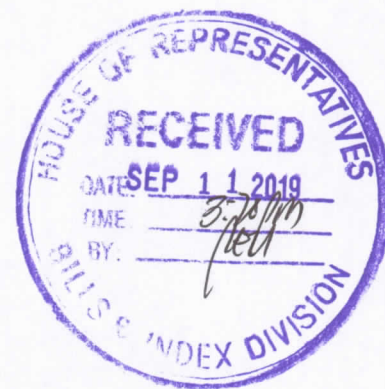


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H. B. No. 4549

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

AN ACT
ESTABLISHING CARPOOL SERVICE IN THE COUNTRY, REGULATING ITS
USE AND OPERATION, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Slow moving traffic is a bane to the productivity, well-being and development, not only of the individual but of the entire country. A study commissioned by Uber in 2017 entitled *Unlocking Cities*¹ shows that a typical driver plying the streets of Manila has to endure an additional 132% travel time during peak hours, which could adversely affect commuter's health and psychosocial well-being in the long run. Another study made by Japan International Cooperation Agency² in 2014 estimates that the traffic congestion plaguing Metro Manila costs the Philippine economy more than two billion pesos every day. Without intervention, the cost of severe traffic congestion on the people and the economy could balloon to more than five billion pesos a day by 2035.

The proposed measure seeks to thwart this looming crisis by utilizing a large, untapped resource found in every gridlocked roadway in the country – empty passenger seats in single-occupancy vehicles. This bill intends to promote carpooling as an effective vehicle reduction scheme, as well as a straightforward way to economize fuel consumption, decrease overall carbon footprint, and even lessen traffic-induced stress. This bill is optimistic that through the promotion of carpool services especially in urban areas, the government can minimize the problem of traffic congestion in a manner that is simple, pragmatic, and at almost no cost to taxpayers.

¹ The Boston Consulting Group. (2017). *Unlocking Cities: The impact of Ride-sharing in Southeast Asia and beyond*. Uber.

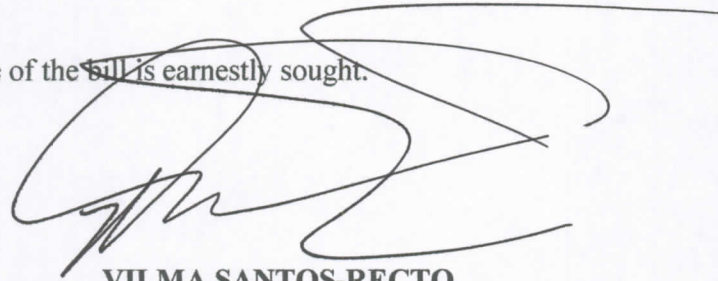
² Japan International Cooperation Agency. (2014). *Roadmap for Transport Infrastructure Development for Metro Manila and its Surrounding Areas (Region III and Region IV-A)*. ALMEC Corporation.

To promote the use of carpool services, this bill establishes the legal framework for providing and accepting carpool services in the country. This bill classifies carpool vehicles as private carriers, thereby reducing the bureaucratic requirement to provide carpool services legally. The bill likewise allows the owners and/or drivers of carpool vehicles to receive monetary contributions to cover expenses incidental to carpool vehicle operation, such as fuel, oil, and lubricant expenses, toll fees, parking charges, and vehicle maintenance costs. Government agencies are also authorized under the bill to provide incentives to carpool owners and/or drivers, such as exemption from vehicle volume reduction programs and designation of dedicated carpool lanes, among others.

