

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6909



Introduced by Rep. RAUL V. DEL MAR

EXPLANATORY NOTE

Section 458 (1)(vi) of Republic Act 7160, otherwise known as "Local Government Code of 1991", grants municipal and city governments, respectively, the power to regulate the operation of tricycles and grant franchises for the operation thereof within their territorial jurisdiction, subject to the guidelines prescribed by the then [Department of Transportation and Communication (DOTC)] now the DEPARTMENT OF TRANSPORTATION (DOTr). This provision aims to promote the safety of the riding public and to ensure maintenance of existing low-cost transportation.

It is of common knowledge that in cities, municipalities and barangays in the country, there is a proliferation of motorcycles-for-hire known as *habal habal* or *angkas*. *Habal habal* or *angkas* has been considered as the most convenient and cheapest means of transportation of the residents therein for lack of other means of transportation. Despite the benefits that motorcycles-for-hire provide, it cannot be denied that their non-regulation poses danger and risks to the safety and welfare of the riding public. The absence of any law regulating the operation of motorcycles-for-hire or *habal habal* or *angkas* runs counter to the policy of the State to ensure the safety and welfare of the public.

The amendment of Section 458(1)(vi) of R.A. No. 7160 – Local Government Code and Section 7 (c) of Republic Act No. 4136 – Land Transportation Code will resolve the existing inadequacies in our laws and shall promote the safety and welfare of people who patronage motorcycles-for-hire known as *habal habal* or *angkas*. The grant of authority to municipalities and cities to regulate the operations of motorcycles-for-hire known as *habal habal* or *angkas* will facilitate the registration of motorcycles as a legitimate public transport and shall ensure that operators and drivers will be held responsible for the negligent operation of their motorcycles. The same will likewise prevent abuse from owners, operators and drivers, thus ensuring low-cost transportation.

Approval of this bill is earnestly sought.



RAUL V. DEL MAR

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AN ACT
REGULATING MOTORCYCLES-FOR-HIRE KNOWN AS HABAL-
HABAL OR ANGKAS, THEREBY AUTHORIZING CITIES AND
MUNICIPALITIES TO GRANT FRANCHISES FOR THEIR
OPERATIONS, AMENDING FOR THE PURPOSE SECTION 458 (1)
(VI) OF REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE
KNOWN AS THE LOCAL GOVERNMENT CODE OF THE
PHILIPPINES

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

SECTION 1. **Short Title.** – This Act shall be known as the
“*Motorcycles-For-Hire Act of 2017.*”

SEC. 2. **Declaration of Policy.** – It is the policy of the State to promote public safety and security. To meet this end, the State provides mechanism for regulation of public transport services. Despite the government’s intensified programs to meet this end, existing laws do not regulate all forms of public transport services such as motorcycles-for-hire; thus defeating the State’s policy. To

protect and promote the safety and welfare of the riding public, the local governments, particularly cities and municipalities, should be empowered to regulate the operations of motorcycles-for-hire also known as *habal habal* or *angkas*.

SEC. 3. **Definition of Motorcycle-for-Hire.**- For the purpose of this Act, motorcycle-for-hire known as *habal habal* or *angkas* shall denote any motorcycle that will carry passengers, goods and other small cargo for a fee as a common carrier. Motorcycles-for-hire or *habal-habal* operate in the rural and urban areas of the country, especially in the interior roads and in hilly, sloping and mountainous barangays where there is a lack of jeepneys, buses and other forms of transportation.

SEC. 4. **Amendments.** – Section 458(1)(vi) of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of the Philippines is hereby amended by inserting the phrase “motorcycles-for-hire known as *habal-habal* or *angkas*” between the words “of” and “and” to read as follows:

“SEC. 458. Powers, Duties, Functions and Compensation. – (a)

“xxx.

(1)(vi) Subject to the guideline prescribed by the Department of Transportation [and Communications], regulate the operation of MOTORCYCLES-FOR-HIRE KNOWN AS *HABAL-HABAL* OR *ANGKAS* and tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the CITY OR municipality;”

- Section 7 [c] of Republic Act No. 4136 otherwise known as Land Transportation Code, is hereby amended by deleting letter “(c) private motorcycles, scooters or motor wheel attachments.” to read as follows:

“SEC. 7. Registration Classification –

“xxx.

(a) Private passenger automobiles; and (b) private trucks. [; and (c) private motorcycles, scooters or motor wheel attachments] Motor vehicles registered under these classifications shall not be used for hire under any circumstances and shall not be used to solicit, accept, or be used to transport passengers or freight for pay.

SEC. 5. **Local Franchise.** –The municipality or city shall receive, process and evaluate all applications for the grant of franchise to operate motorcycles-for-hire known as *habal-habal* or *angkas* within their territorial jurisdiction.

Any person applying for the grant of franchise to operate a motorcycle-for-hire shall submit the following documents:

1. Certification of the punong barangay attesting that the applicant is a bonafide resident of the barangay within the city or municipality;
2. Certificate of registration and official receipt of registration payment for the said motorcycle unit; and
3. A deed of undertaking by the owner that the unit applied for will be operated only within the said city or municipality.

After favorable consideration of the application, the same shall be endorsed to the sanggunian bayan or sangguniang panglungsod for the issuance of franchise for the operation of the motorcycle-for-hire within the territorial jurisdiction of the city or municipality. The franchise shall indicate the place or route where the motorcycle-for-hire is authorized to operate.

SEC. 6. **Administrative Boundaries.** –The authority granted to local government unit to regulate motorcycles-for-hire shall be limited and confined to the boundaries of the city or municipality. The local government unit may only grant franchise to motorcycles operating within the city or municipality and owned by residents thereof.

In cases where travel between two (2) municipalities can only be done by motorcycles-for-hire, for lack of any other means of public transportation, the cities or municipalities traversed by the motorcycles-for-hire shall agree between or among themselves through a Memorandum of Agreement how incursions of motorcycles-for-hire belonging to another city or municipality will be treated.

SEC. 7. **Limits of Operations.** – Motorcycles-for-hire are authorized to operate on any road within the city or municipality. However, they are prohibited to operate, except to cross, along the national highway or on any road which allows a maximum speed greater than 40 kilometers per hour.

The local government unit with jurisdiction over the roads may limit and fix routes for motorcycles-for-hire.

SEC. 8. **Insurance Coverage.** –For purposes of passenger's safety, the owner of motorcycle-for-hire shall, upon registration, procure the necessary insurance for third party liability.

SEC. 9. **Penalty.** – The owner of the motorcycle-for-hire or *habal-habal* who fails to secure a franchise to operate shall be fined the amount of not less than Three Thousand Pesos (P3,000.00) up to not more than Five Thousand Pesos (P5,000.00) and the motorcycle unit shall be impounded by the local government unit until the registration of the same. These set of penalties shall be subject to the review and appropriate revisions of the Department of Transportation and Communications every three (3) years after the effectivity of this Act.

SEC. 10. **Implementing Rules and Regulations.** –The Secretary of Transportation and Communications shall, within sixty (6) days after the effectivity of this Act, issue the necessary rules and regulations to implement this Act.

SEC. 11. **Repealing Clause.** –All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modify accordingly.

SEC. 12. **Effectivity.** –This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved.