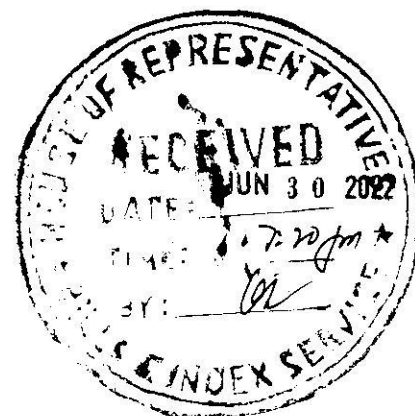




HOUSE OF REPRESENTATIVES

House Bill No. 592

Introduced by Representative Christian Tell A. Yap

EXPLANATORY NOTE

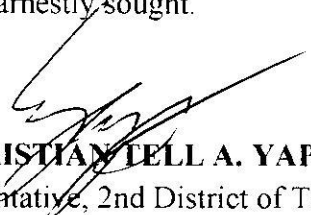
Motorized tricycle is one of the most popular and ubiquitous means of transport in small towns and cities in the rural areas. In 2021, an estimated 4 million tricycles are registered in the Philippines.

Laws governing tricycles are only prescribed in Letter of Instruction No. 1482 which legalized colorum motorized tricycles in 1985 and the Local Government Code of 1991 which decentralized the regulatory powers from the national government and left the rules and regulation of tricycles primarily to the judgment and discretion of local government units (LGUs).

However, issues regarding collection of illegal fees, illegal sale of tricycle franchises, issuances of multiple permits, tough working conditions of tricycle drivers and poor maintenance of tricycles have continued to rise. In this state, a uniform set of rules governing tricycle regulation and the granting of permits and franchises is pursued through the enactment of this bill.

The bill seeks to mandate a uniform rule which provides cities and municipalities the power to regulate the operation of tricycles and grant permits subject to the guidelines prescribed by the Department of Transportation (DOTr), Land Transportation Office (LTO), and the Land Transportation Franchising and Regulatory Board (LTFRB). Known as the Magna Carta for Tricycle Drivers, this bill also seeks to provide and extend affordable insurance, social security and health care coverage to the tricycle sector.

In view of the foregoing reasons, the approval of the bill is earnestly sought.


CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 592

Introduced by Representative Christian Tell A. Yap

AN ACT
PROVIDING FOR A MAGNA CARTA FOR TRICYCLE DRIVERS AND OPERATORS,
INSTITUTIONALIZING MECHANISMS FOR ITS IMPLEMENTATION,
REGULATION AND FOR OTHER PURPOSES

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 “Magna Carta for Tricycle Drivers
2 and Operators.”

3
4 **Sec. 2. Declaration of Policy.** – It is the policy of the State:

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

9 b) To recognize, promote, protect, and fulfill the rights of every member of the tricycle
10 sector, particularly the tricycle drivers and operators, whose rights include but are not limited to
11 the right to self-organization, the right to decent work, just and humane working conditions, access
12 to social protection, and the right to represent their organizations in a continuing process of
13 consultation and dialogue towards maximizing the provision of a comprehensive package of
14 reforms, interventions, and services in accordance with their articulated needs and interests;

15 c) To give the highest priority to the enactment of measures that protect and enhance the
16 rights of all people to human dignity, reduce social, economic, and political inequalities and
17 remove cultural inequalities by diffusing wealth and political power for the common good and to

1 provide environments at the national and local levels that enable all workers to fully develop into
2 productive and responsible citizens;

3 d) To recognize the roles and contributions of members of the tricycle sector, make them
4 visible in the national and local statistics, and develop the local economy by maximizing their
5 potential;

6 e) To promote gender equity and equality through the elimination of gender stereotypes
7 attached to this sector, redefining the sector by inclusivity in that tricycle drivers do not only
8 consist of males but also females, and protecting the women workers against gender-based
9 discrimination, exploitation, violence, and all other forms of abuse;

10 f) To protect vulnerable groups in the tricycle sector such as the elderly and differently-
11 abled persons from safety issues, discrimination, and harassment;

12 g) To eliminate child labor in the tricycle sector through effective enforcement of laws
13 against child labor and the creation of more quality jobs for adults; and

14 h) To promote the safety and security of citizens especially those that are vulnerable to
15 accidents and mishaps, to safeguard the sanctity of life and to ensure the safety of every human
16 being in its territories.

