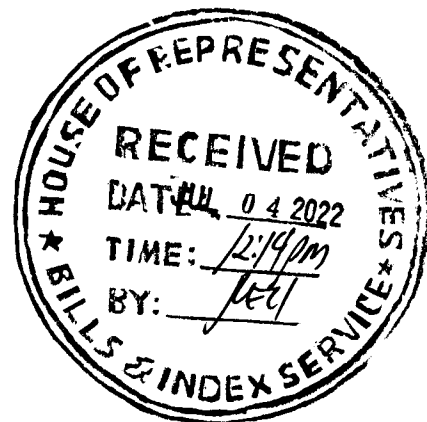




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 40



Introduced by Representative Lord Allan Jay Q. Velasco

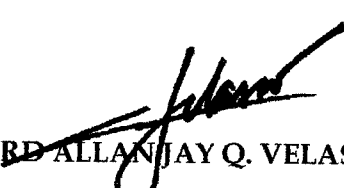
EXPLANATORY NOTE

This proposed measure will deliver the infrastructure boost needed by Filipino bicycle users around the country. Since the pandemic struck the globe in 2020, the modes of transportation being used by everyday commuters were affected. Alternatively, the working class and those who prefer to commute to their offices have to adopt to the scarcity of public utility vehicles. The main solution thought out by policymakers and practical individuals was the use of bicycles.

The State has the general responsibility to improve the welfare of the people. With the ongoing Build, Build, Build program of the outgoing Duterte administration, it is the right time to invest in bicycle-friendly structures. The convergence of transportation networks suitable for bicycles will help the poorest of the poor to get to their jobs and also to visit the public market and purchase household goods and supplies.

The use of bicycles in daily travel is not only practical and affordable, but also promotes good health. Studies show that moderate activity, such as cycling, strengthens the immune system and contributes to a healthy life. It can also increase activity against tumor cells, assisting the prevention of related illnesses.

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


LORD ALLAN JAY Q. VELASCO



Republic of the Philippines
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HOUSE BILL NO. **40**

Introduced by Representative Lord Allan Jay Q. Velasco

AN ACT
REGULATING THE USE OF BICYCLE AS AN ALTERNATIVE MODE OF
TRANSPORTATION, DEFINING THE RIGHTS OF BICYCLE RIDERS,
ESTABLISHING REQUISITE INFRASTRUCTURE FACILITIES, AND
APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Short title.*** - This Act shall be known as the "*Philippine Bicycle Act.*"
2

3 **SEC. 2. *Declaration of Policy.*** - In conformity with the provisions of the Constitution to
4 promote the general welfare and social justice in all phases of national development,
5 protect, and advance the right of the Filipino people to a balanced and healthful ecology
6 in accord with the rhythm and harmony of nature, and to conserve and develop the
7 patrimony of the nation, the State shall:
8

- 9 a) Protect the welfare and safety of the commuting public and all road users;
10 b) Promote a shift towards a safe, collective, efficient, non-congestive, and non-
11 pollutive locomotion and transportation system that includes the use of
12 bicycles;
13 c) Ensure that the needs and safety of all road users, particularly the pedestrians
14 and cyclists, are fully integrated into the planning, design, operation, and
15 maintenance of the country's transportation system; and
16 d) Establish its plans and programs in conformity with the overall national land
17 use plan as well as the local comprehensive land use plans.
18

19 **SEC. 3. *Definition of Terms.*** - As used in this Act:
20

- 21 a) *Bicycle or bike* refers to a non-motorized vehicle consisting of a light frame
22 mounted on two wheels, one behind the other, and having a seat, handlebars
23 for steering, brakes, and two pedals;
24

- 1 b) *Bicycle lane or bikeway* refers to any longitudinal strips designated for the
2 passage of a bicycle;
3
4 c) *Cyclist* refers to a person who drives or operates a bicycle;
5
6 d) *Motor vehicle* refers to any vehicle driven by a motor or engine and operates on
7 a road or highway; and
8
9 e) *Primary and secondary roads* refer to major roads classified as such by the
10 Department of Public Works and Highways (DPWH).
11

