because the attitude consists of a number of beliefs that could counteract the new information. However, a change in a piece of information or it receiving a different weight can begin to shift the entire schema. Restated, the theory presents a more optimistic view of decision-making, in that decisions are arrived at through conscious efforts at determining weight and credibility, instead of relying on confirmation bias and pre-decisional distortion, i.e., recasting information to support biases acquired before the receipt of such information.

The combination of these two theories were seen to provide a mix of qualitative flexibility and quantitative rigour, with Standpoint Theory explicitly recognizing different viewpoints that take into account varying cultures, contexts, and milieus, and Information-Integration Theory lending itself to predictive validity given its specific postulates.

2.0 METHODOLOGY

The study uses a cross-national comparative research method. It studies the state of the bus system in the Philippines and compares it to that of developed Asian countries, namely Japan and Singapore. Japan and Singapore were chosen because they have very low statistics for deaths arising from road traffic accidents. In the comparison, the study focuses on the bus stop system in the countries, how bus drivers are paid, problems with safety and how they are addressed, and the laws that govern the bus system in these countries and how they are implemented.

A Google search of news articles concerning road traffic accidents in the three countries was undertaken. For this purpose, the search phrase used was “bus accidents in X,” where X represented each of the three countries mentioned earlier. Only articles listed within the first five pages and dated no earlier than 2006 were considered. Given these parameters, the population of articles for consideration was

limited to 50 for each country, given that the standard search page result is at ten per page. Ten articles for every country were randomly selected using the random number generator function of Microsoft Excel, with the articles' contents subsequently analysed for recurring themes.

The personal experiences of the authors, both Philippine nationals, are also brought to bear on the analyses. Both authors, having been overseas numerous times, have seen how bus systems operate in different countries, with the primary investigator having been to all three countries whose bus systems were compared in the study. Because of the chaos in the Philippine bus system, the primary investigator makes it a point to avoid taking the bus; the co-author, on the other hand, has not boarded a Philippine bus since the early 2000s. Both authors have daily work commutes that create conditions equivalent to fieldwork. Their individual and personal leisure travel experiences form part of the narrative as well.

3.0 RESULTS

In the Philippines, the bus system has the following characteristics: stops exist but the use of these stops as the only loading and unloading points for passengers is not strictly enforced; buses have set routes but the stops for the routes are loosely defined and often act as suggestions rather than fixed points; a driver's salary is often based on the boundary system; and bus drivers often disregard safety regulations and may not receive the mandated penalty for these actions.

The boundary system is exceptionally egregious, as it demands that the driver remit a fixed amount daily to the company employing him. Whatever is left is considered their net pay. Drivers and conductors are thus incentivized to work beyond normal limits of endurance, to the extent of breaking traffic laws and attempting to outmanoeuvre other drivers and conductors in getting passengers (Tipan, 2013).

The combination of these factors, along with the disregard of road regulations by commuters, results in multiple buses at various choke points,

something that has led to both traffic jams and accidents. Examples of these accidents are two buses that fell off the elevated portion of one of the highways in the country onto the same highway's at-grade section (Elona & Sabillo, 2013). It must be noted that these two accidents happened two years apart, something that suggests that insufficient improvements to implementation have been made during that time.

The Philippine Department of Transportation and Communications has made attempts to clearly define bus stops in the Philippines through tools such as *tripbarker.com*, a trip planning web service designed for mass transit commuters that provides weather, traffic, events, and points of interest information along with the best trip route for a given commute. Unfortunately, this serves more as a tool rather than a definitive map for bus routes. A step in the right direction can be seen in the bus segregation system in operation along the main freeway, Epifanio de los Santos Avenue (EDSA) where stops are defined and buses have fixed routes (see Figures 1 and 2). Drivers and commuters still do not follow these though as evidenced by recurring instances of improper loading and unloading (Bueza, 2013). In March 2015, the Metropolitan Manila Development Authority (MMDA) and the Land Transportation Franchising and Regulatory Board (LTFRB) performed a pilot test for an express bus system along EDSA. This system involved 50 passenger buses that would provide three routes for commuters along EDSA, supposedly allowing commuters to expect a bus arriving at each stop every five minutes during peak hours and every ten minutes at non-peak times (Frialde, 2015), aiming to reduce commuting time and lessen traffic by having the buses stop only at designated stations (Chiu, 2015).

