

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session



HOUSE RESOLUTION NO. 748

Introduced by **Representative JOEY SARTE SALCEDA**

**RESOLUTION URGING THE DILG TO WITHDRAW MC 2020-036 WHICH
IMPLEMENTS THE TRICYCLE BAN ON NATIONAL HIGHWAYS AND FOR THE
HOUSE COMMITTEE ON TRANSPORTATION TO CONDUCT HEARINGS, IN
AID OF LEGISLATION, FOR THE REVIEW OF NATIONALLY-IMPOSED
POLICIES ON LOCAL TRANSPORTATION, ESPECIALLY TRICYCLES**

WHEREAS, there are around 4.5 million registered tricycles in the Philippines, many of which are the only viable and affordable transport option for rural communities;

WHEREAS, these 4.5 million tricycles are also often the only source of livelihood for hundreds of thousands of Filipino families;

WHEREAS, these 4.5 million tricycles pay road users tax at almost P1.2 billion every year and pay excise tax and VAT on fuel amounting to around P52 billion per year which partly funds the enormous budget of the DPWH at P650 billion;

WHEREAS, the DPWH has the mandate to build national roads but has no clear and distinctive legal authority to prohibit the use of national roads as public goods;

WHEREAS, the Department of Interior and Local Government (DILG) has issued Memorandum Circular No. 2020-036, Prohibiting Tricycles, Pedicabs, and Motorized Pedicabs from Operating on National Highways;

WHEREAS, the same Memorandum Circular absolutely prohibits tricycles and pedicabs from operating on national highways, even for crossing and u-turning;

WHEREAS, tricycles and motorcycles, as data shows, are actually safer compared to all other cars, as in 2017, tricycles and motorcycle-related fatalities amounted to only 0.085 percent of all motorcycles and tricycles, while deaths related to all other vehicles represented 0.282 percent of all vehicles, making all other vehicles 330 percent more dangerous than tricycles and motorcycles;

2017 DATA ON VEHICLE-RELATED DEATHS IN THE PHILIPPINES

	Related Deaths	Estimated Number of vehicles	Mortality Rate
Motorcycles or tricycles	5,970	7,023,529	0.085%
All other vehicles	11,264	3,994,326	0.282%

Sources: World Health Organization Philippines and Land Transportation Office data

WHEREAS, if the DILG MC is based on the idea that 4.5 million tricycles pose hazards to cars and other vehicles, but as tricycles carry far more people and serve the more underprivileged of our society, then it must be cars that pose hazards to tricycles, and policy should adjust accordingly and not in complete opposition to data;

WHEREAS, vulnerable segments of the population like persons with disabilities (PWDs), pregnant women, and senior citizens are essentially served by the end-to-end service of tricycles, emphasizing the need for the safety of necessary tricycles from cars, and not the safety of cars from tricycles;

WHEREAS, many rural communities have no side-streets which tricycles can use as alternative routes, and that said services should not be suppressed without taking into account how they support and complete an area's transit network especially for our most vulnerable commuters;

WHEREAS, as modes of public transportation, they transport passengers faster as they are easier to dispatch, while being accessible to a wider segment of the population including the poor;

WHEREAS, data from the Family Income and Expenditure Survey (FIES) in 2015 shows that the majority of cars (56 percent) are owned by the wealthiest 10 percent of the population, and as a tricycle ban is pro-car, it would be a policy that manages to be both pro-rich and anti-poor, thus failing every test of socioeconomic justice;

WHEREAS, the memorandum circular imposes an absolute ban even when it cites as its premise the Department of Transportation's "Guidelines to Implement the Devolution of LTFRBs Franchising Authority over Tricycles-For-Hire to Local Government units pursuant to the Local Government Code" which explicitly states that Sangguniang Bayan and Sangguniang Panlalawigan may provide exceptions to the ban on pedicabs and tricycles in highways "if there is no alternative route;"

WHEREAS, the DILG memorandum circular appears to contradict the very premise it derives its authority;

WHEREAS, the experience of the country with "habal-habal" or motorcycles for hire is that when a regulation divorced from human experience is imposed, the people simply break the law, and the safety objectives of regulation are compromised by its very impracticality;

WHEREAS, the absolute, one-size-fits-all prohibition does not stand the test of local autonomy;

WHEREAS, the safety objective of the Memorandum Circular will not be satisfied if commuters without alternatives are forced to simply ignore the prohibition for lack of other options;


WHEREAS, in many cases, three-wheeler transport services are used as the first and last mile connection in a commuter's trip – a connection which can often be completed via walking if adequate pedestrian infrastructure were present;

WHEREAS, the same memorandum circular acknowledges the need for infrastructure to provide tricycles and pedicabs with alternative routes, but appears to fail to understand that many tricycles cannot operate at all if the ban is imposed now when the infrastructure for alternative routes does not yet exist;

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the House of Representatives that the Department of Interior and Local Governments to immediately archive MC 2020-036 and for other national agencies such as DPWH and DOTr to refrain from policies that amount to unequal mobility such as those effected by a ban on tricycles on national highways; and that the Committee on Transportation conduct a hearing, in aid of legislation, on the nationally-imposed regulation on local transportation, particularly on tricycles, and that the Committee invite all relevant stakeholders, and prepare a committee report outlining better alternatives to the Memorandum Circular;

BE IT RESOLVED FURTHER; that the Committee on Transportation shall work with relevant stakeholders to formulate policies that close the gaps in public transport coverage, increase the coverage of public utility vehicles and augment existing public transportation services instead of banning three-wheeler services from national highways and revising tricycles routes accordingly, and encourage local government units to focus on the construction of proper pedestrian infrastructure to encourage first and last mile connections via walking instead of building alternative roads for three-wheelers.

Adopted.



JOEY SARTE SALCEDA

Below the signature, there is a faint, rectangular purple stamp that appears to contain the text "JOEY SARTE SALCEDA" in a stylized font.