17
18 **Sec. 3. *Framework and Principles.*** – Local Government Units (LGUs) shall pursue and
19 implement a comprehensive, rights-based, participatory and gender responsive framework for
20 members of the tricycle sector that includes:

21 a) Putting in place policies and programs that will, as a first step, bring members of the
22 tricycle sector to the economic and social mainstream;

23 b) Pursuing structural reforms in all relevant levels of LGUs by creating committees,
24 special offices for development and protection of workers in the tricycle sector and supporting
25 their representational rights through their organizations;

26 c) Extending coverage of accessible and affordable social security and health care benefits
27 to workers in the tricycle sector; and

28 d) Exacting responsibility on the part of the tricycle sector members, particularly to
29 committing abuses to the riding public, to stakeholders in the sector, and to the environment;
30 Provided, That the State shall recognize their rights and put in place responsive, transparent and
31 accountable mechanisms to ensure the protection, promotion and realization of those rights.

1 **Sec. 4. Definitions.** – As used in this Act:

2 a) *Colorum* – refers to a private vehicle operated for public utility without the benefit of a
3 valid and existing special permit, provisional authority, or franchise;

4 b) Motorist Awareness Program – refers to any information or public awareness program
5 designed to enhance motorist awareness on the presence of tricycles on or near roadways;

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

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

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

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

17 g) Tricycle Operators and Drivers' Association or TODA – refers to the organization of
18 tricycle operators and drivers in a given LGU; and

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

21
22 **Sec. 5. Tricycle Operating Requirements.** – Tricycles shall be operated subject to the
23 following requirements:

24 a) Subject to the guidelines to be prescribed by the Department of Transportation (DOTr),
25 the Land Transportation Office (LTO) and Land Transportation Office Franchising and Regulatory
26 Board (LTFRB), the cities and municipalities shall have the power to regulate the operation of
27 tricycles and grant permits for the operation thereof within their territorial jurisdiction.

28 Before it can issue the MTOP, the concerned LGU is required to submit to the DOTr a
29 Local Public Transport Route Plan that includes, among others, the tricycle routes and zones,
30 alternate tricycle route plan, designation of terminals and maximum number of tricycles operating
31 within their jurisdiction. Such plan shall be subject to the approval of the DOTr and must comply

1 with the guidelines promulgated therefor with the end goal of ensuring overall efficiency,
2 integration and safety of the transportation system.

3 b) For safety reasons, no tricycle shall operate on national highways utilized by 4-wheel
4 vehicles greater than four (4) tons and where normal speed exceeds forty (40) kilometers per hour.
5 However, the concerned *Sanggunian*, through an ordinance, may provide exceptions if there are
6 no public transportation servicing the said route, either along the highway or crossing the same,
7 other than tricycles, subject to the approval of the DOTr: *Provided, further*, that the exception may
8 also be allowed by the concerned *Sanggunian* when there is no other access to the areas concerned
9 other than the national highway as determined by the DPWH and the LGU: *Provided, furthermore*,
10 that when such operation is allowed, the LGU is mandated to provide appropriate signages, marks
11 for lanes, and other safety features to guide and protect the tricycles utilizing the highways.

12 Tricycles shall be allowed to travel beyond their regular route of service as embodied in
13 their franchise in emergency cases which shall be defined in the implementing rules and
14 regulations of this Act.

15 c) Operators shall employ only drivers possessing professional licenses duly issued by the
16 LTO. For this purpose, the LTO shall issue guidelines, including theoretical and practical
17 examinations, appropriate for drivers of tricycles.

18 d) The LTO shall ensure the roadworthiness of tricycles before registration or renewal of
19 registration, including compliance with environmental laws. In coordination with motorcycle and
20 tricycle manufacturers and the Department of Trade and Industry (DTI), the LTO shall formulate
21 safety standards and the allowable designs and modifications, taking into consideration the needs
22 of the vulnerable groups, and determine the limitations on passengers and weight or load capacity.
23 Such limitations shall be indicated on the body of the tricycles.