Moreover, this bill addresses key issues associated with commuting in carpool vehicles. To warrant the roadworthiness of carpool vehicles, this bill compels the owners to follow the recommended preventive maintenance schedule of the carpool vehicles. To guarantee the safety and security of carpool passengers, this bill requires clearances and other documents to ensure that carpool drivers can be identified and found, and comprehensive motor vehicle insurance to protect passengers against accidents and other fortuitous events. To ensure the safety of carpool drivers and the carpool vehicles, this bill limits the provision and acceptance of carpool services within carpool associations empowered to scrutinize and monitor its own members. Finally, to keep unscrupulous vehicle owners and drivers from exploiting the carpool services to operate illegal *colorum* vehicles, this bill imposes a registration requirement for carpool vehicles, a carpool trip limit of two trips per day, a carpool passenger limit of six per carpool vehicle, and a Gas Fund contribution limit to be defined by the Department of Transportation (DOTr).

Ultimately, this bill intends to achieve two purposes. First, this bill seeks to provide a safe, dependable, environmentally-sound and sustainable mode of transportation to the commuting public while decongesting traffic in Metro Manila and in other urban areas in the country. Second, the bill seeks to improve the well-being of the commuting public by reducing the level of carbon emissions from motor vehicles, cutting the duration and the number of transfers in commuting to and from work, and by diminishing the traffic-induced exposure to health risks.

In light of the foregoing, immediate passage of the bill is earnestly sought.

A large, stylized handwritten signature in black ink, consisting of several loops and flourishes, positioned above the printed name.

VILMA SANTOS-RECTO

HOUSE OF REPRESENTATIVES

H. B. No. 4549

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

AN ACT
ESTABLISHING CARPOOL SERVICE IN THE COUNTRY, REGULATING ITS
USE AND OPERATION, AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Philippine Carpool Service*
2 *Act.*”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 promote a just and dynamic social order through policies that provide adequate social
5 services, promote full employment, a rising standard of living, and an improved quality of
6 life for all. Towards this end, the State shall develop mechanism to regulate the use of carpool
7 services not only as a safe, dependable, environmentally-sound and sustainable mode of
8 transportation, but also as a means to improve the well-being of Filipino commuters and to
9 decongest traffic in Metro Manila and in other urban areas in the country.

10 Sec. 3. *Definition of Terms.* – For the purposes of this Act:

11 a) *Carpool Service* shall refer to voluntary arrangement between two (2) to
12 seven (7) persons, including the driver of a particular vehicle, to make one-way or round-trip
13 journey in a single vehicle;

14 b) *Carpool Association* shall refer to a duly-registered non-stock, non-profit
15 organization created for the provision of carpool services to its members;

16 c) *Carpool Driver* shall refer to a duly-licensed operator of a motor vehicle that
17 provides carpool service in accordance with the provisions of this Act;

1 d) *Carpool Passenger* shall refer to any *bona fide* member of a carpool association
2 who accepts carpool service from a fellow carpool association member in accordance with
3 the provisions of this Act;

4 e) *Carpool Trip* shall refer to the vehicle trip that commences at the carriage of the
5 first carpool passenger and terminates upon the arrival of the carpool vehicle to its intended
6 destination;

7 f) *Carpool Vehicle* shall refer to a passenger car, utility vehicle or sports utility
8 vehicle registered for private use that provides carpool service in accordance with the
9 provisions of this Act;

10 g) *Gas Fund* shall refer to an amount that may be collected by a carpool driver
11 and/or owner from the carpool passengers to cover the expenses incidental to carpool vehicle
12 operation such as carpool registration cost, fuel, oil and lubricant expenses, parking charges,
13 toll fees, and vehicle upkeep expenses;

14 h) *Online Carpool Platform* shall refer to electronic applications that allows carpool
15 drivers and passengers to search for and communicate with other carpool drivers and
16 passengers; and

17 i) *Owner* shall refer to the actual and legal owner of a motor vehicle, in whose name
18 such vehicle is duly-registered with the Land Transportation Office (LTO).