12 **SEC. 4. *Inclusion of Bicycle as a Mode of Transportation in the National Transportation***
13 ***Plan.*** – Within six (6) months from the issuance of rules and regulations implementing
14 the provisions of this Act, the Department of Transportation (DOTr), in coordination with
15 the DPWH and National Economic and Development Authority (NEDA), shall come up
16 with a National Bike Program, hereinafter referred to as the “Program.” The Program
17 shall provide a roadmap for both national and local bicycle transportation system to be
18 adhered to at all levels throughout the country.
19

20 The Program shall include the plans and strategies for the construction, provision, and
21 maintenance of bicycle lanes, parking areas, and other support facilities. It shall also
22 provide for the standards for bicycles and regulations for the exercise and protection of
23 rights of cyclists.
24

25 **SEC. 5. *Local Bicycle Office.*** – A Local Bicycle Office (LBO) is hereby created in every
26 city or municipality and shall have the following powers, functions, and responsibilities:
27

- 28 a) Manage the construction and maintenance of bicycle lanes and road signages,
29 including the identification of bicycle networks within the jurisdiction of the
30 locality;
31 b) Manage the bike park or parks;
32 c) Ensure that bicycle lanes are free or any obstruction that can compromise the
33 safety of cyclists and pedestrians;
34 d) Enforce the establishment of bicycle parking and other related facilities;
35 e) Encourage partnership with local and foreign organizations to facilitate easy
36 access to bicycles and bicycle infrastructures; and
37 f) Conduct education and information drives on the benefits of using bicycles in
38 coordination with the Land Transportation Office (LTO) in order to promote
39 the usage of the same.
40

41 The staffing pattern of the LBO shall be determined by the city or the municipality
42 concerned, subject to the personnel services (PS) limitations provided for under Section
43 325 (a) of Republic Act No. 7160 or the Local Government Code of 1991.
44

45 **SEC. 6. *Designation of Bicycle Lanes.*** – There shall be designated bicycle lanes in all
46 primary and secondary roads for the exclusive use of cyclists.
47

48 The bike lanes shall be separated by a physical barrier and shall be clearly identified with
49 signs or pavement markings. In cases where the installation of a physical barrier is not
50 feasible, the lane for bicycles shall be identified through reflectorized yellow painted
51 lines. The specifications and designs of bicycle lanes, which must conform to the

1 standards adopted by the DOTr and DPWH, shall be provided in the implementing rules
2 and regulations of this Act.
3

4 **SEC. 7. *Bicycle Parking Facilities.*** – All public places, government offices, schools, major
5 business establishments, including malls, banks, restaurants, hospitals, and the like, are
6 hereby required to provide bicycle racks for bicycle parking.
7

8 Bicycle parking shall be secured, visible, accessible, and segregated from pedestrians and
9 motor vehicles.
10

11 **SEC. 8. *Other Related Bicycle Facilities.*** – In addition to the bike lanes and bike parking,
12 the following facilities shall be provided to ensure that cyclists can travel safely and to
13 lessen if not avoid collision incidents with pedestrians and other vehicles:
14

- 15 a) Sidewalk improvements;
- 16 b) Traffic calming and speed reduction improvements;
- 17 c) Pedestrian and bicycle crossing improvements;
- 18 d) Traffic signage pertaining to bicycles;
- 19 e) Off-street pedestrian and bicycle facilities; and
- 20 f) Traffic diversion improvements.
21

22 **SEC. 9. *Bike Parks.*** – Each city or municipality, through the LBO and the City or
23 Municipal Engineers Office, are encouraged to create and establish a bicycle park where
24 facilities such as bikeways, bicycle parking areas and similar infrastructures are available.
25 The bicycle parks may be funded by the local government unit concerned through their
26 respective revenues raised from the miscellaneous incomes like parking and license fees.
27

