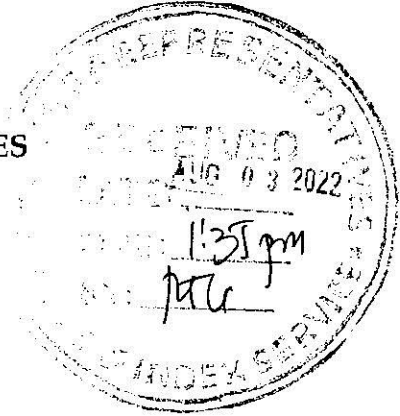


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3109



Introduced by Representative Rosanna "Ria" V. Vergara

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

3
4 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
5 *Congress assembled:*

6
7 **Section 1. Short Title.** - This Act shall be known as the "Magna Carta of
8 Tricycle Drivers and Operators."

9
10 **Sec. 2. Declaration of Policy.** - It is the policy of the State:

11
12 a) To give the highest priority to the enactment of measures that protect and
13 enhance the rights of all people to human dignity, reduce social, economic, and
14 political inequalities and remove cultural inequalities by diffusing wealth and political
15 power for the common good and to provide environments at the national and local
16 levels that enable all workers to fully develop into productive and responsible citizens;

17
18 b) To promote and improve the total well-being of the members of the tricycle
19 sector particularly the marginalized low-level income earners by providing them with
20 adequate and timely social, economic, and legal services, as well as with a mechanism
21 that protects their rights and promotes benefits that ensure their dignified existence
22 and economic advancement;

23
24 c) To recognize, promote, protect, and fulfill the rights of every member of the
25 tricycle sector, particularly the tricycle drivers and operators, whose rights include but
26 are not limited to the right to self-organization, the right to decent work, just and
27 humane working conditions, access to social protection, and the right to represent
28 their organizations in a continuing process of consultation and dialogue towards
29 maximizing the provision of a comprehensive package of reforms, interventions, and
30 services in accordance with their articulated needs and interests;

31


This power to regulate is still subject to the guidelines prescribed by the Department of Transportation. This is embodied in the "Guidelines to Implement the Devolution of LTFRBs Franchising Authority over Tricycles-For-Hire to Local Government units pursuant to the Local Government Code." The Guidelines provide that in lieu of the LTFRB in the DOTC, the *Sangguniang Bayan* or the *Sangguniang Panlungsod* shall issue, amend, revise, renew, suspend, or cancel the Motorized Tricycle Operators Permit and prescribe the appropriate terms and conditions therefor. The said rules also provide for minimum operating conditions for tricycles.

Despite this devolution, however, our tricycle drivers still experience problems with the city or municipal government. For example, some drivers reported the collection of illegal fees, some noted the illegal sale of tricycle franchises, and some reported the issuance of multiple permits for just one tricycle number. Other recurring problems include the tough working conditions of tricycle drivers as well as the poor maintenance of tricycles which generally leads to air pollution.

This bill seeks to provide a *magna carta* for tricycle drivers and operators. It will ensure the safety and protection of this sector from abusive practices in local and national agencies as well as the continued growth of this cultural icon that serves as the livelihood of a large number of Filipino families. This proposal provides for a simplified registration system, a one-stop-shop for tricycle operators, health care and social benefits, lesser penalties compared to their four-wheeled counterparts, the promotion of more economical and eco-friendly engines, as well as a more concrete and defined role for local government units in the development of the sector.

Such comprehensive measure has been strongly advocated by this representation since the 17th Congress. Considering that this sector has been among those most adversely affected by the COVID-19 pandemic and crippling fuel price increases, it has since become all the more imperative for Congress to alleviate the burden, not only of the members of the sector but also its many stakeholders in the community, as we all now strive towards collective recovery and progress.

In view of the foregoing, the immediate adoption of this measure is earnestly requested.


ROSANNA "RIA" V. VERGARA
Third District of Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3109

Introduced by Representative Rosanna "Ria" V. Vergara

EXPLANATORY NOTE

All over the country, passengers regard the tricycle as the primary means of transport in small towns and cities, especially in the rural areas. A study by the Asian Development Bank stated that tricycles remain as a major transport tool for residents in local government units owing to their (i) high accessibility; (ii) availability; (iii) affordability; (iv) comfort; and (v) convenience.* Operating a tricycle is also a popular means of livelihood for the unemployed sector of the workforce since it does not require a big amount of capital nor a college degree.† An article by CNN citing the National Statistical Coordination Board reported that a total of 658,675 for-hire tricycles and motorcycles were operating in the country in 2012. This is nearly 67.9% of the total number of public utility vehicles, outnumbering the collective total of *jeepneys*, buses, and other similar for-hire vehicles.‡ Cognizant of these facts, this bill addresses the low purchasing power of this sector and aims to provide support to these hardworking individuals.