On the other hand, the bus system in Tokyo, Japan has the following characteristics: it has a fixed bus map that people must follow; buses have a fixed schedule that is strictly followed and easily predictable; bus drivers receive a fixed salary of approximately JPY 380,000 (around USD3,300) a month whether they work for a private company or a public entity (Brasor & Tsubuku, 2012); and bus drivers are arrested

should they go against road regulations. Bus drivers in Japan respect their work and their passengers even to the point of apologizing if they are late for even a minute. Law enforcement and the Japanese government immediately address any case of negligence or reckless behaviour by the driver.



Figure 1. Epifanio delos Santos Avenue (EDSA) Bus Segregation Scheme (Perez, 2012)

Japan acts quickly when problems occur with regard to public transportation and safety. The government ministry consistently releases white papers containing updated statistics on the various modes of transportation and these also include studies conducted to improve safety and efficiency or reports on how the government responded to a transportation problem. In the case of an April 2012 accident on the Kanetsu Expressway where there were multiple deaths and injuries, the bus driver received a sentence of nine years and six months even if the cause was attributed to the driver's lack of sleep (Pamintuan-Lamorena, 2012). The government immediately acted upon this by implementing a "plan to restore security and safety of highway and chartered bus" (IATSS, 2013). Some provisions in this plan include the enhancement of the safety check of operators, a renewed focus on safety, a limitation on the driving duration and distance for a driver per trip, and improved documentation concerning these trips.

Singapore's bus system can be described as convenient, safe, and punctual. As with Tokyo buses, buses in Singapore follow specific

schedules and stops. These are monitored and enforced by the Public Transport Council (PTC) through the use of timekeepers and the enforcing of the Universal Service Obligation (USO). Timekeepers monitor the adherence of each bus trip to the predefined timetables and take corrective action to minimize service disruption. If a bus arrives late, the next bus departure of the same service will be brought forward to close the gap between departures (Menon & Loh, 2006).



Figure 2. Routes for the Express System Pilot Test along Epifanio delos Santos Avenue (Official Gazette of the Republic of the Philippines, 2015)

Commuters may only use the set stops if they want to take the bus. Though this may seem to be an inconvenience to commuters at first glance, the PTC remedies this by enforcing the USO. The USO requires the provision of bus services to commuters within reasonable walking distance of about 400 metres and at an acceptable headway, even in areas where there is only a minimum level of passenger demand. Bus drivers in Singapore receive a fixed salary with overtime and performance incentives. Key result areas in these performance incentives include punctuality and meeting high safety and customer standards (Today, 2013). The average accident rate in Singapore is less than one per 100,000 bus-kilometres (Menon & Loh, 2006). On the rare occasion that an accident occurs, bus drivers undergo due process, which was seen in the case of a 2013 bus accident precipitated by a riot in the Indian enclave of the island-state. The riot was sparked after a private bus driver ran over a

construction worker. Incidentally, it was believed that race played a part in the accident; however, the driver was found not guilty as it was revealed that the passenger's intoxication caused the accident (Sahni, 2014).

Public transportation laws in Singapore are implemented with careful consideration, consistency, and review. This is evident with the PTC's use of the price-cap model to regulate public transport fares since 1997; this model takes into account the change in the Consumer Price Index over the preceding year and the intended compensation for the operators for net cost, which uses metrics such as the inflation rate, wage changes, and national productivity gains. Implementation was not meant to be automatic as it considered that the public was not ready for automatic adjustment in public transport fares (Looi & Tan, 2007). A debate arose in 2002 on the increase in fare because of the economic status of Singapore then. In response the government formed a committee to study the various economic models on price regulation and found that no evidence pointed to a single superior model. The result led to the committee recommending a shift from the cost justification practice to a more deterministic mechanism in which the PTC intervened only under special circumstances (Brasor & Tsubuku, 2012). As of 2005, the rounds of fare revision have been successfully held using this new fare review mechanism (Looi & Tan, 2007).

On July 1, 2012, the Philippine Department of Labour and Employment implemented Department Order 118-12, also known as Rules and Regulations Governing the Employment and Working Conditions of Drivers and Conductors in the Public Utility Bus Transport Industry. This changed the compensation scheme of bus companies by removing the boundary system and having the bus owners and operators "adopt a mutually-agreed upon 'part-fixed, part-performance' based compensation scheme for bus drivers and conductors" (DOLE, 2012). The order implemented a fixed wage that could not be any lower than the applicable minimum wage, defined as basic wage and cost of living adjustment, for work performed during regular

hours and days. It also created uniform criteria for the performance component of bus wages, defined as business performance, safety performance, and other relevant parameters. Specifically, revenue and ridership fall under the purview of business performance. Safety performance considers statistics such as the incidence of road accidents and traffic violations. Bus companies filed a petition against the order, citing supposed unconstitutionality (Merueñas, 2012). Data gathered showed that even after a year of implementation less than half of the 214 bus companies that operate in Metro Manila have adhered to these "rules and regulations" (Tipan, 2013). This showed not only the negative response of the bus companies but also the poor implementation of the law, the main observation being that the infrastructure for such a fixed-salary system is yet to be constructed, thus dooming the effort from the very beginning (Get Real Philippines, 2012).