19 Sec. 4. *Establishment of Carpool Service.* – Owners of motor vehicles registered for
20 private use are hereby allowed to provide carpool services subject to the following
21 conditions:

22 a) The carpool services shall be provided and accepted only among members of a
23 carpool association on a purely voluntary basis;

24 b) The carpool owner and/or driver and the carpool passenger shall have a common
25 origin and destination;

26 c) The carpool services shall be offered for a maximum of two (2) carpool trips a
27 day regardless of the number of carpool passengers;

28 d) The carpool driver or any carpool passenger shall not solicit for passengers on
29 any road, parking area, tollway entrance, public transport terminal, and other similar facilities
30 and establishments;

31 e) The carriage of carpool passenger shall only be incidental to the carpool driver's
32 or owner's original purpose for the trip;

1 f) The carpool driver shall inform the carpool passengers in advance about the
2 details of the trip, which shall include the date, time, pick up and drop off points, travel route
3 and Gas Fund contributions, if any;

4 g) The carpool driver shall not offer driving or vehicle rental services or display any
5 material or information to that effect; and

6 h) The owner of the vehicle shall register with the LTO as a carpool vehicle in
7 accordance with its rules and regulations.

8 Sec. 5. *Classification of Carpool Vehicles.* – Any provision of the law to the contrary
9 notwithstanding, carpool vehicles shall be classified as private carriers and shall be subject to
10 the provisions of Title II, Book IV of Republic Act No. 386, otherwise known as the “*Civil*
11 *Code of the Philippines.*”

12 Sec. 6. *Motor Vehicle Registration.* – Carpool vehicles shall be registered as motor
13 vehicles for private use. Registration for carpool service and subsequent renewal of carpool
14 service registration may be executed along the renewal of motor vehicle registration in
15 accordance with the rules and regulation of the LTO.

16 The documentary requirements for carpool service registration shall include the
17 following:

18 a) Proof of Filipino citizenship;

19 b) Valid LTO Official Receipt and Certificate of Registration of authorized unit/s in
20 the name of the Owner;

21 c) Valid driver’s license of authorized owner/s and/or carpool driver/s;

22 d) Valid Certificate of Employment, Certificate of Business Registration, or Proof of
23 School Registration under the name of the owner/s and/or authorized carpool driver/s;

24 e) Valid National Bureau of Investigation (NBI) or Philippine National Police (PNP)
25 Clearance;

26 f) Valid proof of billing addressed to the owner and/or driver;

27 g) Certificate of motor vehicle insurance coverage;

28 h) Proposed travel route from point of origin to the intended destination; and

29 i) Other documentary requirements as may be deemed necessary by the Department
30 of Transportation (DOTr) or the LTO.

1 Sec. 7. *Carpool Association.* – Carpool drivers, owners, and carpool passengers shall
2 organize themselves into carpool associations to manage carpool services and limit its
3 provision to *bona fide* members of its organization. Carpool associations shall be registered
4 with the Securities and Exchange Commission in accordance with its rules and regulations.

5 Sec. 8. *Membership in Carpool Associations.* – Membership in carpool association
6 shall consist of Regular Members and Associate Members. Filipino citizens of legal age,
7 holder of at least Non-Professional Driver's License with Code 2 and 4 Restrictions, and who
8 own, possess or operate at least one (1) carpool vehicle shall be eligible for Regular
9 Membership. Filipino citizens and resident aliens of legal age, and who neither hold a
10 driver's license nor own, possess or operate a carpool vehicle shall be eligible for Associate
11 Membership. Regular Members shall be accorded with more representatives in the Board of
12 Trustees and more voting power in accordance with the articles of incorporation and by-laws
13 of the carpool association.