24 e) Zones must be within the boundaries of the concerned city or municipality. However,
25 existing operating zones traversing two (2) or more LGUs may be maintained: *Provided*, That
26 operators serving said zones shall secure the necessary MTOP from each of the LGU having
27 jurisdiction over the covered areas.

28 f) An LGU may adopt a common color-coding scheme for tricycles operating in the same
29 zone. Each unit shall be assigned and bear an identified number, aside from its license plate number
30 issued by the LTO.

1 g) An operator wishing to completely terminate its service should report in writing such
2 termination to the LGU which originally granted MTOP.

3 h) The MTOP shall be valid for there (3) years, renewable for the same period. Transfer to
4 another zone, change of ownership of unit or transfer of MTOP shall be construed as an
5 amendment to an MTOP and shall require appropriate approval of the concerned LGU.

6 i) A tricycle shall be allowed to operate like a taxi service where, aside from rendering
7 services in the designated terminal, the tricycle can be flagged-down or engaged by passengers on
8 the road within its authorized zone of operation.

9 The concerned LGUs shall impose no other additional requirement for tricycle operation,
10 except those provided under this Act.

11
12 **Sec. 6. *Registration and Issuance of the MTOP.*** – There shall be a simple system and
13 procedure for registration and issuance of the MTOP in accordance with the framework and
14 principles of this Act. The registration fee for the application for an MTOP, which shall be valid
15 for a three-year period, shall not exceed one thousand pesos (PhP1,000.00). The said fee shall
16 cover the cost of the issuance of the MTOP, the filing fee, franchise fee, inspection fee, fare
17 adjustment fee, amendment, regulatory, and all other fees. No other fees shall be exacted from the
18 tricycle sector business activities or enterprise other than the registration fee as mentioned above.

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

21
22 **Sec. 7. *Tricycle Sector One-Stop Shop Center.*** – All cities and municipalities shall
23 establish a Tricycle Sector One-Stop Shop Center which shall handle all transactions and
24 processing of the business permit applications within their respective jurisdictions. The Center
25 shall ensure that the processing of the MTOP of the members of the tricycle sector shall commence
26 on the day of their application and the registration shall be released within thirty-six (36) hours
27 upon submission of the complete requirements.

28 To facilitate efficient and expeditious processing of the MTOP applications, the LGUs shall
29 also formulate a uniform and simple checklist of requirements for registration such as valid proof
30 of identity (Barangay clearance, certificate of residency, etc) and flowchart of the procedure of
31 registration. The LGUs shall also be responsible in translating the checklist of requirements and

1 flowchart of procedure of registration in their own local dialect. The LGUs shall cause the posting
2 of the checklist and flowchart of procedure of registration in at least three (3) conspicuous areas,
3 preferably public areas, in the community and cause the publication of the same in the local
4 newspaper if there is any.

5
6 **Sec. 8. *Rights and benefits of Workers in the Tricycle Sector.*** – The members of the
7 tricycle sector shall have the following rights:

8 a) Self-organization to collectively negotiate with government and other entities in the
9 promotion of their welfare and advancement of their interests free from any political interference
10 or favor;

11 b) Informed participation in decision-making processes relevant to the other concerns of
12 their sector through their legitimate organizations. Towards this end, they shall be represented in
13 all public hearings for laws, ordinances, or regulations that will affect their sector;

14 c) Safe working condition with access to medical care services and insurance;

15 d) Freedom from any form of discrimination, violence, exploitation, or harassment;

16 e) Freedom from deprivation of property without valid cause and due process of law;

17 f) Equal access to information on how to safeguard their rights according to law;

18 g) Any driver shall not be forced or engaged to work in any hazardous work, activity or
19 undertaking, or to be exposed to hazardous working conditions; and

20 h) Any member of the tricycle sector shall be protected from any act of interference,
21 coercion, extortion, and bureaucratic red tape.