4.0 DISCUSSION

Comparing the bus system of the three countries, one can see that the main problems with the Philippine bus system are the implementation of current laws, and the collective discipline of drivers, bus companies, and commuters. All three countries use bus stops, have a fixed salary for bus drivers, and have laws that promote the road safety and order, but the Philippines is the only one with poor implementation and compliance.

Bus stops in the Philippines act as suggestions and commuters still opt to board buses where it suits them, whereas in Japan and Singapore there is no choice but to board a bus from a bus stop. The commuters who choose to do this rather than boarding from designated stops cultivate this bad habit further.

The fixed salary in the three countries means that the bus drivers earn whether or not they have passengers. In Japan and Singapore, this means that the drivers focus less on getting more passengers and more on doing their job of transporting people safely. Unfortunately the

poor implementation of Philippine law has allowed the boundary system to continue to exist.

Bus safety is important for the three countries, as seen in the safety incentive they give bus drivers as mandated by law, but it does not guarantee that the drivers will in fact drive safely. In countries like Japan and Singapore where laws are strictly implemented and law enforcement usually leaves no room for leeway, it gives a good safety net for the riding public. This is not the case for the Philippines because Filipino traffic officers can be described, in the most charitable terms, as susceptible to corruption. Bus drivers exploit this by bribing the officers since getting the safety incentive is better for them, as it protects their job and more likely than not costs less than the actual penalty. For instance, a first offence for reckless driving results in a penalty of at least PHP500 (USD10), apart from the time lost queuing in the government office to settle the fine and retrieve the driver's licence (MMDA, 2016). A bribe of PHP200 (USD4) gets somebody off the hook, under the guise of "paying the fine directly" to the officer. This is a *quid pro quo*, as it were, given the time saved for the erring driver and the obvious pecuniary benefit to the apprehending traffic officer.

The Philippine government's Department Order 118-12 makes it obvious that it can make laws to address the bus problem; the implementation of these laws is another matter. The Order's implementation seemed immediate for the bus companies; yet, the government could have been firmer in its stand instead of faltering when the bus companies petitioned against the order. However, instead of standing pat and taking recourse to its inherent power, the government appeared to have undermined itself with the proposal of House Bill 3611 (2013). This has provisions on salary and safety similar to the ones in Department Order 118-12, which are at best redundant and at worst a manifestation of government's propensity to create laws, wither under the threat of lawsuits and blatant non-compliance, and emasculate itself by having another branch of government create a similar proposal.

One possible reason of the poor traffic law enforcement in the Philippines could be the idea that it does not have an exact all-encompassing act regarding transport policy. This is not the case in Japan, where the Basic Act of Transport Policy exists (Ministry of Land, Infrastructure, Transport, and Tourism, 2013), described as a comprehensive and systematic implementation of the policies on transport.

Its reach even goes down to the local government level, as seen in Article 32 which directs local governments to implement national-level policies on transport while taking into account their respective milieus' natural and socioeconomic conditions. Restating these may not be entirely necessary but doing so reinforces the importance of transportation law to the government and attempts to remove ambiguity with regard to implementation of these laws.

Another way we can analyse the problem is through the number of government agencies or boards involved in enforcing bus laws. Bus transportation in the Philippines is governed by the Department of Transportation and Communications (DOTC) through its line agencies, the Land Transportation Franchising and Regulatory Board (LTFRB) and the Land Transportation Office (LTO) (Consumer Unity & Trust Society International, 2013). Ideally these should be the only government agencies involved in the enforcement of bus laws, but other agencies are both directly and indirectly involved with the regulation and enforcement functions. These include the MMDA, the Philippine National Police, the Department of Public Works and Highways, the National Economic Development Authority, and local city government units. While this may be good in terms of the distribution of specific functions, the distribution may also cause issues with consistency of implementation and how fair the laws are.