14 Sec. 9. *Requirements for Membership in Carpool Associations.* – The carpool
15 association shall exercise due diligence in determining the identity of and accepting
16 prospective members. Prospective members shall be accepted into a carpool association by a
17 majority vote of its Board of Trustees in accordance with its articles of incorporation and by-
18 laws: *Provided*, That the Board of Trustees, prior to the acceptance of prospective carpool
19 association members, shall require the submission of documents that include, but are not
20 limited to:

- 21 a) Proof of identity of the prospective member;
- 22 b) Valid Certificate of Employment, Certificate of Business Registration, or Proof of
23 School Registration under the name of the prospective member;
- 24 c) Valid driver's license for prospective carpool driver;
- 25 d) Valid LTO Official Receipt and Certificate of Registration of the prospective
26 carpool vehicle;
- 27 e) Valid NBI or PNP Clearance;
- 28 f) Valid proof of billing addressed to the owner and/or driver; and
- 29 g) Other document deemed necessary by the Board of Trustees to ascertain the
30 identity of prospective carpool association members.

31 The data and information provided by prospective carpool association members shall
32 be governed by the pertinent provisions of Republic Act No. 10173, otherwise known as the
33 "*Data Privacy Act of 2012.*"

1 Sec. 10. *Identification of Carpool Association Members.* – The Carpool association
2 shall issue non-transferable identification cards to its *bona fide* members. The identification
3 cards shall be required to be shown prior to the provision or acceptance of the carpool
4 services and shall remain in the possession of the respective members throughout the duration
5 of the carpool trip.

6 Sec. 11. *Conveyance of Carpool Passengers.* – Carpool drivers are hereby allowed to
7 pick up carpool passengers in proximity to their point of origin and to drop off carpool
8 passengers in proximity to the carpool driver's intended destination: *Provided*, That the
9 carpool driver shall only be allowed to ferry carpool passengers belonging to the same
10 carpool association: *Provided, further*, That the carpool driver shall only be allowed to ferry
11 as many passengers as recommended by the vehicle manufacturer: *Provided, finally*, That
12 under no circumstances shall the number of carpool passengers in a carpool vehicle exceed
13 six (6) persons excluding the carpool driver.

14 Sec. 12. *Gas Fund Contribution.* – The owner of the vehicle shall not accept or
15 charge any fare from carpool passengers, except for the contribution to the carpool vehicle's
16 Gas Fund on a non-profit basis: *Provided*, That the maximum amount of Gas Fund
17 contribution of carpool passengers shall not be higher than the estimated cost of taxi service
18 from the point of origin to the point of destination: *Provided, further*, That the DOTr shall, in
19 consultation with the Department of Energy (DOE), determine the maximum rate of Gas
20 Fund contribution that may be collected from carpool passengers, taking into account the
21 maximum number of allowable passengers as provided in Section 11 of this Act, the distance
22 and duration of travel from the point of origin to the point of destination, and a realistic
23 estimate of expenses incidental to carpool vehicle operation: *Provided, finally*, That the DOTr
24 shall adjust the rate of Gas Fund contribution once every three (3) years after the effectivity
25 of this Act using the Consumer Price Index (CPI) for the Operation of Personal Transport
26 Equipment, as published by the Philippine Statistics Authority (PSA).

27 Sec. 13. *Maintenance of Carpool Vehicles.* – The owners of carpool vehicles shall
28 follow the recommended preventive maintenance schedule of the vehicle manufacturer:
29 *Provided*, That the owners shall maintain a record documenting the maintenance services
30 performed on their vehicles and the dates when such maintenance services were performed as
31 attested to by the vehicle maintenance service provider: *Provided, further*, That a copy of the
32 carpool vehicle maintenance service record shall be required by the LTO in the renewal of
33 the carpool vehicle registration.

1 Sec. 14. *Insurance of Carpool Vehicles.* – The owners of the carpool vehicles shall be
2 required to contract a comprehensive motor vehicle insurance from a reputable insurance
3 provider to cover the carpool vehicle and its passenger against insurable risks: *Provided,* That
4 a copy of the comprehensive motor vehicle insurance for the carpool vehicle shall be required
5 by the LTO in the registration and renewal of the carpool vehicle registration.