28 **SEC. 10. *Rights of Cyclists.*** – All cyclists shall enjoy:
29

- 30 a) the right to own a bicycle and use the same subject to such limitations as may
31 be provided by law;
32
- 33 b) the right to ride on any designated bicycle lane or bikeway or any public road
34 or street that has no designated bikeway unless, by law or regulation, there is
35 a specific prohibition that such road or street cannot be used for bicycles; and
36
- 37 c) the rights granted to drivers of motorized vehicles, except those that by their
38 nature are inapplicable, while riding a bicycle on a bikeway.
39

40 **SEC. 11. *Obligations and Responsibilities of Cyclists.*** – Every cyclist must comply the
41 following duties and obligations, in addition to such other responsibilities as may be
42 provided for in the National Bike Program:
43

- 44 a) Ensure that the bicycle is fully-equipped with basic bike accessories and in
45 good running condition at all times and before using the same;
- 46 b) Make sure to be equipped with basic protective gear, such as a helmet and
47 other accessories such as reflectors and bike lights while riding a bicycle; and
- 48 c) Adhere to the applicable traffic rules and traffic signs and drive responsibly
49 with extreme care and caution.
50

1 **SEC. 12. *Limitations on the Use of Bicycles.*** - The use of bicycles shall be subject to the
2 following limitations and such other limitations as may be provided in the National Bike
3 Program:

- 4
5 a) The number of persons that shall ride a bicycle shall not exceed the designed
6 capacity of the same, except when another regular seat is attached to it or when
7 the bicycle is used to tow a trailer;
8 b) Any person riding a bicycle shall observe safe and proper road usage at all
9 times, including the regulations stipulated under this Act, to ensure the
10 person's safety and that of other motorists;
11 c) Bicycles may not be parked in areas other than those specifically designated as
12 such by the LBO, except in the absence thereof;
13 d) A cyclist shall use the designated bicycle lanes for safe navigation or the
14 rightmost lane when there is no designated bicycle lane. Except in certain
15 circumstances as may be provided in the implementing rules and regulation of
16 this Act or by the LBO, a cyclist shall not use a bicycle on any sidewalk; and
17 e) A cyclist shall not carry anything on the bicycle that will prohibit its proper
18 operation. The carriage of such things in a bicycle shall be placed in a basket,
19 bag, rack, or trailer designed for that purpose in a manner that they can be
20 carried safely.
21

22 **SEC. 13. *Obligation of Cyclists to Remain in the Bicycle Lane; Exceptions.*** - Every
23 person riding a bicycle upon a designated bikeway shall remain inside such lane,
24 exercising due care when passing a standing vehicle or a vehicle proceeding in the same
25 direction. However, a cyclist riding a bicycle upon a bikeway may move out of the lane
26 under any of the following circumstances:

- 27
28 a) When overtaking or passing another bicycle, vehicle, or pedestrian within the
29 lane or occupying the bike lane if such overtaking or passing cannot be done
30 safely within the lane;
31 b) When preparing for a turn at an intersection or exiting into another road or
32 driveway; and
33 c) When reasonably necessary to leave the bicycle lane to avoid debris or
34 hazardous conditions.
35

36 **SEC. 14. *Flagging of Unsafe or Ill-equipped Bicycles and Dangerous Driving.*** - A
37 uniformed police officer or any deputized traffic officer may stop, inspect, and test drive
38 a bicycle that is suspected to be unsafe or improperly equipped. Such officer may also
39 stop any cyclist operating a bicycle in a reckless or dangerous manner.
40

41 **SEC. 15. *Operation of Bicycle on Roads Without Designated or Exclusive Bike Lanes;***
42 ***Overtaking Distance Requirement.*** - In the case of roads without designated bicycle
43 lanes, all cyclists must occupy the rightmost lane of the road.
44

45 The driver of a motor vehicle overtaking or passing a bicycle traveling in the same
46 direction shall maintain a minimum overtaking distance of one and a half meter (1.5m)
47 between any part of such motor vehicle and any part of the bicycle or the cyclist: *Provided,*
48 *however,* That the DOTR may, in consultation with the DPWH, representatives of cyclist
49 organizations and other stakeholders, provide in the rules and regulations to be issued
50 to implement this Act exceptions to the minimum overtaking distance or a lesser
51 requirement on certain roads taking into consideration the width of the road, the volume
52 of vehicular traffic and other circumstances affecting the movement of road users.

