

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8819



INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

Motorcycles, while considered as valid mode for transportation and accessibility, are not originally intended for public transportation. In our country, however, the shortage or lack of common or traditional forms of a public transport network and infrastructure such as mass public transportation both in urban and rural areas, is usually substituted with other modes such as multicabs, tricycles and "habal-habal". The operation of habal-habal services for passenger, goods, and cargo transport developed sometime in the nineties. Its existence has generally been tolerated, although technically not regulated by any government agency.

While habal-habal provides facility and mobility to the people in going to work, school, market, church, etc., the safety of our people's lives and limbs are of primordial consideration. Hence, there is a need for the operation of habal-habal to be regulated.

Section 458 (1)(vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991", grants municipal and city governments the power to regulate the operation of tricycles and grant franchises for the operation thereof within their territorial jurisdiction, subject to guidelines by the Department of Transportation. This provision aims to promote the safety of the riding public.

This bill seeks to amend Section 458(1)(vi) of RA. 7160 and Section 7(c) of R.A. 4136 – Land Transportation Code to allow the use of habal-habal for passenger, goods, and cargo transport, as a common carrier, subject to the regulation and grant of franchise to operate motorcycles for hire within their territorial jurisdiction by the city or municipal government. Under this bill, the municipality or city shall receive, process, and evaluate all applications for the grant of the 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:

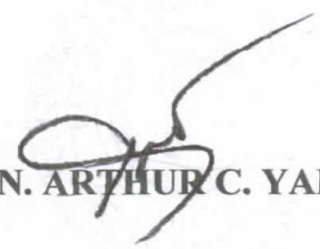
1. Certification of the Punong Barangay attesting that the applicant is a bonafide resident of the barangay within the city or municipality.
2. Certificate of registration and official receipt of registration

- 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.

Moreover, the authority grant 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 the view of the foregoing, the passage of the bill is hereby being earnestly sought.



HON. ARTHUR C. YAP

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AN ACT
REGULATING MOTORCYCLES-FOR-HIRE KNOWN AS HABAL-HABAL OR
ANGKAS, THEREBY AUTHORIZING CITIES AND MUNICIPALITIES TO
GRANT FOR THEIR OPERATIONS, AMENDING FOR THE PURPOSE
SECTION 458 (1) (VI) OF THE 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:

CHAPTER 1 – GENERAL PROVISIONS

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Motorcycles-For-Hire
2 Act of 2019.”
3

4 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to promote public
5 safety and security. To meet this end, the State provides mechanism for regulation of public
6 transport services. Despite the government’s intensified programs to meet this end, existing
7 laws do not regulate all forms of public transport services such as motorcycles-for-hire;
8 thus defeating the State’s policy. To protect and promote safety and welfare of the riding
9 public, the local governments, particularly cities and municipalities, should be empowered
10 to regulate the operations of motorcycles-for-hire also known as *habal-habal* or *angkas*.
11

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

18 **SEC. 4. *Amendments.*** – Section 458(1)(VI) of the Republic Act No. 7160, as
19 amended, otherwise known as the Local Government Code of the Philippines is hereby
20 amended inserting the phrase “motorcycles-for-hire known as *habal-habal* or *angkas*”
21 between the words “of” and “and” to read as follows:
22

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

24 “xxx.

25 (1)(VI) Subject to the guideline prescribe by the Department of
26 Transportation [and Communications], regulate the operation of
27 MOTORCYCLES-FOR-HIRE KNOWN AS *HABAL-HABAL* OR
28 *ANGKAS* and tricycles and grant franchise for the operation thereof within
29 the territorial jurisdiction of the CITY OR municipality.”
30

Section 7 [c] of Republic Act No. 4136 otherwise known as Land Transportation Code, is hereby amended deleting letter “© 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 the 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:

4. Certification of the Punong Barangay attesting that the applicant is a bonafide resident of the barangay within the city or municipality.
5. Certificate of registration and official receipt of registration payment for the said motorcycle unit; and
6. 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 authorize to operate.

SEC. 6. Administrative Boundaries. – The authority grant 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 motorcycle-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 and revisions of the Department of Transportation every three (3) years after the effectivity of this Act.

1 **SEC. 10. Implementing Rules and Regulations.** — The Secretary of
2 Transportation shall within sixty (60) days after the effectivity of this Act, issue the
3 necessary rules and regulations to implement this Act.
4

5 **SEC. 11. Repealing Clause.** — All laws, decrees, executive orders, rules and
6 regulations and other issuances or parts thereof, inconsistent with the provision of this Act,
7 are hereby repealed or modify accordingly.
8

9 **SEC. 12. Time when Act takes effect.** — This Act shall take effect fifteen days
10 after its publication in the Official Gazette of the Philippines shall have been completed.
11

12 *Approved,*