

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4005



Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

This bill seeks to provide a magna carta for tricycle drivers and operators in the country. This bill has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. On account of the necessity to provide uniform guidelines for the use of tricycle drivers and operators, this bill is being refiled.

This bill has for its purpose the effective operation and management tricycles throughout the country. In a country where tricycles have become a primary mode of transportation, necessity dictates that we have to revisit laws and regulations governing the operation and management of tricycle drivers and operators. Local government units are the primary authority tasked to regulate tricycle operations and grant franchises. However, tricycle drivers are geographically separated by regions and are individually set apart by localized limitations and delimitations. Without an institutionalized mechanism through which uniform regulations can be appropriately prescribed, the protection of welfare and of drivers and operators can never be achieved. For the protection of drivers and operators, so as not to be subjected to individual and local prejudice, there is a need to institutionalize a magna carta wherein uniform guidelines will be followed.

The State recognizes the sanctity of human life. To this end, laws, rules and regulations are enacted to secure the preservation of life to its fullest. This legislative measure seeks for the inclusion of motorcycle-for-hire within the realm and definition of public utility vehicles. Every year, approximately 1.2 million people around the world die in road traffic accidents. In the Philippines, motorcycle riders have constantly been the

top victim of road crash injuries since 2010. Unfortunately, most of them are aged between 15 to 29 years. Road traffic incidents are debilitating as they expose the riders to injuries, financial loss, and possible death. Regrettably, motorcycles are not public utility vehicles hence are not allowed to ply routes without certificates of public convenience, and yet, they are being used as motorcycles-for-hire in the country. Absent their status as public utility vehicles, claims arising from accidents will not give rise to any liability from insurance companies.

Hence, the need to regulate the use of motorcycles as public utility vehicles to protect the riding public from undue harm.

Accordingly, the approval of this bill is earnestly sought.



TYRONE D. AGABAS
Representative
6th District, Pangasinan

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Introduced by Representative **TYRONE D. AGABAS**

**AN ACT PROVIDING FOR REGULATION OF TRICYCLES,
INSTITUTIONALIZING MECHANISMS FOR ITS IMPLEMENTATION**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Magna
2 Carta for Tricycle Drivers and Operators”

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State;

4 **a)** To promote and improve the total well-being of the members
5 of the tricycle sector particularly the marginalized low-level
6 income earners by providing them with adequate and timely
7 social, economic and legal services, as well as mechanism
8 that shall protect their rights and promote benefits that
9 ensure their dignified existence and economic advancement;

10 **b)** To recognize, promote, protect and fulfill the rights of every
11 member of the tricycle sector including the right to self-
12 organization, the right to decent work, just and humane
13 working conditions, access to social protection, and the right
14 to represent their organizations in a continuing process of
15 consultation and dialogue towards maximizing the provision
16 of a comprehensive package of reforms, interventions, and
17 services in accordance with their articulated needs and
18 interests;

19 **c)** To give the highest priority to the enactment of measures
20 that protect and enhance the rights of all people to human
21 dignity, reduce social, economic and political inequalities
22 and remove cultural inequities by diffusing wealth and

political power for the common good and to provide environments at national and local levels that enable all workers to fully develop into productive and responsible citizens.

- d) To recognize the roles and contributions of members of the tricycles sector, make them visible in the national and local statistics and develop the local economy by maximizing their potential;
- e) To promote gender equity and equality through elimination of gender stereotypes attached to this sector, redefining tricycle drivers as not merely males but also females and protecting the women workers against gender-based discrimination, exploitation, violence and abuse;
- f) To protect vulnerable groups in the sector such as the elderly and differently-abled persons from safety issues, discrimination, and harassment; and
- g) To eliminate child labor in the tricycle sector through effective enforcement of laws against child labor and the creation of more quality jobs for adults.

SEC. 3. Framework and Principles. – Local Government Units (LGUs) shall pursue and implement a comprehensive, rights-based, participatory and gender responsive framework for members of the tricycle sector that includes:

- a) Putting in place policies and programs that will bring members of the tricycle sector to the economic and social mainstream;
- b) Pursuing structural reforms in all relevant levels of LGUs by creating committees, special offices for development and protection of members of the tricycle sector and supporting their representational rights through their organizations;
- c) Extending coverage of accessible and affordable social security and health care benefits to workers in the tricycle sector; and
- d) Exacting responsibility on the part of the tricycle sector members: *Provided* that the State shall recognize their rights and put in place responsive, transparent and accountable mechanisms to ensure the protection, promotion and realization of those rights.

SEC.4. Definitions - As used in this Act: **(a) Colorum** – refers to a private vehicle operated as a public utility without the benefit of a

valid and existing special permit, provisional authority, or franchise.

