

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

18th Congress
First Regular Session

House Bill No. 0565



Introduced by **HON. RODRIGO A. ABELLANOSA**

EXPLANATORY NOTE

The nation's growing population means a growing number of commuters that travel to and from different places daily. Many of them are workers and students who live in far-flung areas that are unreachable by regular modes of public transportation - four-wheeled vehicles. This creates an urgent need for the government to address this basic need of providing safe and effective modes of transportation for its people.

Compound that with the country's current traffic situation where commuters have to spend twice, if not thrice, the reasonable number of hours on the road just to get to and from home each day.

The use of motorcycles, being able to access otherwise inaccessible road networks and filter through rows of stopped vehicles on the road, offers a good alternative for many commuters, hence, the rise of '*motorcycles-for-hire*', more commonly known as *habal-habal*.

This method of transportation, however, remains unregulated to date and the main argument against such invokes the safety of the riders and passengers. Despite being illegal however, *habal-habals* continue to proliferate as riders find it a *promising source of livelihood* while passengers deem that the convenience outweigh the risks. For many who travel to the outer skirts of road networks, only the *habal-habal* is the available mode of conveyance.

Such a situation calls for reconsideration of the government's stand against the practice. This bill proposes amendments to the Land Transportation and Traffic Code to finally allow the regulated use of this form of public transportation as safety concerns are addressed by operators and riders.

In view of the foregoing, passage of this Bill is earnestly sought.


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AN ACT
ALLOWING AND REGULATING THE USE OF MOTORCYCLES AS PUBLIC
UTILITY VEHICLES, AMENDING FOR THIS PURPOSE REPUBLIC ACT
NO. 4136 OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND
TRAFFIC CODE, AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “Motorcycles-for-Hire Act.”

SEC. 2. Declaration of Policy. – It is the policy of the State to render basic services to the people and promote their safety and general welfare. Toward this end, the use of motorcycles as an alternative mode of public transportation is hereby allowed and regulated in recognition of the need to provide convenience and ease of commute in urban and rural areas while ensuring public safety and the efficiency of the transportation system as a whole.

SEC. 3. – Section 3 of Republic Act No. 4136 is hereby amended by adding a new word which shall be defined as follows:

X X X

“(N) MOTORCYCLES-FOR-HIRE - ANY TWO-WHEELED MOTOR VEHICLE THAT MAY BE REGISTERED WITH THE LAND TRANSPORTATION OFFICE AS FOR HIRE AND MAY BE USED AS A COMMERCIAL VEHICLE TO TRANSPORT PASSENGERS AND GOODS: PROVIDED, THAT, FOR TRANSPORTING PASSENGERS, THE MOTORCYCLE SHALL HAVE A MINIMUM ENGINE DISPLACEMENT OF 125 CUBIC CENTIMETERS AND A BACKBONE TYPE BUILT.”

SEC. 4. – Section 7 (d) of Republic Act No. 4136 is hereby amended to read as follows:

"Section 7. Registration Classification. - Every motor vehicle shall be registered under one of the following described classifications:

(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 **LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD** [Public Service Commission], 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.

xxx."

SEC. 5. Roadworthiness of Motorcycles-for-hire. The Land Transportation Office (LTO) shall ensure the roadworthiness of motorcycles-for-hire before registration or renewal of registration. To further ensure safety, no modification shall be made on motorcycles-for-hire, except the installation based on safe engineering design specifications, of motorcycle luggage carrier, saddlebag, step board or foot peg and appropriate speed limiter and monitoring device.

SEC. 6. Issuance of Driver's License. Pursuant to Section 23-A of the Land Transportation and Traffic Code, as amended by Republic Act No. 10930, the LTO shall promulgate the necessary prerequisites and guidelines for the issuance of licenses to the driver-applicants, including the theoretical and practical examinations appropriate for motorcycles-for-hire. The LTO shall also ensure the continuous safety training of licensed drivers of motorcycles-for-hire.

SEC. 7. Fare Setting. The Land Transportation Franchising and Regulatory Board (LTFRB) shall determine, prescribe, approve and periodically review and adjust, reasonable fares, rates and other related charges for the operation of motorcycles-for-hire. The LTFRB may allow motorcycles-for-hire to choose and use online platforms accredited by the proper government agency under existing laws but the said companies or platforms shall not disregard or encourage the violation of this Act and other regulations on motorcycles-for-hire, including fare setting.

SEC. 8. Prescribing of Routes. In prescribing routes, the Department of Transportation (DOTr) and the LTFRB shall give priority to higher-capacity vehicles or mass transit systems in accordance with route rationalization studies. Motorcycles-for-hire may be allowed to operate for a limited period and number and in specific routes only, as may be determined by DOTr and the LTFRB, in coordination with concerned local government units.

SEC. 9. Penalties – The operation of motorcycles-for-hire in violation of this Act shall be penalized pursuant to the violations and fines and penalties provided 3 under existing laws and agency regulations: Provided, That companies, or the officers or directors thereof, providing ride-hailing or pre-arranged transportation platforms involving motorcycles without a valid franchise, shall have solidary liability and shall be penalized accordingly.

SEC. 10. Implementing Rules and Regulations. The DOTr, LTO and LTFRB, in collaboration with the MMDA, Department of Interior and Local Government, Philippine National Police-Highway Patrol Group, Department of Health and other agencies and stakeholders, shall promulgate the necessary implementing rules and regulations (IRR) within sixty (60) days from the effectivity of this Act.

The IRR shall include, among others, the determination on the number of riders and weight of goods that can be carried, the applicable speed limits, the road safety and traffic laws and regulations that need to be complied with, the necessary insurance policy covering the driver, rider and third party, including extent of liabilities, designation of terminals, and other statutory and regulatory requirements for the safety, security and health of the driver and rider.

SEC. 11. Separability Clause. – If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect other provisions of this Act.

SEC. 12. Repealing Clause. – Any law, presidential decree or issuance, executive order, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 13. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,