Section 447 (a)(3)(vi) and Section 458 (a)(3)(vi) of the Local Government Code provide that the *Sangguniang Bayan and Sangguniang Panglungsod* have the power to regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality and the city. Local government units (LGUs) thus have the legal mandate to regulate the use of tricycles as public utility vehicles and to issue franchises for their operation. This transfer of the powers performed by the then Department of Transportation and Communication (DOTC) and by the Land Transportation Franchising and Regulatory Board (LTFRB) to the LGUs by the Local Government Code sought to address the rise in the number of accidents that tricycles figured in. The idea behind the devolution of powers to the LGUs is that they are better positioned to address these problems due to their closeness to the issues confronting tricycles as opposed to the DOTC.§

* <https://www.adb.org/sites/default/files/projects/163994/43207-012-phi-dpta-07.pdf>

† *Ibid.*

‡ <http://cnnphilippines.com/news/2015/03/16/tricycles-as-iconic-as-jeepneys.html>

§ Land Transportation Office v. City of Butuan, G.R. No. 131512, 20 January 2000.

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

5 e) To promote gender equity and equality through the elimination of gender
6 stereotypes attached to this sector, redefining the sector by inclusivity in that tricycle
7 drivers do not only consist of males but also females, and protecting the women
8 workers against gender-based discrimination, exploitation, violence, and all other
9 forms of abuse;
10

11 f) To protect vulnerable groups in the tricycle sector such as the elderly and
12 differently-abled persons from safety issues, discrimination, and harassment;
13

14 g) To eliminate child labor in the tricycle sector through effective enforcement
15 of laws against child labor and the creation of more quality jobs for adults; and
16

17 h) To promote the safety and security of citizens especially those that are
18 vulnerable to accidents and mishaps, to safeguard the sanctity of life and to ensure the
19 safety of every human being in its territories.
20

21 **Sec. 3. Framework and Principles.** – Local Government Units (LGUs) shall
22 pursue and implement a comprehensive, rights-based, participatory and gender
23 responsive framework for members of the tricycle sector that includes:
24

25 a) Putting in place policies and programs that will, as a first step, bring
26 members of the tricycle sector to the economic and social mainstream;
27

28 b) Pursuing structural reforms in all relevant levels of LGUs by creating
29 committees, special offices for development and protection of workers in the tricycle
30 sector and supporting their representational rights through their organizations;
31

32 c) Extending coverage of accessible and affordable social security and health
33 care benefits to workers in the tricycle sector; and
34

35 d) Exacting responsibility on the part of the tricycle sector members,
36 particularly to committing abuses to the riding public, to stakeholders in the sector,
37 and to the environment: Provided, That the State shall recognize their rights and put
38 in place responsive, transparent and accountable mechanisms to ensure the
39 protection, promotion and realization of those rights.
40

41 **Sec. 4. Definitions.** – As used in this Act:
42

43 a) *Colorum* refers to a private vehicle operated for public utility without the
44 benefit of a valid and existing special permit, provisional authority, or franchise;
45

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

4
5 c) Motorized Tricycle Operators Permit (MTO) refers to the permit that
6 authorizes the holder to operate a tricycle for public transport;

7
8 d) *Sanggunian* refers to the *sangguniang panlungsod* or the *sangguniang bayan*, as
9 the case may be;

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

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

20
21 g) Tricycle Operators and Drivers' Association or TODA refers to the
22 organization of tricycle operators and drivers in a given LGU; and

23
24 h) Tricycle Sector refers to a group consisting of drivers and operators of
25 tricycles for public transportation in the Philippines.

26
27 **Sec. 5. Tricycle Operating Requirements.** – Tricycles shall be operated subject
28 to the following requirements:

29
30 a) Subject to the guidelines to be prescribed by the Department of
31 Transportation (DOTr), the Land Transportation Office (LTO) and Land
32 Transportation Franchising and Regulatory Board (LTFRB), the cities and
33 municipalities shall have the power to regulate the operation of tricycles and grant
34 permits for the operation thereof within their territorial jurisdiction.

35
36 Before it can issue the MTO, the concerned LGU is required to submit to the
37 DOTr a Local Public Transport Route Plan that includes, among others, the tricycle
38 routes and zones, alternate tricycle route plan, designation of terminals and maximum
39 number of tricycles operating within their jurisdiction. Such plan shall be subject to
40 the approval of the DOTr and must comply with the guidelines promulgated therefor
41 with the end goal of ensuring overall efficiency, integration and safety of the
42 transportation system.

