

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **8066**



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

The technology of the world is ever-evolving and is still consistently advancing. With the advent of such technological advancements and the rapid pace of development, such advancements are inevitably integrated within everyday aspects of life, one of the latest being Transportation Network Vehicle Services (TNVS) and the use of motorcycles as public transport by the public.

As a TNVS, a motor vehicle is contracted through online platforms to transport either persons or goods from one point to another. The service provider, therefore, is responsible for the safe transport of the person or thing subject of the service. It cannot be denied that the business of holding one's self out as a transportation service provider, whether done through online platforms or not, appears to be one which is imbued with public interest and thus, deserves appropriate regulations.¹

Corollary thereto, such modes of transportation which have become the new norm for most commuters and, being a business imbued with public interest, should likewise be held to a higher standard of diligence and be considered as a common carrier.

A common carrier is defined as a person, corporation, firm or association engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering such services to the public.² Therefore, being a person engaged in carrying and transporting passengers or goods or both by land for compensation which is readily available to the public, such persons engaged in such businesses must be beholden to a higher standard of diligence akin to that of regular common carriers.

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



ANGELO MARCOS BARBA

¹*The Land Transportation Franchising and Regulatory Board vs. Hon. Valenzuela*, G.R. No. 242860, 11 March 2019.

²*Sps. Teodoro vs. Sps. Zarate*, G.R. No. 157917, 29 August 2012.

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AN ACT
RECOGNIZING MOTORCYCLES AS PUBLIC UTILITY VEHICLES,
AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 4136,
OTHERWISE KNOWN AS THE "LAND TRANSPORTATION AND
TRAFFIC CODE," AS AMENDED, AND REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991,"
AS AMENDED, 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 “**Motorcycles-for-Hire Act.**”

SECTION 2. *Declaration of Policy.* - It shall be the policy of the State to provide basic transport services to the people, and safeguard their safety, and promote their general welfare. Towards this end, the use of motorcycles-for-hire as an alternative mode of public transportation is hereby recognized and regulated in order to provide mobility in unserved and underserved rural areas, as well as traffic-congested urban centers.

SECTION 3. Section 3 of Republic Act No. 4136, as amended, otherwise known as the “Land Transportation and Traffic Code,” is hereby amended as follows:

“Section 3. *Words and phrases defined.* - As used in this Act:

(N) MOTORCYCLE-FOR-HIRE. - ANY TWO-WHEELED MOTOR VEHICLE USED AS A MEANS OF PUBLIC TRANSPORTATION AND GOODS REGISTERED WITH THE LAND TRANSPORTATION OFFICE (LTO) OR THE LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD (LTFRB): *PROVIDED*, THAT FOR TWO-WHEELED MOTOR VEHICLE TO BE CONSIDERED AS A COMMON CARRIER ENGAGED IN THE BUSINESS OF CARRYING

OR TRANSPORTING PASSENGERS, THE MOTORCYCLE SHALL HAVE A MINIMUM ENGINE DISPLACEMENT OF 125 CUBIC CENTIMETERS AND A BACKBONE TYPE BUILT.

MOTORCYCLES-FOR-HIRE MAY BE OPERATED INDEPENDENTLY BY THE OWNER OF THE MOTORCYCLE, OR MADE AVAILABLE THROUGH A DIGITAL TRANSPORTATION NETWORK VEHICLE SERVICE (TNVS)."

SECTION 4. Section 7 of Republic Act No. 4136, as amended, otherwise known as the "Land Transportation and Traffic Code," is hereby amended to read as follows:

"Section 7. *Registration classification.* - Every motor vehicle shall be registered under one of the following described qualifications:

- (a) xxx
- (b) xxx
- (c) xxx
- (d) Public utility automobiles; (e) public utility trucks; (f) taxis and auto-calesas; (g) garage automobiles; (h) garage trucks; (i) hire trucks; ~~and~~ (j) trucks owned by contractors and customs brokers and customs agents~~[-];~~ **AND (K) MOTORCYCLES-FOR-HIRE.** Application for registration under these classifications shall be accompanied by a certificate of public convenience or a special permit issued by the ~~[Public Service Commission]~~ **LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD (LTFRB)**, and motor vehicles registered under these classifications shall be subject to the Public Service Law, rules and regulations, as well as the provisions of this Act: **PROVIDED, THAT MOTORCYCLES-FOR-HIRE OPERATING STRICTLY WITHIN THE TERRITORIAL JURISDICTION OF A LOCAL GOVERNMENT UNIT, WHETHER THESE MOTORCYCLES BELONG TO A TRANSPORT NETWORK, OR ARE MEMBERS OF A LOCAL COOPERATIVE OR CORPORATION, OR TO INDIVIDUAL OWNERS/OPERATORS OF THE MOTORCYCLES, SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 447 (3) (VI) AND SECTION 458 (3) (VI) OF REPUBLIC ACT NO. 7160.**

