HOUSE OF REPRESENTATIVES
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4653

Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The Tricycle is an iconic Philippine public transportation vehicle—almost as iconic as the King of the Road, Jeepneys. They were legalized in 1985 through then-President Marcos' Letter of Instruction No. 1482 which recognized "that the tricycle plays an important role, in the existing public transportation hierarchy in municipalities, where it is, in most cases, the primary means of transportation"[1]. According to figures by the National Statistical Coordination Board in 2012, tricycles account for nearly 68% of the total for-hire vehicle population in the country, outnumbering the combined total for all other for-hire vehicles[2].

Each region in the Philippines has its own type of Tricycle; from the smallest tricycles in Naga City to the Motorelas of Cagayan de Oro[3]. There are also as many guidelines supervising tricycle operations in the Philippines, as Local Government Unit (LGU) has the power to regulate their operation within its jurisdiction at present. This devolution of power from the Department of Transportation has seen an array of different fees and guidelines per area for tricycle operators and commuters.

Tricycle operators would need to follow the guidelines set by the LGU in the area concerned and meet its set of conditions and documents needed to start operating.

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[1] Letter of Instructions No. 1482. "Directing the Legalization of 'Colorum' Motorized Tricycles". Accessed on July 16, 2019. http://www.officialgazette.gov.ph/downloads/1985/10oct/19851014-LOI-1482-FM.pdf
[2] Taruc, Paolo. March 25, 2015. "Tricycles: As iconic as jeepneys and just as problematic". CNN Philippines. Accessed on July 16, 2019. http://nine.cnnphilippines.com/news/2015/03/16/tricycles-as-iconic-as-jeepneys.html
[3] Accessed on July 16, 2019. http://www.silent-gardens.com/tricycle.php

The bare requirements are a Land Transportation Office registration, a barangay clearance in the area of operation, and payment of registration fee. Some LGUs have more requirements and conditions[4]. The decentralization of regulation has exposed the system to corruption, where tricycle operators are made to pay additional fees and fines to secure a pass to operate. There are also cases of illegal selling of tricycle franchises in some parts of the country.

To curb the abuses and illegal transactions experience by our tricycle drivers, this bill proposes to mandate a uniform set of requirements and reasonable fees to apply to all LGUs in regulating and supervising tricycle operations in their jurisdictions. The proposes Magna Carta for Tricycle Drivers and Operators Act will institutionalize mechanisms for the operation of tricycles such as defining the tricycle operation requirements that include routs, eligibility of drivers and safety of tricycles.

The LGUs will be subjected to the guidelines provided by the Department of Transportation in granting permit to operate or franchise and provide for mechanisms to ensure the enforcement and protection of rights of the tricycle sector, one of which shall be their membership to the Social Security System and PhilHealth. A one-stop shop shall also be mandated for convenient and efficient processing of documentary requirements for registration and issuance of said permits.

This legislation, filed as a counterpart bill to Senator Poe's version in the Senate, hopes to promote and protect the rights of the members of the tricycle sector and seeks the earnest approval of this bill.

LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

[4] Ibid.

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HOUSE BILL NO. 4653

Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

AN ACT
PROVIDING FOR A MAGNA CARTA FOR TRICYCLE DRIVERS AND OPERATORS, INSTITUTIONALIZING MECHANISMS FOR ITS IMPLEMENTATION AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "*Magna Carta* for Tricycle Drivers and Operators Act of 2019."

SECTION 2. *Declaration of Policy.* – It is the policy of the State:

(a) To nurture and protect the interests of the tricycle sector by providing them with adequate and timely social, economic and legal services, as well as mechanisms that shall protect their rights and promote benefits that ensure their dignified existence and economic advancement;

(b) To recognize, promote, protect the rights of every worker in the tricycle sector including the right to self-organization, the right to decent work, just and humane working conditions, access to social protection, and the right to represent their organizations in a continuing process of consultation and dialogue towards maximizing the provision of a comprehensive package of reforms, interventions, and services in accordance with their articulated needs and interests;

(c) To promote gender equity and equality through elimination of gender stereotypes attached to this sector and redefining tricycle drivers as not merely males but also females;

(d) To protect women workers in the tricycle sector against gender-based discrimination, exploitation, violence and abuse;

(e) To progressively eliminate child labor in the tricycle sector through the creation of more quality jobs for adults, effective enforcement of laws against child labor, improved access to universal education and elimination of cultural factors that tolerate child labor; and

(f) To develop the local economy through maximization of the potential and contribution of the tricycle sector.