(b) *Motorist Awareness Program* – refers to any information or public awareness program designed to enhance on the presence of tricycles on or near roadways.

(c) *Motorized Tricycle Operators Permit (MTOP)* – refers to the permit that authorizes the holder to operate a tricycle for public transport;

(d) *Sanggunian* – refers to the sangguniang panlungsod or the sangguniang bayan, as the case may be;

(e) *Tricycle* – refers to a a motor vehicle composed of a motorcycle fitted with a single-wheel sidecar, or a motorcycle with a two wheel rear cab, the former having a total of three wheels and the latter having a total of four wheels, otherwise known as the *motorela*.

(f) *Tricycle Drivers Safety Program* – refers to any formal program of instruction that provides accident avoidance, compliance to road safety laws and best practices and other safety-oriented operational skills to tricycle drivers, including innovative training to meet unique regional needs.

(g) *Tricycle Operators and Drivers' Association or TODA* –refers to the organization of tricycle operators and drivers recognized by an LGU.

(h) *Tricycle Sector* – refers to a group consisting of drivers and operators of tricycles for public transportation in the Philippines.

SEC. 5. Tricycle Operating Requirements. Tricycle shall be operated subject to the following:

(a) Subject to the guidelines to be prescribed by the Department of Transportation (DOTr), the Land Transportation Office (LTO) and the Land Transportation Franchising and Regulatory Board (LTFRB), the cities and municipalities shall have the power to regulate the operation of tricycle and grant permits for the operation thereof within their territorial jurisdiction. Before it can issue the MTOP, the concerned LGU is required to submit a tricycle operation plan which includes, among others, the tricycle routes and zones, designation of terminals and maximum number of tricycles operating within their jurisdiction. Such plan shall be subject to the approval of the DOTr and must comply with the guidelines promulgated therefor with the end goal of

- 103 ensuring overall efficiency, integration and safety of the
104 transportation system.
- 105 **(b)** For safety reasons, no tricycle shall operate on national
106 highways utilized by 4-wheel vehicles greater than four (4)
107 tons and where normal speed exceed forty (40) kilometers
108 per hour. However, the concerned Sanggunian may provide
109 exceptions if there are no transportation services or modes
110 servicing the said route, either along the highway or crossing
111 the same, other than tricycles, subject to the approval of the
112 DOTr: Provided, however, That when such operation is
113 allowed, the LGU is mandated to provide appropriate
114 signage's, marks or lanes and other safety features to guide
115 and protect the tricycles utilizing the highways.
- 116 **(c)** Operators shall employ only drivers possessing professional
117 licenses duly issued by the LTO. For this purpose, the LTO
118 shall issue guidelines, including theoretical and practical
119 examinations, appropriate for drivers of tricycles.
- 120 **(d)** The LTO shall ensure the roadworthiness of tricycles before
121 registration or renewal of registration, including compliance
122 to environmental laws. In coordination with motorcycle and
123 tricycle manufacturers and the Department of Trade and
124 Industry (DTI), the LTO shall formulate safety standards and
125 the allowable designs and modification, taking into
126 consideration the needs of the vulnerable groups, and
127 determine the limitations on passengers and weight or load
128 capacity. Such limitations shall be indicated on the body of
129 the tricycles.
- 130 **(e)** Zones must be within the boundaries of the concerned city
131 or municipality. However, existing operating zones traversing
132 two (2) or more LGUs shall be maintained: Provided, that
133 operators serving said zones shall secure the necessary
134 MTOP from each of the LGU having jurisdiction over the
135 covered areas.
- 136 **(f)** An LGU may adopt a common color coding scheme for
137 tricycles operating in the same zone. Each unit shall be
138 assigned and bear an identification number, aside from its
139 license plate number issued by the LTO.
- 140 **(g)** An operator wishing to completely terminate its service
141 should report in writing such termination to the Sanggunian
142 which originally granted the MTOP.
- 143 **(h)** The MTOP shall be valid for three (3) years, renewable for the
144 same period. Transfer to another zone, change of unit or

transfer of the MTOP shall be construed as an amendment to an MTOP and shall require appropriate approval of the concerned Sanggunian.

- (i) A tricycle shall be allowed to operate like a taxi service where, aside from rendering services in the designated terminals, the tricycle can be flagged-down or engaged by passengers on the road within its authorized zone of operation. The concerned LGUs shall impose no other additional requirement for tricycle operation, except those provided under this Act.

