

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
Third Regular Session

5971
H.B. No. _____

**Introduced By Representative Teofisto "TG" Guingona III
and Representative Juan Miguel F. Zubiri**

EXPLANATORY NOTE

Section 1, article XIII of the Constitution provides: "The Congress shall give highest priority to the enactment of measures that protect and enhances the right of all the people to human dignity, reduce social, economic inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. ..." Section 2 of the same article further provides: "The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance." These noteworthy provisions and noble intentions of the framers of the Constitution shall remain a distant dream to many of our people in the mountains or in rural areas who have no access to regular and affordable public land transportation utilities.

Access to regular and affordable motorized public transportation may be equated to empowering our people. Such access reduces social and economic inequalities, thereby promoting human dignity. Such access creates economic opportunities, thereby promoting self-reliance. Without access to regular and affordable motorized public transportation, the income of our farmers are significantly reduced, school participation and attendance is diminished, delivery of needed health services is hampered, and as a whole the opportunity for a better life is hindered.

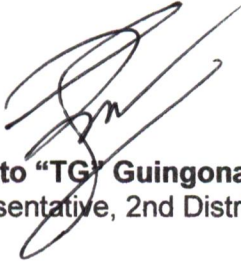
The primary answer to access is to create, construct, and repair public roads and bridges. But this is taking too long to be realized as this entails sufficient and sustained investment from both the local and national governments.

While the people wait for better roads, unregulated motorized public transportation called 'habal-habal' or two-wheeled public transport motorcycle ply these otherwise inaccessible areas. But being unregulated yet considered necessary by the people, this results to frequent apprehension by law enforcement authorities thus increasing the risk and cost of operation, which are then pass on to the passengers in the form of higher fares and overloading, among others. Being unregulated also leads to questions on safety, and the liability of operators in cases of accidents are of course unclear or absent.

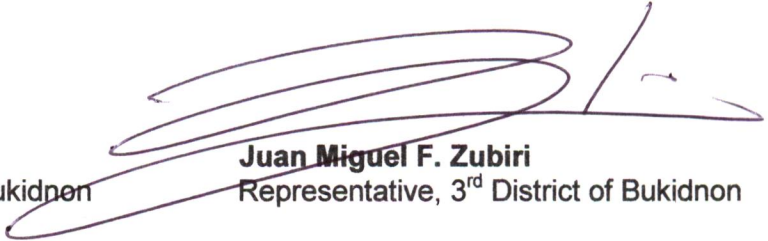
In view of the above premises, this representation believes that declaring and classifying 'habal-habal' or two-wheeled motorized public transport motorcycle as a

legitimate public land transportation utility, like that of the trimobiles, subject to the regulatory policies, rules and regulations to be issued by cities and municipalities, which recognize the need for such, may go a long way in improving the lives of our people.

In view of the foregoing, the urgent passage of this bill is earnestly sought.



Teofisto "TG" Guingona III
Representative, 2nd District of Bukidnon



Juan Miguel F. Zubiri
Representative, 3rd District of Bukidnon

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AN ACT DECLARING 'HABAL-HABAL',
OR TWO-WHEELED PUBLIC TRANSPORT MOTORCYCLE,
AS A LEGITIMATE MEANS OF PUBLIC TRANSPORTATION AND CLASSIFYING IT AS A
PUBLIC LAND TRANSPORTATION UTILITY, PROVIDING FOR ITS REGULATION, AND
FOR OTHER PURPOSES

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

Section 1. *Short Title.* – This act shall be known as the "Habal-Habal Act of 2006."

Section 2. *Declaration of policy.* – It is hereby declared a policy of the State to make motorized public transportation available, accessible, and affordable to all regardless of geographical location, terrain and road condition. Towards this end the State shall adopt flexibility in the determination of what constitutes a public land transportation utility especially in relation to what is actually available and acceptable means of public transportation in certain geographical locations, terrain and road conditions around the country.

In line with this policy of improving accessibility, availability, and affordability of public land transportation utilities, the State shall invest sufficient funds in improving the country's road network through the creation, construction, and repair of all types of public roads and bridges.

Section 3. *Definition of 'Habal-habal'.* – For purposes of this Act, the term 'habal-habal' or two-wheeled public transport motorcycle shall refer to a single motorcycle, like the ones used in trimobles (popularly known as *tricycles*), often used in rugged roads and terrain not normally accessible to, or not regularly served by, other modes of public land transportation utilities. Unlike the trimobile, 'habal-habal' has no attached passenger cabin.

Section 4. *'Habal-habal' as a legitimate public land transportation utility.* – By virtue of this Act, 'Habal-habal' shall henceforth be declared and classified as a legitimate public land transportation utility like the trimobles, subject to the

regulatory policies, rules and regulations that will be issued by cities and municipalities who have jurisdiction over the route sought to be served by 'habal-habal.'

Section 5. *Determination of Need for 'Habal-habal, and Preference for Safer Mode of Transportation.* -- The determination of whether there is a need for 'habal-habal' in certain areas or zones shall be the prerogative of cities and municipalities in consultation with the affected barangays.

The operation of 'habal-habal' shall however, be taken as a temporary solution to fill the need for motorized public transportation. The local government units concerned, in coordination with appropriate national government agencies, shall continue to endeavor to create, construct, and repair public roads and bridges so that safer and more comfortable means of transportation can be made available in areas and zones that may temporarily be served by 'habal-habal.' Once better modes of transportation become available, the operation of 'habal-habal' in these areas may be stopped by the cities or municipalities concerned.

Section 6. *Regulatory Policies, Rules and Regulations.* -- In accordance with sections 16 (General Welfare) and 17 (Basic Services and Facilities), and other appropriate and related provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, the *Sangguniang Panlungsod* (SP) in the case of cities, and the *Sangguniang Bayan* (SB) in the case of municipalities, shall issue the appropriate regulatory policies, rules and regulations governing the operation of 'habal-habal' through an ordinance. Such ordinance may include, but not limited to, the following: a) identification of 'habal-habal' routes or zones; b) roadworthiness standard and minimum design modifications for safety purposes, if any, for motorcycles intended to be used as 'habal-habal'; c) training and licensing requirements for drivers of 'habal-habal'; d) fare rates; e) maximum passenger or cargo capacity; and f) liability provisions in case of accidents.

Section 7. *Separability Clause.* -- If any provision of this Act shall be declared unconstitutional, no other provision hereof shall be affected thereby.

Section 9. *Repealing Clause.* -- All Acts, Decrees, or Laws inconsistent with the provisions of this Act are hereby repealed and/ or modified accordingly.

Section 10. *Effectivity.* — This Act shall take effect fifteen (15) days after the date of its publication in two (2) newspapers of general circulation.

Approved,