SECTION 3. ***Definition of Terms.*** – Pursuant to this Act, the following terms shall mean:

a. *Colorum* – a private vehicle operated as a public utility without the benefit of a valid and existing special permit, provisional authority, or franchise;

b. *Motorized Tricycle Operators Permit (MTOP)* – the permit that authorizes the holder to operate a tricycle for public transport.

c. *Periodic maintenance* – the cleaning and replacing of parts that have been exhausted of their effective service life.

d. *Preventive maintenance* – the regular cleaning of the engine and other related parts that affect its performance.

e. *Sanggunian* – the *Sangguniang Panlungsod* or the *Sangguniang Bayan*, as the case may be.

f. *Tricycle* – a motor vehicle composed of a motorcycle fitted with a single-wheel sidecar, or a motorcycle with a two-wheel rear cab, the former having a total of three wheels and the latter having a total of four wheels, otherwise known as the *motorela*.

g. *Tricycle Operators and Drivers' Association* or *TODA* – the organization of tricycle operators and drivers in a given local government unit.

h. *Tricycle Sector* – the drivers and operators of tricycles for public transportation in the Philippines.

SECTION 4. ***Authority to regulate and to grant MTOP.*** – Subject to the guidelines to be prescribed by the Department of Transportation (DOTr), the Land Transportation Office (LTO) and the Land Transportation Franchising and Regulatory Board (LTFRB), the cities and municipalities shall have the power to regulate the operation of tricycles and grant permits for the operation thereof within their respective territorial jurisdictions.

Before it can issue the MTOP, the concerned LGU is required to submit a tricycle operation plan which includes, among others, the tricycle routes and zones, designation of terminals and maximum number of tricycles operating within its jurisdiction. Such plan shall be subject to the approval of the DOTr and must comply with the guidelines promulgated therefor with the end goal of ensuring overall efficiency, integration and safety of the transportation system.

SECTION 5. ***Uniform Set of Requirements.*** – The local government units (LGUs) having jurisdiction over the city or municipality where the tricycle is registered shall impose no other requirement, restriction, or condition for its operation except the following:

a. For safety reasons, no tricycle should operate on national highways utilized by 4-wheel vehicles greater than four (4) tons and where normal speed exceed forty (40) kilometers per hour. However, the concerned may provide exceptions if there are no transportation services or modes servicing the said route, either along the highway or crossing the same, other than tricycles, subject to the approval of the DOTr: *Provided, however,* that when such operation is allowed, the LGU is mandated to provide appropriate signages, marks for lanes and other safety features to guide and protect the tricycles utilizing the highways.

b. Zones must be within the boundaries of the municipality/city. Existing zones within more than one municipality or city, however, shall be maintained; *Provided* that operators serving said zones shall secure MTOPs from each of the municipalities and/or cities having jurisdiction over the areas covered by the zone.

c. A common color for tricycles-for-hire operating in the same zone may be imposed. Each unit shall be assigned and bear an identification number, aside from its LTO license plate number.

d. An operator wishing to terminate or suspend its service for more than one month should report in writing such termination or suspension to the *Sanggunian* which originally granted the MTOP.

e. The MTOP shall be valid for three (3) years, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTOP shall be construed as an amendment to an MTOP and shall require appropriate approval of the *Sanggunian.*

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

g. No tricycle-for-hire shall be allowed to carry more passengers and/or goods than it is designed for.

h. A tricycle-for-hire shall be allowed to operate like a taxi service where, aside from rendering services in the designated terminals, the tricycle can be flagged-down or engaged by passengers on the road within its authorized zone of operation.

SECTION 6. ***Registration.*** – There shall be a simplified procedure of registration and issuance of MTOP in accordance with the framework and principles of this Act. The registration fee for the application for an MTOP shall not exceed one thousand pesos (Php1,000.00). The validity of MTOP shall be for three years. The said fee shall cover the cost of the issuance of the MTOP, the filing fee, franchise fee, inspection fee, fare adjustment fee, amendment, regulatory, and all other fees. No other fees shall be exacted from the tricycle sector business activities or enterprise other than the registration fee as mentioned above.

SECTION 7. ***One-Stop Shop for the Tricycle Sector.*** – All LGUs shall establish a One-Stop Shop Center for the Tricycle Sector (the "Center") which shall handle all transactions and processing of the business permit applications within their respective jurisdiction. The Center shall ensure that the processing of the MTOP shall commence on the day of their application and the registration shall be released within forty eight (48) hours upon submission of the complete requirements.