SEC. 6. Registration and Issuance of the MTOP. – There shall be a simple system and procedure for registration and issuance of the MTOP in accordance with the framework and principles of this Act. The registration fee for the application for an MTOP, which shall be valid for a three-year period, shall not exceed one thousand pesos (PhP1,000.00). The said fee shall cover the cost of the issuance of the MTOP, the filing fee, franchise fee, inspection fee, fare adjustment fee, amendment, regulatory, and all other fees. No other fees shall be exacted from the tricycle sector business activities or enterprise other than the registration fee as mentioned above.

The LGU may increase or adjust the fee herein imposed once every five (5) years: Provided, That in no case shall the increase be more than 10% of the prevailing amount.

SEC. 7. Tricycle Sector One-Stop Shop Center. – All cities and municipalities shall establish a Tricycle Sector One-Stop Shop Center which shall handle all transactions and processing of the business permit applications within their respective jurisdiction. The Center shall ensure that the processing of the MTOP of the members of the tricycle sector shall commence on the day of their application and the registration shall be released within thirty six (36) hours upon submission of the complete requirements. To facilitate efficient and expeditious processing of the MTOP applications, the LGUs shall also formulate a uniform and simple checklist of requirements for registration such as valid proof of identity (barangay clearance, certificate of residency, etc.) and flowchart of the procedure of registration. The LGUs shall also be responsible in translating the checklist of requirements and flowchart of procedure of registration in their local dialect. The LGUs shall cause the posting of the checklist and flowchart of procedure of registration in at least three (3) conspicuous areas, preferably public areas, in the community and cause the publication of the same in the local newspaper if there is any.

SEC. 8. *Rights and Benefits of Workers in the Tricycle Sector.*-The members of the tricycle sector shall have the following rights:

- (a) Self-organization to collectively negotiate with government and other entities in the promotion of their welfare and advancement of their interests free from any political interference or favor;
- (b) Informed participation in decision-making processes relevant to concerns of their sector through their legitimate organizations. Towards this end, they shall be represented in all public hearings for laws, ordinances, or regulations that will affect their sector;
- (c) Safe working conditions with access medical care services and Insurance;
- (d) Freedom from any form of discrimination, violence, exploitation or harassment;
- (e) Freedom from deprivation of property without valid cause and due process of law;
- (f) Equal access to information on how to safeguard their rights according to law;
- (g) A driver shall not be forced or engaged to work in any hazardous work, activity or undertaking, or be exposed to hazardous working conditions; and
- (h) A member of the tricycle sector shall be protected from any act of interference, coercion, extortion, bureaucratic red tape.

SEC. 9. *Government Support to Tricycle Sector.* – All concerned national government agencies, government financial institutions, and LGUs shall include in their plans, programs, projects and activities efforts that are supportive of the foregoing rights and other concerns of the tricycle sector. Each LGU shall also create a grievance mechanism to deal with the concerns of the members of the tricycle sector.

SEC. 10. *Mandatory Membership in SSS and Philhealth.* – The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall, within ninety (90) days from the effectivity of this Act, promulgate guidelines for the mechanism of collecting premiums from members of the tricycle sector. The SSS shall also inform its members from the tricycle sector of services and loans that they can avail of.

SEC. 11. Role of a Local Government Unit.— Subject to the operating conditions in Section 5 of this Act and the guidelines to be promulgated by the DOTr, LTO and LTFRB, cities and municipalities shall have the following responsibilities:

(a) An LGU, in coordination with its Informal Sector Local Development Office, after consultation with the transport groups, the affected community, and other stakeholders, shall identify and designate viable routes and terminals of tricycle within the city or municipality. Viable terminals shall be in proximity to public buildings, public markets, commercial districts, or commercial establishments and other places which the public frequently visits.

(b) The Sanggunian shall, within 90 days after the survey and pursuant to the recommendation of the Informal Sector Local Development Office, pass an ordinance designating the routes and the terminals of tricycles as specified in this Act. However, no designation of terminal shall be conducted without prior consultation with the tricycle sector, the affected inhabitants and other sectors.

An LGU, which has already established or designated routes and terminals of tricycles prior to this Act is deemed to have complied with this provision of this Act: Provided, that the aforesaid establishment or designation of terminals have been undertaken after consultation with the relevant parties.

(c) In coordination with the DOTr, LTO and public and private stakeholders, LGUs shall implement a tricycle maintenance program. This shall be done by providing the existing TODAs within their jurisdiction, training and instruction on preventive and periodic maintenance in tandem with the Department of Science and Technology (DOST) and other private institutions.

(d) Vocational education on auto-mechanics and related courses like engine repair and maintenance shall also be offered by the LGU to the members of the tricycle sector, in coordination with the Department of Labor and Employment (DOLE) and the Technical Education and Skills Development Authority (TESDA).