22
23 **Sec. 9. *Government Support to Tricycle Sector.*** – All concerned national government
24 agencies, government financial institutions, and LGUs shall include in their plans, programs,
25 projects and activities efforts that are supportive of the foregoing rights and other concerns of the
26 tricycle sector. Each LGU shall also create a grievance mechanism to deal with the concerns of the
27 members of the tricycle sector.

28
29 **Sec. 10. *Mandatory Membership in SSS and Philhealth, Life and Accident Insurance,***
30 ***and Legal Assistance.*** The Social Security System (SSS) and the Philippine Health Insurance
31 Corporation (PhilHealth) shall, within ninety (90) days from the effectivity of this Act, promulgate

1 guidelines for the mechanism of collecting premiums from members of the tricycle sector. The
2 SSS shall also inform its members from the tricycle sector of services and loans that they can avail
3 of.

4 Tricycle drivers shall, in addition to SSS and healthcare coverage, be provided accident
5 insurance coverage to compensate for damage or injury acquired such as death, disability, limb
6 amputations, loss of sight, hearing, and speech; including the loss of thumb or the index finger.
7 Tricycle drivers are also entitled to legal assistance in the exercise and pursuit of their rights herein
8 granted.

9
10 **Sec. 11. Role of the Local Government Units.** - Subject to the operating conditions in
11 Section 5 of this Act and the guidelines to be promulgated by the DOTr, LTO and LTFRB, cities
12 and municipalities shall have the following responsibilities:

13 a) The LGUs, after consultation with the transport groups, the affected communities, and
14 other stakeholders, shall identify and designate viable routes and terminals of tricycle within the
15 city or municipality. Viable terminals shall be in proximity to public buildings, public markets,
16 private markets, commercial districts, or commercial establishments and other places which the
17 public frequently visits.

18 b) The *Sanggunian* shall, within ninety (90) days after the identification and designation
19 of routes and terminals through public consultation and survey by the local planning and
20 development department or appropriate transportation development and traffic management office
21 of the LGU concerned, pass an ordinance designating the routes and the terminals of tricycles as
22 specified in this Act.

23 An LGU, which has already established or designated routes and terminals of tricycles
24 prior to this Act, is deemed to have complied with this provision of the Act: *Provided*, That the
25 aforesaid establishment or designation of routes and terminals have been undertaken after
26 consultation with the stakeholders.

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

1 d) Vocational education on auto-mechanics and related courses like engine repair and
2 maintenance shall also be offered by the LGU to the members of the tricycle sector, in coordination
3 with the Department of Labor and Employment (DOLE) and the Technical Education and Skills
4 Development Authority (TESDA). With the help of DOLE and TESDA, LGUs shall also provide
5 for alternative livelihood and skills-training programs to allow tricycle drivers to explore more
6 economically rewarding sources of income.

7 e) There shall be a regular conduct of mandatory Tricycle Drivers Safety Program at the
8 LGU level. The content and structure of the Tricycle Drivers Safety Program shall be formulated
9 by the DOTr, LTO, LTFRB and other relevant government agencies. The LGU shall require all
10 tricycle drivers within its jurisdiction to undergo this orientation. To complement this, the LTO
11 and LTFRB shall include a Motorist Awareness Program in all its safety trainings.

12 f) The LGUs, in coordination with law enforcement agencies, shall prevent the
13 proliferation of illegal or *colorum* tricycle units.

14 g) The LGUs, in coordination with the DOLE and other concerned agencies, shall ensure
15 the regular conduct of seminars to prevent the unlawful employment of children as tricycle drivers
16 and the gender-based discrimination in granting driver's licenses.

17 h) The LGUs are also hereby empowered to provide, in its ordinance or as terms or
18 conditions in the MTOP or franchise issued, additional acts of violation, whether relating to
19 existing laws, rules and regulations or to the treatment of tricycle passengers, and the penalties
20 therefore in accordance with the operation of tricycles within their respective jurisdiction
21

22 **Sec. 12. Phase-in of More Efficient Engines.** Within thirty (30) days from the effectivity
23 of this Act, the DOTr and the DOST shall implement a continuing program to encourage
24 manufacturers to develop more efficient engines and cleaner technologies to be used by the tricycle
25 sector. The DTI-Bureau of Philippine Standards, in coordination with the Department of
26 Environment and Natural Resources-Environmental Management Bureau (DENR-EMB), shall
27 prescribe the standards and specifications for tricycle engines to be observed by the tricycle sector
28 in pursuit of cleaner technologies and in accordance with Republic Act No. 8749, otherwise known
29 as the Clean Air Act.