1 **SEC. 16. *Prohibition on the Use of Bicycle Lanes by Motor Vehicles; Exceptions.*** -
2 Whenever a bicycle lane or bikeway has been established on a road, no motor vehicle
3 shall be driven on such bikeway, except when necessary to enter or leave such road or to
4 make a turn.
5

6 **SEC. 17. *Incentives.*** - In order to encourage the use of bicycle as a mode of transportation,
7 this Act grants the following tax reliefs and benefits:
8

- 9 a) Expenses incurred by employers in providing their employees by way of
10 benefits bicycles, related equipment and bike-friendly facilities shall be
11 deductible in full from their gross income;
12
13 b) All grants, bequests, endowments, expenses, contributions made to and used
14 actually, directly, and exclusively by companies, business establishments, and
15 other institutions for bike-friendly programs and bicycle facilities shall be
16 considered as allowable deductions from gross income; and
17
18 c) Bicycles granted by employers to its managerial and supervisory employees in
19 compliance with this Act shall not be taxable as fringe benefits as provided for
20 under Republic Act No. 8424 or the Tax Reform Act of 1997.
21

22 Any provision of law to the contrary notwithstanding, foreign and local enterprises
23 engaged or proposing to engage in the manufacturing or assembly of bicycles may avail
24 of the incentives provided under Title XIII (Tax Incentives) of the National Internal
25 Revenue Code of 1997, as amended.
26

27 **SEC. 18. *External Financing.*** - The DOTr shall, in coordination with the Department of
28 Environment and Natural Resources (DENR) and Department of Finance (DOF), explore
29 the possibility of accessing a range of global financial sources to support the creation and
30 maintenance of sustainable or less-polluting public transport systems.
31

32 **SEC. 19. *Observance of the Carless Day.*** - To promote the use of bicycles, the country
33 shall participate in the annual celebration of World Car-Free Day by designating every
34 second Sunday of September as a carless day. The country shall also observe a National
35 Car-Free Day every second Sunday of April.
36

37 The Secretary of DOTr is hereby mandated to determine the primary and secondary
38 roads which shall be carless during these annual celebrations.
39

40 **SEC. 20. *Penalties.*** - The following penalties shall be imposed upon the persons who act
41 in violation of this Act:
42

- 43 a) Unless otherwise specifically provided, any person who violates any provision
44 of this Act shall suffer a penalty of fine in an amount not less than Five
45 thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00). If
46 such violation causes damage or injury to person or property, then the
47 appropriate provisions of the Civil Code or the Revised Penal Code (RPC) shall
48 apply. When the offender is a corporation, the officers responsible for the
49 violation shall be meted with the penalties herein provided.
50
51 b) Any public works official who approves the construction of main roads or
52 highways without the required bicycle lanes in their designs shall be punished

1 by a fine of not less than Ten thousand pesos (P10,000.00) nor more than Thirty
2 thousand pesos (P30,000.00) or suspension, or both, if found guilty in an
3 appropriate administrative investigation. The same penalty applies to a public
4 works official who is duty-bound or responsible for providing the required
5 bicycle lane marking on existing primary or secondary roads and highways but
6 refuses or fails to do so.
7

- 8 c) Any person who shall violate Section 16 of this Act shall be penalized with:
- 9 i. A fine of Five thousand pesos (P5,000.00) for the first offense;
 - 10 ii. A fine of Ten thousand pesos (P10,000.00) for the second
11 offense;
 - 12 iii. A fine of Fifteen thousand pesos (P15,000.00) and suspension
13 of driver's license for three (3) months for the third offense;
14 and
 - 15 iv. A fine of Twenty thousand pesos (P20,000.00) and revocation
16 of driver's license for the fourth offense.