43
44 b) For safety reasons, no tricycle shall operate on national highways utilized by
45 4-wheel vehicles greater than four (4) tons and where normal speed exceeds forty (40)
46 kilometers per hour: *Provided, however,* That the concerned *Sanggunian*, through an

1 ordinance, may provide exceptions if there are no public transportation servicing the
2 said route, either along the highway or crossing the same, other than tricycles, subject
3 to the approval of the DOTr: *Provided, further*, that when such operation is allowed,
4 the LGU is mandated to provide appropriate signages, marks for lanes, and other
5 safety features to guide and protect the tricycles utilizing the highways.

6
7 Tricycles shall be allowed to travel beyond their regular route of service as
8 embodied in their franchise in emergency cases which shall be defined in the
9 implementing rules and regulations of this Act.

10
11 c) Operators shall employ only drivers possessing professional licenses duly
12 issued by the LTO. For this purpose, the LTO shall issue guidelines, including
13 theoretical and practical examinations, appropriate for drivers of tricycles.

14
15 d) The LTO shall ensure the roadworthiness of tricycles before registration or
16 renewal of registration, including compliance with environmental laws. In
17 coordination with motorcycle and tricycle manufacturers and the Department of
18 Trade and Industry (DTI), the LTO shall formulate safety standards and the allowable
19 designs and modifications, taking into consideration the needs of the vulnerable
20 groups, and determine the limitations on passengers and weight or load capacity.
21 Such limitations shall be indicated on the body of the tricycles.

22
23 e) Zones must be within the boundaries of the concerned city or municipality.
24 However, existing operating zones traversing two (2) or more LGUs may be
25 maintained: *Provided*, That operators serving said zones shall secure the necessary
26 MTOP from each of the LGU having jurisdiction over the covered areas.

27
28 f) An LGU may adopt a common color-coding scheme for tricycles operating
29 in the same zone. Each unit shall be assigned and bear an identified number, aside
30 from its license plate number issued by the LTO.

31
32 g) An operator wishing to completely terminate its service should report in
33 writing such termination to the LGU which originally granted MTOP.

34
35 h) The MTOP shall be valid for three (3) years, renewable for the same period.
36 The change of zone of operation, change of ownership of tricycle unit or transfer of
37 MTOP shall be construed as an amendment to an MTOP which shall require
38 appropriate approval of the concerned LGU.

39
40 i) A tricycle shall be allowed to operate like a taxi service where, aside from
41 rendering services in the designated terminal, it can be flagged-down or engaged by
42 passengers on the road within its authorized zone of operation.

43
44 The concerned LGUs shall impose no other additional requirement for tricycle
45 operation, except those provided under this Act.

1 **Sec. 6. Registration and Issuance of the MTOP.** - There shall be a simple system
2 and procedure for registration and issuance of the MTOP in accordance with the
3 framework and principles of this Act. The fees for registration and issuance of an
4 MTOP, which shall be valid for a three-year period, shall not exceed one thousand
5 pesos (P1,000.00). The amount shall cover the filing fee, franchise fee, inspection fee,
6 fare adjustment fee, amendment fee, regulatory fee, and all other miscellaneous fees.
7 No other fees shall be exacted from the tricycle sector business activities or enterprise
8 other than the registration fee as mentioned above.

9
10 The DOTr may increase or adjust the fee herein imposed once every five (5)
11 years: *Provided*, That in no case shall the increase be more than ten percent (10%) of
12 the prevailing amount.

13
14 **Sec. 7. Tricycle Sector One-Stop Shop Center.** - All cities and municipalities
15 shall establish a Tricycle Sector One-Stop Shop Center which shall handle all
16 transactions and processing of the business permit applications within their respective
17 jurisdictions. The Center shall ensure that the processing of the MTOP of the members
18 of the tricycle sector shall commence on the day of their application and the
19 registration shall be released within thirty-six (36) hours upon submission of the
20 complete requirements.

21
22 To facilitate efficient and expeditious processing of the MTOP applications, the
23 LGUs shall also formulate a uniform and simple checklist of requirements for
24 registration and flowchart of the procedure of registration. The LGUs shall also be
25 responsible in translating the checklist of requirements and flowchart of procedure of
26 registration in their own local dialect. The LGUs shall cause the posting of the checklist
27 and flowchart of procedure of registration in at least three (3) conspicuous areas,
28 preferably public areas in the community and cause the publication of the same in the
29 local newspaper, if there is any.