To facilitate efficient and expeditious processing of MTOP applications, LGUs shall formulate a uniform and simple checklist of requirements for registration such us

valid proof of identity (barangay clearance, certificate of residency, etc.) and flowchart of the procedure of registration. LGUs shall be responsible in translating the checklist of requirements and flowchart of procedure of registration in their own local dialect. LGUs shall cause the posting of the checklist and flowchart of procedure of registration in at least three (3) conspicuous areas, preferably public areas, in the community and cause the publication of the same in the local newspaper if there be any.

SECTION 8. ***Rights and benefits of workers in the Tricycle Sector.*** – The members of the Tricycle Sector shall have the following rights:

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

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

c. Safe working conditions with access to medical care services and insurance;

d. Freedom from any form of discrimination, violence, exploitation, or harassment;

e. Freedom from deprivation of property without valid cause and due process of law;

f. All concerned national government agencies, government financial institutions, and local government units shall include in their plans, programs, projects and activities efforts that are supportive of the concerns of the tricycle sector;

g. Each LGU shall create a grievance mechanism to deal with the concerns of the members of the tricycle sector;

h. The Social Security System and the Philippine Health Insurance Corporation shall, within ninety (90) days from the effectivity of this Act, promulgate guidelines for the mechanism of collecting premiums from members of the tricycle sector. The Social Security System shall also inform its members from the tricycle sector of loans that they can avail of;

i. Any driver shall not be engaged to work in any hazardous work, activity or undertaking, and neither shall he/she be exposed to hazardous working conditions;

j. All persons whether from the private or public sectors are prohibited from committing acts of interference or coercion against a member of the tricycle sector, including machinations to influence political and/or religious beliefs of the member of the tricycle sector.

SECTION 9. ***Role of the Local Government Unit.*** – Subject to the operating conditions in this Act and the guidelines to be promulgated by the DOTr, LTO and LTFRB, cities and municipalities shall have the following responsibilities:

a. The Municipality or City, after consultation with the small transport groups, the affected community, and other sectors or groups, shall identify and designate viable routes and terminals of tricycles within the municipality or city. Viable terminals shall be in proximity to public buildings, markets, commercial districts, or commercial establishments and other places which the public frequently visits.

b. The *Sanggunian* shall, within 90 days after the survey and/or consultation in the preceding paragraph, pass an ordinance designating the viable terminals of tricycles as specified in this Act. No designation of terminal, however, shall be conducted without prior consultation with the tricycle sector, the affected inhabitants and other sectors. LGUs that have already established or designated routes and terminals of tricycles prior to this Act are deemed to have complied with this provision of the Act, *provided that* the aforesaid establishment or designation of terminals have been undertaken after consultation with the relevant parties.

c. LGUs shall also lead a tricycle maintenance program. This shall be done by teaching the existing TODAs within their jurisdiction on preventive and periodic maintenance. Technical and administrative capability shall be sourced through partnerships with private institutions and through the Department of Science and Technology (DOST).

d. Vocational education on auto-mechanics and related courses like engine repair and maintenance shall also be developed by the LGUs in cooperation with the Department of Labor and Employment (DOLE) and the Technical Education and Skills Development Authority (TESDA).

e. There shall be a conduct of a mandatory Tricycle Drivers Safety Program at the LGU level. The content and structure of the Tricycle Drivers Safety Program shall be formulated by the DOTr, LTO, LTFRB and other relevant government agencies. The LGU shall require all tricycle drivers within its jurisdiction to undergo this orientation. To complement this, the LTO and LTFRB shall include a Motorist Awareness Program in all its safety trainings.

f. LGUs shall also eliminate illegal or colorum tricycle units.

g. LGUs shall provide for alternative livelihood and skills-training programs to allow tricycle drivers to explore more economically rewarding sources of income.

h. LGUs shall pursue and implement a comprehensive, rights-based, participatory and gender responsive framework for workers in the tricycle sector that includes but is not limited to:

1. Putting in place policies and programs that will bring members of the tricycle sector to the economic and social mainstream;
2. Pursuing structural reforms in all relevant levels of LGUs by creating committees, special offices for development and protection of workers in the tricycle sector and supporting their representational rights through their organizations;
3. Extending coverage of accessible and affordable social security and health care benefits to workers in the tricycle sector; and
4. Exacting responsibility on the part of the tricycle sector workers provided that the state shall recognize their rights and put in place responsive, transparent and accountable mechanisms to ensure the protection, promotion and realization of those rights.