17 *Provided, That the DOTr, through the LTO, may increase the amount of fine herein*
18 *imposed once every five (5) years in the amount not exceeding ten percent (10%)*
19 *of the existing rates which shall take effect fifteen (15) days after publication in at*
20 *least two (2) newspapers of general circulation.*
21

22 The foregoing penalties shall be imposed without prejudice to other liabilities
23 under the RPC or any special law, arising out or on occasion of any violation of
24 the abovementioned section, when applicable.
25

26 **SEC. 21. Bicycle Awareness Program.** - The Secretary of DOTr, in cooperation with the
27 Department of Education (DepEd), the Commission on Higher Education (CHED), and
28 the local government units (LGUs), shall establish an educational program to increase
29 awareness on bike safety and road sharing. The program shall be designed for cyclists,
30 traffic enforcers, motorists, and all road users. The program shall include:
31

- 32 a) Traffic education and enforcement;
- 33 b) Motorist Awareness and Road-Sharing; and
- 34 c) Bicycle and pedestrian safety.
35

36 **SEC. 22. Nationwide Public Information Campaign.** - The DOTr and its attached
37 agencies shall, in coordination with the Philippine Information Agency (PIA), DepEd,
38 CHED, Department of the Interior and Local Government (DILG), Department of Health
39 (DOH), Philippine National Police (PNP), Metropolitan Manila Development Authority
40 (MMDA), and private agencies and organizations, undertake a nationwide information,
41 education, and communication campaign for a period of six (6) months upon the
42 promulgation of the rules and regulations implementing the provisions of this Act.
43

44 **SEC. 23. Appropriations.** - The amount necessary for the implementation of this Act shall
45 be included in the annual General Appropriations Act. The LGUs concerned may provide
46 the necessary funds for the operations and maintenance of the LBO in their respective
47 annual budgets.
48
49
50
51
52
53

1 **SEC. 24. *Implementing Rules and Regulations.*** - Not later than thirty (30) days after this
2 Act takes effect, a Committee shall be convened to formulate rules and regulations for
3 the efficient implementation of this Act. The Committee shall be composed of the
4 following as *ex-officio* members:

- 5
6 a) Secretary of Transportation or the Secretary's authorized representative, who
7 shall serve as Chairperson of the Committee;
8 b) Secretary of Public Works and Highways or the Secretary's authorized
9 representative;
10 c) Secretary of the Interior and Local Government or the Secretary's authorized
11 representative;
12 d) LTO representative;
13 e) DENR representative;
14 f) DOH representative;
15 g) DTI representative;
16 h) DOLE representative;
17 i) DOF representative;
18 j) DBM representative;
19 k) NEDA representative;
20 l) BIR representative;
21 m) DepEd representative;
22 n) CHED representative;
23 o) Representative of the UP-National Center for Transportation Studies;
24 p) Professor of the UP School of Urban and Regional Planning;
25 q) PNP representative;
26 r) MMDA representative; and
27 s) Two (2) representatives from bicycle organizations.
28

29 Within six (6) months following the effectivity of this Act, the Secretary of Transportation
30 shall promulgate the IRR of this Act.
31

32 **SEC. 25. *Separability Clause.*** - If any portion or provision of this Act is declared invalid
33 or unconstitutional, the remaining parts or provisions not affected thereby shall remain
34 in full force and effect.
35

36 **SEC. 26. *Repealing Clause.*** - All laws, decrees, executive orders, presidential issuances
37 and other administrative rules and regulations or parts thereof which are inconsistent
38 with this Act are hereby repealed, amended, or modified accordingly.
39

40 **SEC. 27. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
41 the Official Gazette or in a newspaper of general circulation.
42

43 *Approved,*