30
31 **Sec. 8. Rights and benefits of Workers in the Tricycle Sector.** - The members of
32 the tricycle sector shall have the following rights:

33
34 a) Self-organization to collectively negotiate with government and other
35 entities in the promotion of their welfare and advancement of their interests free from
36 any political interference or favor;

37
38 b) Informed participation in decision-making processes relevant to the
39 concerns of their sector through their legitimate organizations. Towards this end, they
40 shall be represented in all public hearings for laws, ordinances, or regulations that will
41 affect their sector;

42
43 c) Access to medical care services and insurance;

44
45 d) Freedom from any form of discrimination, violence, exploitation, or
46 harassment;

1
2 e) Freedom from deprivation of property without valid cause and due process
3 of law;

4
5 f) Equal access to information on how to safeguard their rights according to
6 law;

7
8 g) Safe working conditions; and
9

10 h) Protection from any act of interference, coercion, extortion, and bureaucratic
11 red tape in the exercise of their rights.
12

13 **Sec. 9. Government Support to the Tricycle Sector.** - All concerned national
14 government agencies, government financial institutions, and LGUs shall include in
15 their plans, programs, projects and activities efforts that are supportive of the
16 foregoing rights and other concerns of the tricycle sector. Each LGU shall also create
17 a grievance mechanism to deal with the concerns of the members of the tricycle sector.
18 The members of the tricycle sector shall likewise be entitled to legal assistance from
19 the government for the protection and enforcement of the rights provided under this
20 Act.
21

22 **Sec. 10. Mandatory Membership in SSS and National Health Insurance**
23 **Program.** - The Social Security System (SSS) and the Philippine Health Insurance
24 Corporation (PhilHealth) shall, within ninety (90) days from the issuance of the
25 implementing rules and regulations (IRR) of this Act, promulgate guidelines for
26 strengthening the mechanisms of providing social security and health insurance
27 coverage to members of the tricycle sector. The SSS shall also inform its members from
28 the tricycle sector of the services and loans that the latter can avail of. The PhilHealth
29 shall coordinate and collaborate with the tricycle sector organizations, the Department
30 of Social Welfare and Development (DSWD) and other concerned government
31 agencies, and the LGUs to determine the financial capability of the members of the
32 tricycle sector to pay premium contributions and to identify those members who shall
33 be entitled to the national government subsidy.
34

35 **Sec. 11. Role of the Local Government Units.** - Subject to the operating
36 conditions in Section 5 of this Act and the guidelines to be promulgated by the DOTr,
37 LTO and LTFRB, cities and municipalities shall have the following responsibilities:
38

39 a) The LGUs, after consultation with the transport groups, the affected
40 communities, and other stakeholders, shall identify and designate viable routes and
41 terminals of tricycle within the city or municipality. Viable terminals shall be in
42 proximity to public buildings, public markets, private markets, commercial districts,
43 or commercial establishments and other places which the public frequently visits.
44

45 b) The *Sanggunian* shall, within ninety (90) days after the identification and
46 designation of routes and terminals through public consultation and survey by the

1 local planning and development department or appropriate transportation
2 development and traffic management office of the LGU concerned, pass an ordinance
3 designating the routes and the terminals of tricycles as specified in this Act.
4

5 An LGU, which has already established or designated routes and terminals of
6 tricycles prior to this Act, is deemed to have complied with this provision of the Act:
7 *Provided*, That the aforesaid establishment or designation of routes and terminals have
8 been undertaken after consultation with the stakeholders.
9

10 c) In coordination with the DOTr, LTO and public and private stakeholders,
11 LGUs shall also lead a tricycle maintenance program. This shall be done by providing
12 the existing TODAs within their jurisdiction, training and instruction on preventive
13 and periodic maintenance in tandem with the Department of Science and Technology
14 (DOST) and other private institutions.
15

16 d) Vocational education on auto-mechanics and related courses like engine
17 repair and maintenance shall also be offered by the LGUs to the members of the
18 tricycle sector, in coordination with the Department of Labor and Employment
19 (DOLE) and the Technical Education and Skills Development Authority (TESDA).
20 With the help of DOLE and TESDA, LGUs shall also provide for alternative livelihood
21 and skills-training programs to allow tricycle drivers to explore more economically
22 rewarding sources of income.
23

24 e) There shall be a regular conduct of mandatory Tricycle Drivers Safety
25 Program at the LGU level. The content and structure of the Tricycle Drivers Safety
26 Program shall be formulated by the DOTr, LTO, LTFRB and other relevant
27 government agencies. The LGUs shall require all tricycle drivers within its jurisdiction
28 to undergo safety orientation or seminar under this program. To complement this
29 program, the LTO and LTFRB shall include a Motorist Awareness Program in all its
30 safety trainings.
31

32 f) The LGUs, in coordination with law enforcement agencies, shall prevent the
33 proliferation of illegal or *colorum* tricycle units.
34

35 g) The LGUs, in coordination with the DOLE and other concerned agencies,
36 shall ensure the regular conduct of seminars to prevent the unlawful employment of
37 children as tricycle drivers and the gender-based discrimination in granting driver's
38 licenses.
39

40 h) Consistent with the provisions and objectives of this Act, the LGUs are also
41 hereby empowered, through ordinance or as terms or conditions in the issuance of
42 MTOP, to define and penalize such acts which constitute as violations in relation to
43 the operation of tricycles within their respective jurisdictions.
44

45 **Sec. 12. Phase-in of More Efficient Engines.** – Within thirty (30) days from the
46 issuance of the IRR of this Act, the DOTr and the DOST shall implement a continuing

1 program to encourage manufacturers to develop more efficient engines and cleaner
2 technologies to be used by the tricycle sector. The DTI-Bureau of Philippine Standards,
3 in coordination with the Department of Environment and Natural Resources-
4 Environmental Management Bureau (DENR-EMB), shall prescribe the standards and
5 specifications for tricycle engines to be observed by the tricycle sector in pursuit of
6 cleaner technologies and in accordance with Republic Act No. 8749, otherwise known
7 as the Philippine Clean Air Act of 1999.

8
9 **Sec. 14. Penalties.**

10 a) A public officer or employee who acts in violation of Sections 5, 6, or 7 hereof
11 shall, in addition to administrative and criminal liability under existing laws, be
12 penalized with a penalty of suspension from office for a period of one (1) to six (6)
13 months at the discretion of the court.

14
15 b) A driver who operates a tricycle in highways without valid authorization as
16 mentioned in Section 5 (b) hereof, transports passengers or goods beyond the
17 limitations on the number of passengers and on load capacity, or operates a tricycle
18 that is not compliant with environmental laws shall be punished by a fine of not less
19 than Five hundred pesos (P500.00) but not more than Two thousand pesos (P2,000.00).

20
21 c) An operator who operates a tricycle without or with an expired or fictitious
22 MTOP, employs a minor or a driver without the requisite license to drive a tricycle, or
23 allows a driver to operate a tricycle that is not roadworthy or with unauthorized
24 modification affecting vehicle safety, shall be punished by a fine of not less than Five
25 hundred pesos (P500.00) but not more than Two thousand pesos (P2,000.00) or the
26 impoundment of the tricycle by an enforcement agency for a period of two (2) months.
27 The second and succeeding offenses shall warrant the revocation of the MTOP and
28 the perpetual disqualification from being issued of the said privilege.

29
30 d) Any person who shall willfully interfere with, restrain or coerce any member
31 of the tricycle sector in the exercise of the latter's rights or shall in any manner act in
32 violation of Section 8 of this Act shall, upon conviction, be punished by a fine of not
33 less than Fifty thousand pesos (P50,000.00) but not more than Five hundred thousand
34 pesos (P500,000.00) or imprisonment not exceeding (1) year or both, at the discretion
35 of the court: Provided, That if the offender is a public official, the court may, in
36 addition to the penalties herein provided, impose the penalty of disqualification from
37 office.

38
39 **Sec. 15. Funding.** - An initial appropriation of One Billion Pesos
40 (P1,000,000,000.00) is hereby appropriated to carry out the implementation of this for
41 this Act. Thereafter, the amount needed for the continued implementation of this Act
42 shall be included in the General Appropriations Act.

43
44 **Sec. 16. Implementing Rules and Regulations.** - The DOTr, in coordination with
45 the LTO, LTFRB, SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the Department of
46 Interior and Local Government, shall issue the IRR of this Act within ninety (90) days

1 from its effectivity. The IRR shall include the guidelines for the allocation of the fund
2 for subsidizing the SSS or PhilHealth premiums of the members of the tricycle sector
3 and the programs that will benefit them.
4

5 **Sec. 17. Separability Clause.** – If for any reason, any provision of this Act is
6 declared unconstitutional or invalid, such parts not affected thereby shall remain in
7 full force and effect.
8

9 **Sec. 18. Repealing Clause.** – All laws, decrees, executive orders, rules and
10 regulations and other issuances or parts thereof which are inconsistent with this Act
11 are hereby repealed, amended or modified accordingly.
12

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

16 *Approved,*
17
18