xxx"

SECTION 5. Section 447 (3) (VI) of Republic Act No. 7160, as amended, otherwise known as the "Local Government Code of 1991," is hereby amended to read as follows:

“xxx

(vi) Subject to the guidelines prescribed by the [Department of Transportation and Communications] **LTFRB**, regulate the operation of tricycles **AND MOTORCYCLES-FOR-HIRE AS PUBLIC TRANSPORT OPERATING STRICTLY WITHIN THE TERRITORIAL JURISDICTION OF A LOCAL GOVERNMENT UNIT, WHETHER THESE MOTORCYCLES BELONG TO A TRANSPORT NETWORK, OR ARE MEMBERS OF LOCAL COOPERATIVE OR CORPORATION, OR ARE INDIVIDUAL OWNERS/OPERATORS OF THE MOTORCYCLE**, and grant franchises for the operation thereof within the territorial jurisdiction of the municipality;

xxx”

SECTION 6. Section 458 (3) (VI) of Republic Act No. 7160, as amended, otherwise known as the “Local Government Code of 1991,” is hereby amended to read as follows:

“xxx

(vi) Subject to the guidelines prescribed by the [Department of Transportation and Communications] **LTFRB**, regulate the operation of tricycles **AND MOTORCYCLES-FOR-HIRE AS PUBLIC TRANSPORT OPERATING STRICTLY WITHIN THE TERRITORIAL JURISDICTION OF A LOCAL GOVERNMENT UNIT, WHETHER THESE MOTORCYCLES BELONG TO A TRANSPORT NETWORK, OR ARE MEMBERS OF LOCAL COOPERATIVE OR CORPORATION, OR ARE INDIVIDUAL OWNERS/OPERATORS OF THE MOTORCYCLE**, and grant franchises for the operation thereof within the territorial jurisdiction of the city;

xxx”

SECTION 7. Roadworthiness of Motorcycles-for-Hire. - The Land Transportation Office (LTO) shall guarantee the roadworthiness of motorcycles-for-hire by requiring emission testing and other safeguards before registration and every renewal. No modification shall be made thereafter on motorcycles-for-hire, except for the possible installation of luggage carriers, saddlebags, step boards or foot pegs, and appropriate speed limiters and monitoring devices, based on LTO’s guidelines.

SECTION 8. Liability and Diligence. - Motorcycles-for-hire are hereby declared as common carriers for purposes of determining the liability and degree of diligence to be observed in transporting goods or passengers. The presumption of negligence in breach of contracts shall likewise apply, as provided in existing laws, rules, and regulations.

SECTION 9. *Driver's Safety.* - In accordance with Sec. 23-A of Republic Act No. 4136, as amended, the LTO shall establish the necessary requirements for issuing driver's licenses to applicants for motorcycles-for-hire, including training, theoretical and practical testing, and health examinations. Further, safety helmets shall be provided as required by law.

SECTION 10. *Insurance.* - In addition to driver's and motor vehicle insurance, the LTO shall require the insurance and coverage for both passengers and cargo transported by motorcycles-for-hire.

SECTION 11. *Local Government Units' Duties.* - The concerned local government unit (LGU) is urged, before it could issue a franchise under this Act, to develop and issue guidelines for the operation of motorcycles-for-hire in their territorial jurisdiction. These guidelines, subject to the approval of the Department of Public Works and Highways (DPWH), may include the designation of motorcycle lanes on highways, assigned motorcycle parking areas, designated terminals, and such other facilities as may constitute an efficient motorcycle-for-hire transport system.

SECTION 12. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 13. *Repealing Clause.* - All laws, executive orders, rules, and regulations inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Philippines.

Approved,