With the new program of DOLE and TESDA, LGUs shall also provide for alternative livelihood and skills-training program, to allow tricycle drivers to explore more economically rewarding sources of income.

- (e) There shall be a conduct of a mandatory Tricycle Drivers Safety Program at the LGU level. The content and structure of the Tricycle Drivers Safety Program shall be formulated by the DOTr, LTO, LTFRB and other relevant government agencies. The LGU shall require all tricycle drivers within its jurisdiction to undergo this orientation. To complement this, the LTO and LTFRB shall include a Motorist Awareness Program in all its safety trainings.
- (f) The LGUs, in coordination with law enforcement agencies, shall prevent the proliferation of illegal or Colorum tricycle units.
- (g) The LGU, in coordination with the DOLE and other concerned agencies, shall ensure the regular conduct of seminars to prevent the unlawful employment of children as tricycle drivers and the gender based discrimination in granting driver's license.
- (h) The LGU are also hereby empowered to provide in its ordinance or as terms or condition in the MTOP or franchise issued, additional acts of violation, whether relating to existing laws, rules and regulations or to the treatment of tricycle passengers and the penalties therefor in accordance with the operation of tricycles within their respective jurisdiction.

SEC 12. Phase-in of More Efficient Engines. – Within thirty (30) days from the effectivity of this Act, the DOTr and the DOST shall implement a continuing program to encourage manufactures to develop more efficient engines and cleaner technologies to be used by the tricycle sector. The DTI-Bureau of Product Standards shall prescribe the standards and specifications for tricycle engines to be observed by the tricycle sector in pursuit of cleaner technologies and in accordance with Republic Act No. 8749, otherwise known as the Clean Air Act.

SEC. 13. Penalties – a) A public officer or employee who acts in violation of Sections 2705, 6, or 7 hereof shall, in addition to administrative and criminal liability under existing laws, be penalized with one-month to six-month suspension from office, at the discretion of the court.

b) A driver who operates a tricycle without the necessary MTOP to be observed by the tricycle sector in pursuit of cleaner technologies and in accordance with Republic Act 8479, otherwise known as the Clean Air Act”, including any who incurs delinquency in payment of fees that is tantamount to an

incomplete application for an MTOP, operates in highways without valid authorization as mentioned in Section 5 (b) hereof transports passenger and/or goods beyond the limitations on the number of passengers and on load capacity, or operates a tricycle not compliant with environmental laws shall be punished by a fine of not less than five hundred pesos (PhP500.00) but not more than Two thousand pesos (PhP2,000.00) or the impoundment of the tricycle by an enforcement agency for a period of two (2) months.

c) An operator who operates without the necessary MTOP or authority to operate in highways employs a driver without the requisite license to drive a tricycle including those below the age of majority or allows a driver to operate a tricycle that is not roadworthy or with unauthorized modification affecting vehicle safety, shall be punished by a fine of not less than Five hundred pesos (PhP500.00) but not more than Two thousand pesos (PhP2,000.00) or the impoundment of the tricycle by an enforcement agency for a period of two (2) months. The second and succeeding offenses shall warrant the revocation of the MTOP or franchise and the perpetual disqualification from being issued said privilege.

d) Any person who shall willfully interfere with, restrain or coerce any member of the tricycle sector in the exercise of rights or shall in any manner act in violation of Section 8 of this Act shall, upon conviction be punished by a fine of not less than Fifty thousand pesos (PhP50,000.00) but not more than Five hundred thousand pesos (PhP500,000.00) or imprisonment not exceeding (1) year or both at the discretion of the court. If the offender is a public official, the court may, in addition to the penalties provided in the preceding paragraph, impose the penalty of disqualification from office.

SEC. 14. Implementing Rules and Regulations. – The DOTr, in coordination with the LTO, LTFRB, the SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the Department of the Interior and Local Government, shall issue the implementing rules and regulations (IRR) of this Act within Ninety (90) days from its effectivity. The IRR shall include the guidelines for the allocation of the fund for subsidizing the SSS or Philhealth premiums of the members of the tricycle sector and the programs that will benefit them.

SEC. 15. Separability Clause – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

353 **SEC. 16. *Repealing Clause*** – Any law, presidential decree or
354 issuance, executive order, letter of instruction, administrative
355 order, rule, ordinance, or regulation contrary to or inconsistent
356 with, the provisions of this Act is hereby repealed, modified, or
357 amended accordingly.

358 **SEC. 17. *Effectivity*** - This Act shall take effect Fifteen (15) days
359 after its publication in the Official Gazette or in a newspaper of
360 general circulation.

361 Approved,