1 **Sec. 13. Policy on Impounding of Vehicle.** – Tricycles shall not be impounded, confiscated
2 or destroyed for mere violation of traffic rules and regulations, in which case a traffic violation
3 ticket shall be issued to the erring driver.

4 A tricycle may be impounded under the following circumstances:

- 5 a) When used to perpetrate a crime;
- 6 b) If it operates without a requisite MTOP or an expired MTOP;
- 7 c) If it operates under a fictitious MTOP;
- 8 d) If it is not roadworthy or not built or modified in accordance with the design prescribed
9 by the LTO; or
- 10 e) If it is not compliant with the Clean Air Act or other environmental laws

11
12 **Sec. 14. Penalties.**

13 a) A public officer or employee who acts in violation of Sections 5, 6, or 7 hereof, shall,
14 in addition to administrative and criminal liability under existing laws, be penalized with one-
15 month to six-month suspension from office, at the discretion of the court.

16 b) A public officer who acts in violation of the provisions of Section 13 hereof shall be
17 administratively liable without prejudice on the part of the aggrieved member of the tricycle sector
18 from initiating a criminal or civil action, if applicable.

19 c) A driver who operates a tricycle without the necessary MTOP to be observed by the
20 tricycle sector in pursuit of cleaner technologies and in accordance with Republic Act 8479,
21 otherwise known as the “Clean Air Act”, including any who incurs delinquency in payment of fees
22 that is tantamount to an incomplete application for an MTOP, operates in highways without valid
23 authorization as mentioned in Section 5 (b) hereof, transports passengers and/or goods beyond the
24 limitations on the number of passengers and on load capacity, or operates a tricycle not compliant
25 with environmental laws shall be punished by a fine of not less than Five hundred pesos
26 (PhP500.00) but not more than Two thousand pesos (PhP2,000.00).

27 d) A driver who violates other traffic rules or regulations not specifically provided herein
28 shall be punished in accordance with applicable traffic laws: Provided, That that penalty to be
29 imposed shall be limited to fifty percent (50%) of the fine or penalty that can be imposed on drivers
30 of four-wheeled vehicles.

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

9 f) Any person who shall willfully interfere with, restrain or coerce any member of the
10 tricycle sector in the exercise of rights or shall in any manner act in violation of Section 8 of this
11 Act shall, upon conviction, be punished by a fine of not less than Fifty thousand pesos
12 (PhP50,000.00) but not more than Five hundred thousand pesos (PhP500,000.00) or imprisonment
13 not exceeding (1) year or both, at the discretion of the court.

14 If the offender is a public official, the court may, in addition to the penalties provided in
15 the preceding paragraph, impose the penalty of disqualification from office.

16
17 **Sec. 15. *Funding.*** – An initial appropriation of One Billion Pesos (P1,000,000,000.00) is
18 hereby appropriated for this Act. Thereafter, the amount needed for the effective implementation
19 of this Act shall be included in the General Appropriations Act.

20
21 **Sec. 16. *Implementing Rules and Regulations.*** The DOTr, in coordination with the LTO,
22 LTFRB, SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the Department of Interior and Local
23 Government, shall issue the implementing rules and regulations (IRR) of this Act within ninety
24 (90) days from its effectivity. The IRR shall include the guidelines for the allocation of the fund
25 for subsidizing the SSS or PhilHealth premiums of the members of the tricycle sector and the
26 programs that will benefit them.

27
28 **Sec. 17. *Separability Clause.*** – If for any reason, any provision of this Act is declared
29 unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

1 **Sec. 18. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations and
2 other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended
3 or modified accordingly.

4
5 **Sec. 19. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
6 Official Gazette or in a newspaper of general circulation.

7
8 *Approved,*
9