SECTION 10. ***Policy on Impounding of Vehicle and Imposable Penalties.*** – Tricycles shall not be impounded, confiscated or destroyed for mere violation of license or registration or traffic rules and regulations, unless the said vehicle was utilized in the conduct of criminal activities. In case of mere violation of traffic rules and regulations, a traffic violation ticket shall be issued to the erring driver without impounding the said vehicle.

The responsible person or officer who violated this Section shall be administratively liable under this Act. Nothing herein shall prohibit the aggrieved

member of the tricycle sector from initiating a criminal or civil action against the responsible person or officer whenever such action is applicable.

The imposable penalties for tricycle drivers who are found to violate traffic rules or regulations shall be limited to fifty percent of the fine or penalty that can be imposed on drivers of four-wheeled vehicles.

SECTION 11. ***Phase-in of More Efficient Engines.*** – Within thirty (30) days after the effectivity of this Act, the DOST and the DOTr shall partner to create a continuous program to develop more efficient engines and cleaner technologies that may be used by the tricycle sector, at the own initiative or volition of tricycle drivers and/or operators.

SECTION 12. ***Coordination between Local Government Units and the DOTr.*** – The implementation of the national policy as regards curbing traffic must be taken into consideration in the enforcement of this Act. The DOTr shall ensure that its guidelines for the regulation of tricycles by LGUs must be mindful of the state of traffic in the country. Furthermore, the DOTr must efficiently and meaningfully coordinate closely with the LGUs as regards the regulation of the tricycle sector.

SECTION 13. ***Mandatory Membership in SSS and Philhealth, Life and Accident Insurance, and Legal Assistance.*** – The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall, within ninety (90) days from the effectivity of this Act, promulgate guidelines for the mechanism of collecting premiums from members of the tricycle sector.

Tricycle drivers shall, in addition to SSS and healthcare coverage, be provided accident insurance coverage to compensate for damage or injury acquired such as death, disability, limb amputations, loss of sight, hearing, and speech; including the loss of thumb or the index finger.

Tricycle drivers are also entitled to legal assistance in the exercise and pursuit of their rights herein granted.

SECTION 14. ***Funding.*** – An initial appropriation of ONE BILLION PESOS (Php1,000,000,000.00) is hereby appropriated for this Act. Thereafter, the amount needed for the effective implementation of this Act shall be included in the General Appropriations Act.

SECTION 15. ***Penalties.*** –

(a) Any person who shall willfully interfere with, restrain or coerce any member of the tricycle sector in the exercise of his/her rights, or shall in any manner act in violation of Sections 8, 9 or 10 of this Act shall, upon conviction, be punished by a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not more than Five Hundred Thousand Pesos (Php500,000.00) or imprisonment not exceeding one (1) year or both, at the discretion of the court.

(b) A driver who operates a tricycle without the necessary MTOP to be observed by the tricycle sector in pursuit of cleaner technologies and in accordance with Republic Act 8479, otherwise known as the "Clean Air Act", including any who incurs delinquency in payment of fees that is tantamount to an incomplete application for an MTOP, operates in highways without valid authorization, transports passenger and/or goods beyond the limitations on the number of passengers and on load capacity, or operates a tricycle not compliant with environmental laws shall be punished by a fine of not less than Five Hundred Pesos (Php500.00) but not more than Two Thousand Pesos (Php2,000.00) or the impoundment of the tricycle by an enforcement agency for a period of two (2) months.

(c) An operator who operates without the necessary MTOP or authority to operate in highways or employs a driver without the requisite license to drive a tricycle, including those below the age of majority, or allows a driver to operate a tricycle that is not roadworthy or with unauthorized modification affecting vehicle safety, shall be punished by a fine of not less than Five Hundred Pesos (Php500.00) but not more than Two Thousand Pesos (Php2,000.00). The second and succeeding offenses shall warrant the revocation of the MTOP or franchise and the perpetual disqualification from being issued the said privilege.

(d) If the offender is a public official, the court may, in addition to the penalties provided in the preceding paragraph, impose the penalty of disqualification from office.

SECTION 16. ***Implementing Rules and Regulations.*** – The DOTr, in coordination with the LTO, LTFRB, SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the Department of the Interior and Local Government (DILG), shall issue the Implementing Rules and Regulations (IRR) of this Act within ninety (90) days from its effectivity. The IRR shall include the guidelines for the allocation of the fund for subsidizing the SSS or PhilHealth premiums of the members of the tricycle sector and the programs that will benefit them.

SECTION 17. ***Separability Clause.*** – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 18. ***Repealing Clause.*** – All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 19. ***Effectivity Clause.*** – This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,