Unlike the Philippines, Singapore essentially has only two agencies involved with the regulation and enforcement of bus laws. These are the Land Transport Authority (LTA) and the PTC. The LTA's function includes planning, designing, constructing, maintaining, and improving various road related infrastructure

such as walkways, stops, terminals, parking, and traffic signs. It is also involved in the development and implementation of road traffic management strategies and practices while also providing registration, and licensing procedures and systems for road transport (Singapore Statutes Online, 2014). On the other hand, the PTC regulates bus services, bus service operators, ticket payment services, and bus and rapid transit system fares in conjunction with the LTA. This essentially centralized function allows for a smoother and more consistent implementation of bus law.

Standpoint Theory can be used to explain the viewpoint of bus drivers and their employers in regard to Department Order 118-12 and similar legislation. Even as they may agree with the intents of the law, i.e., the creation of a safer environment for both passengers and drivers, the spectres of less income, increased regulation, and increased chances for apprehension are sufficient to derail any further consideration. The logic of equitable pay scales may be lost on the part of bus drivers because they are keenly aware that their companies' management teams will be able to flout the law anyhow. Dissent may be met by the loss of a job, catastrophic not just in terms of lost income but also in the time that will inevitably be spent in arbitral disputes and lawsuits. A road safety regulation is likely to be accepted if that law's perceived benefit outweighs any social or personal costs associated with compliance to it (Goldenbeld, 1996). In this context, personal costs may be deemed as too great, such that it becomes convenient to ignore the so-called greater good.

Non-compliance by bus drivers can be further explained by the Information-Integration Theory. Specifically, the variables of valence and weight are crucial in effecting attitude change according to the theory. The latter variable is a function of credibility in the sense that if one thinks the information is probably true, one will assign a higher weight to it. Conversely, information that is perceived as probably untrue will receive a lower weight (Littlejohn & Foss, 2008). Credibility in the case of bus drivers trusting bus laws is built on the consistency of

government implementation. According to the theory, attitude change occurs because new information is brought to bear on a belief, causing a shift in attitude, or because new information changes the weight or valence given to some piece of information. If bus drivers believe that bribery, instead of compliance to rules and regulations, will lead to higher income, the incentive to comply is diminished. The same logic applies to owners of bus companies; even as government has inherent power to create and implement rules and regulations, the bus companies' ability to take government to court and lobby against efforts inimical to their interests will defeat any attempts at attitude change.

To put it simply, the Philippines has the resources and laws to create a bus system similar to that of developed countries in Asia but the undisciplined nature of commuters, drivers, and law enforcement prevent this from happening. The solution lies in the stricter implementation of the law by the officials and increased compliance of the law by the commuters.

The possibility of proper and consistent implementation of laws in the Filipino setting is a matter of political will, something that arguably is in short supply. Should the Philippines push for reform of the traffic laws, three frames of references should be used to set the basic parameters for police enforcement? These frames are (1) the road safety situation and objectives for this situation; (2) the road behaviour situation and objectives for this situation; and (3) the situation of traffic law enforcement and the objectives for this situation (Goldenbeld et al., 2000). Data on crucial system parameters will need to be obtained in cooperation with the state's statistical authority. These are (1) calculated contribution of the system towards safe traffic behaviour and road safety; (2) indicators of the deterrent value of the system (e.g. perception of police controls and penalties by the public); (3) acceptance of the system by the public (e.g. perceived justice of penalties and procedures); (4) willingness to cooperate with the system (e.g. by paying tickets); (5) costs in time and money of the system as well as benefits such as time and costs "saved"; (6)

mean processing time of offence; number of cases; and (7) average time/costs per case.

5.0 CONCLUSION

The Philippine government can address the perennial issue of traffic, specifically the infrequent use of mandated bus stops, if it considers acting on root causes rather than symptoms. In the context of the bus system, the causes can be traced to poor licensing policies, lax implementation, systemic corruption, and remuneration.

The Philippines has guides to this end, in the form of many other countries' experience and legislation, for better enforcement and monitoring of this enforcement. Future studies may analyse the cultural reasoning behind the Filipino's way of commuting. It can look further into the reasoning as to why Filipinos continue to enable this chaotic system and what can be done to change such a mindset. The idea of road and urban planning in the Philippines as a cause of the problematic bus system can also be studied. Furthermore, a study that interrogates the issue using a longitudinal methodology coupled with the use of emic and etic perspectives, may reveal new insights that could not otherwise be brought to light if only one perspective is to be used.

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