6 Sec. 15. *Violations.* – The following shall be constituted as violations of this Act:

- 7 a) Engaging in carpool services without or with expired carpool registration;
- 8 b) Provision of carpool services without carpool association membership;
- 9 c) Provision of carpool services to non-members of carpool association;
- 10 d) Exceeding the maximum daily carpool trips allowed;
- 11 e) Soliciting for passengers on any road, parking area, tollway entrance, public
12 transport terminal, and other similar facilities and establishments;
- 13 f) Exceeding the vehicle's recommended number of passenger or the maximum
14 number of passengers as provided in Section 11 of this Act, whichever is lower;
- 15 g) Offering driving or vehicle rental services or displaying materials and information
16 to that effect;
- 17 h) Engaging in carpool services with invalid or expired motor vehicle insurance;
- 18 i) Collecting more than the maximum Gas Fund contribution from carpool
19 passengers; and
- 20 j) Other acts or omissions inconsistent with the provisions of this Act as may be
21 determined by the DOTr.

22 The DOTr and the LTO shall, after conducting public consultation, determine the
23 appropriate fines and penalties for the violation of any provisions in this Act.

24 Sec. 16. *Carpool Passenger Complaints.* – Carpool associations shall establish a
25 mechanism to receive and address complaints arising from the carpool services within their
26 respective associations. The DOTr shall likewise establish a system to receive and address the
27 complaints of carpool passengers against owners, carpool drivers, and carpool associations in
28 accordance with its rules and regulations.

29 Sec. 17. *Carpool Incentives.* – The DOTr, LTO, Metro Manila Council, local
30 government units, and other government agencies concerned may provide incentives to
31 promote the use of carpool services such as, but not limited to: designation of dedicated
32 carpool lanes, exemption from Expanded Unified Vehicular Volume Reduction Program and
33 other similar traffic schemes, and discounts on toll fees and vehicle registration fees.

1 Sec. 18. *Online Carpool Application.* – Carpool associations or other third-party
2 developers may use electronic or online carpool application to provide seamless connection
3 between carpool association members: *Provided*, That owners and carpool drivers can only
4 provided carpool services in accordance with Section 4 of this Act: *Provided, further*, That
5 the total cost of using carpool platform and carpool services shall not exceed the maximum
6 Gas Fund contribution as provided in Section 12 of this Act.

7 Sec. 19. *Exemptions.* – The carpool owner and/or driver shall secure at least a Non-
8 Professional Driving License from the LTO to operate carpool vehicles: *Provided*, That
9 carpool drivers who are employed as personal or corporate drivers, or who operates
10 motorcycles, buses, trucks or articulated vehicles shall be required to obtain the appropriate
11 driving license from the LTO.

12 The carpool vehicle shall be exempted from securing a Certificate of Public
13 Convenience or any public land transportation service franchise or authorization issued by
14 any government agency or instrumentality: *Provided*, That the carpool owner and/or driver
15 satisfy all the conditions stipulated under Section 4 of this Act: *Provided, further*, That no
16 provision in this Act shall be construed as allowing the commercial operation of any motor
17 vehicle registered for private use, or repealing, amending or modifying any law, rule or
18 regulation that compels the satisfaction of any and all requirements prior to the operation of
19 public land transportation services.

20 Sec. 20. *Implementing Rules and Regulations.* – Within sixty (60) days from the
21 effectivity of this Act, the DOTr shall, in consultation with the LTO and other government
22 agencies concerned, promulgate the necessary rules and regulations to effectively implement
23 the provisions of this Act.

24 Sec. 21. *Separability Clause.* - If, for any reason, any provision of this Act or any part
25 thereof shall be held unconstitutional and invalid, the other parts or provisions of this Act,
26 which are not affected thereby, shall remain in full force and effect.

27 Sec. 22. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts
28 thereof inconsistent with any of the provisions of this Act are hereby repealed, amended or
29 modified accordingly.

30 Sec. 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete
31 publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved,