



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
1st Regular Session

HOUSE BILL NO. 2133



Introduced by **REPRESENTATIVE JENNIFER A. LAGBAS**

EXPLANATORY NOTE

Tricycles and other 3-wheeled vehicles are now a common sight on our roads, conveniently catering to the commuting public at affordable costs and providing many of our countrymen who acquired these vehicles, particularly in the countryside, with livelihood opportunities at minimum operating costs.

In line with its mandate to rationalize land transportation services and implement transportation laws, rules, and regulations, the Land Transportation Office (LTO) issued LTO Memorandum Circular No. 2020-2227 dated November 20, 2020, effectively reclassifying 3-wheeled vehicles and clarifying rules on registration, road use, and safety.

With this reclassification, the LTO has categorized three-wheelers into two (2) main types, namely:

1. Motorcycle-tricycle – these are the usual tricycles, motorcycles with an attached sidecar, used privately or for-hire.
2. Non-conventional motorcycles – three-wheeled motorcycles resembling 3-wheel Morgans or Tuk Tuks, no attached sidecars and considered as a small car

Furthermore, the circular reiterated existing restrictions for tricycles, which generally prohibits them and similar vehicles from operation on national highways. The LTO Memorandum Circular provides an exception for non-conventional motorcycles when there are no alternate routes available, in which case the local government units (LGUs) may designate a segment of secondary national highways where such vehicles can operate, provided it is along the outermost lane and consistent with road safety. However, this restriction was originally intended for motorcycle-tricycles with sidecars, which pose significant safety risks when traversing high-speed thoroughfares.

This bill, therefore, seeks to institutionalize this reclassification, acknowledging the evolution of the three-wheeled vehicles, both in design and functionality. This bills shall also provide legal recognition to the operation of the non-conventional motorcycles along national highways, subject to compliance with safety, equipment, and emission standards. Recognizing the growing role of these vehicles in bridging transport gaps, this measure shall also mandate coordination with LGUs for proper route designation and traffic integration, where necessary.

In view of the above, passage of this bill is earnestly sought.



HON. JENNIFER A. LAGBAS
Representative
First District, Misamis Oriental



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AN
ACT RECLASSIFYING THREE-WHEELED MOTORCYCLES AS NON-CONVENTIONAL
MOTORCYCLES AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “Non-Conventional Motorcycles Reclassification Act”.

SEC. 2. Declaration of Policy. – The State recognizes the importance of transportation in economic development. The recent innovations in technology have opened an opportunity for other modes of public conveyance, such as non-conventional motorcycles for private use or for-hire as a reliable and accessible mode of transportation. However, despite its promise of convenience and fast service, the reclassification of three-wheeled vehicles as non-conventional motorcycles must be institutionalized to provide these with the protection from misinterpretation and abuse of discretion among local government units, regulatory agencies, and traffic enforcement units.

To ensure that the general interest of the riding public is protected, the State shall allow the regulated operation of non-conventional motorcycles on the outermost lane of primary and secondary national highways where there are no alternate routes designated by local government units.

To this end, the State shall establish mechanisms and guidelines in regulating all the operational aspects of non-conventional motorcycles to guarantee public access to a safe, secure and economical mode of commuting.

SEC. 3. Definition of Terms. – As used in this Act:

- a) *LPTRP* – shall refer to the Local Public Transport Route Plan prepared by local government units and approved by the Land Transportation and Franchising Regulatory Board (LTFRB) detailing the route, network, mode, and required number of units per mode for delivering public land transport services;
- b) *Non-conventional motorcycle* – shall refer to a symmetrical three (3)-wheeled motor vehicle without appendages;

- c) *Non-conventional motorcycle-for-hire* – shall refer to non-conventional motorcycle, duly registered as such under this Act, and used to carry passengers or goods on a for hire basis, offering its services to the public. A non-conventional motorcycle-for-hire shall be considered a public utility vehicle and its operation a public utility;
- d) *Operator* – shall refer to the person in whose name the non-conventional motorcycle-for-hire is registered;
- e) *Parcel* – shall refer to means a package or rectangular box, the dimension and weight of which is as specified in the implementing rules and regulations of this Act, containing goods or some form of transportable property intended for delivery to an addressee prominently displayed on at least one (1) of its sides; and
- f) *Rider* – shall refer to the driver of the non-conventional motorcycle-for-hire.

SEC. 4. *Scope and Application.* – This Act shall apply to all aspects of classification, regulation, and operation of three-wheeled vehicles as non-conventional motorcycles for private use; exclusive and direct use by registered owners in their line of business for delivery of goods and other services; or as a common carrier for the transportation of passengers or goods. For this purpose, goods shall include parcels and mail.

SEC. 5. *Non-conventional motorcycles-for-hire as Common Carriers.* – The operation of non-conventional motorcycles-for-hire is imbued with public interest. As such, the same shall be governed by the applicable provisions of the Civil Code of the Philippines and other pertinent laws, rules and regulations on common carriers, particularly on the required degree of diligence to be observed in the course of transporting passengers or goods, and on the presumption of culpability in case of breach of a contract of carriage.

SEC. 6. *Regulation of Non-Conventional Motorcycles-For-Hire.* – A non-conventional motorcycle intended to be used as a non-conventional motorcycle-for-hire must be duly registered with the Land Transportation Office (LTO) in accordance with the requirements set forth in Section 7 of this Act. The LTO shall ensure roadworthiness of all non-conventional motorcycles-for-hire before registration or renewal thereof.

SEC. 7. *Standard and Specifications of Non-Conventional Motorcycles-For-Hire.* – Department of Transportation (DOTr), upon the recommendation of the Department of Trade and Industry (DTI), Department of Environment and Natural Resources (DENR), LTO and Land Transportation Franchising and Regulatory Board (LTFRB), shall prescribe in the implementing rules and regulations the standards and specifications of non-conventional motorcycles that may be allowed to operate as non-conventional motorcycles-for-hire, taking into consideration the safety of the passengers and riders and the protection of goods.

No modifications shall be made on any non-conventional motorcycles-for-hire except for the installation of appropriate accessories such as, but not limited to, a top box, luggage carrier, crash guards, step board, speed delimiter, or monitoring devices, in accordance with the standards approved by the DTI, if applicable, and shall be used as reference by the LTO for registration purposes. In case the DTI has no approved standards, the LTO, upon consultation and agreement with all stakeholders, shall prescribe the same, taking into consideration roadworthiness and road safety, until such time as the DTI has issued appropriate standards.

Within five (5) years of the enactment of this Act, the DTI shall ensure that standards for all products and parts covered by this Act, along with its implementing rules, regulations, and any future amendments or revisions, are made available.

SEC. 8. *Operation of Non-Conventional Motorcycles-For-Hire.* – Except for private use, any operation of non-conventional motorcycle-for-hire without the corresponding franchise from the LTFRB and / or local government units shall be considered *colorem* and, therefore, illegal.

A non-conventional motorcycle-for-hire may be allowed to carry, alternately, both passengers or goods and shall operate at speeds allowable under Republic Act (RA) No. 4136, otherwise known as the “Land Transportation and Traffic Code”, as amended, local ordinances, and applicable laws: Provided, that in no case shall a non-conventional motorcycle-for-hire operate beyond sixty kilometers per hour (60kph).

Where there are no alternative routes designated by the concerned local government unit in its Local Public Transport Route Plan (LPTRP), non-conventional motorcycles-for-hire shall be allowed to traverse on the outermost lane of primary and secondary national highways.

SEC. 9. – *Fare Setting.* – The fares and rates to be charged by public utility vehicles operating under this Act shall be subject to the approval of the LTFRB, in accordance with the following principles:

- a) *Just and Reasonable Rates* – Fares shall be just and reasonable, taking into account the financial viability of operators, the quality of service, distance traveled, and affordability for commuters;
- b) *Public Hearing and Consultation* – No fare adjustment shall be implemented without prior public hearing or stakeholder consultation, consistent with the procedural requirements prescribed by the LTFRB or applicable laws;
- c) *Local Fare Setting* – For public transport services operating exclusively within a municipality, city, or province, the local government unit (LGU) may recommend fare rates to the LTFRB, provided that such rates are consistent with national standards and regulations; and

Posting of Fares – Approved fare rates shall be prominently posted inside the vehicle and in terminals for the information of the riding public.

SEC. 10. *Enforcement.* – To ensure the safe and secure operation of non-conventional motorcycles-for-hire, the LTO shall deputize LGUs and other relevant government agencies to assist in the enforcement of traffic rules and regulations and to monitor strict compliance with the provisions of this Act, particularly on the observance of vehicle classification, operations, carrying capacity, and speed limits.

SEC. 11. *Penalties.* –

- a) Any rider who operates a non-conventional motorcycle-for-hire in violation of traffic rules and regulations, carrying capacity, and licensing requirements shall suffer the maximum penalty imposed under the applicable law, ordinance, rule, or regulation for such violation. In addition, the LTO shall impose a penalty of suspension or revocation of the driver's license of an erring rider commensurate to the gravity of the offense and frequency of commission.
- b) An operator who allows a rider who does not possess a valid Professional Driver's License to operate a non-conventional motorcycle-for-hire shall, in addition to penalties under existing rules and regulations, suffer a penalty of suspension or revocation of franchise, after due notice of hearing.

SEC. 12. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DOTr, in coordination with the LTFRB, LTO, DTI, DICT, BIR, TESDA, Department of Health, Department of Interior and Local Government, MMDA, and Philippine National Police – Highway Patrol Group, and in consultation with stakeholders, shall promulgate the necessary rules and regulations to carry out the implementation of this Act.

SEC. 13. *Separability Clause.* – If for any reason any provision of this Act is declared invalid or unconstitutional, the remaining provisions not otherwise affected shall remain valid and subsisting.

SEC. 14. *Repealing Clause.* – All provisions of laws, decrees, executive orders, presidential issuances and other administrative rules and regulation, or parts thereof, which are incompatible or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,