



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session
House Bill No. **3281**

Introduced by Hon. Rosanna "Ria" V. Vergara, Evelina G. Escudero, and
Joy Myra S. Tambunting

EXPLANATORY NOTE

All over the country, passengers regard the tricycle as the primary means of transport in small towns and cities, especially in the rural areas. A study by the Asian Development Bank stated that tricycles remain as a major transport tool for residents in local government units owing to their (i) high accessibility; (ii) availability; (iii) affordability; (iv) comfort; and (v) convenience.* Operating a tricycle is also a popular means of livelihood for the unemployed sector of the workforce since it does not require a big amount of capital nor a college degree.[†] An article by CNN citing the National Statistical Coordination Board reported that a total of 658,675 for-hire tricycles and motorcycles were operating in the country in 2012. This is nearly 67.9% of the total number of public utility vehicles, outnumbering the collective total of jeepneys, buses, and other similar for-hire vehicles.[‡] Cognizant of these facts, this bill addresses the low purchasing power of this sector and aims to provide support to these hardworking individuals.

Section 447 (a)(3)(vi) and Section 458 (a)(3)(vi) of the Local Government Code provide that the *Sangguniang Bayan* and *Sangguniang Panglungsod* have the power to regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality and the city. Local government units (LGUs) thus have the legal mandate to regulate the use of tricycles as public utility vehicles and to issue franchises for their operation. This transfer of the powers performed by the then Department of Transportation and Communication (DOTC) and by the Land Transportation Franchising and Regulatory Board (LTFRB) to the LGUs by the Local Government Code sought to address the rise in the number of accidents that tricycles figured in. The idea behind the devolution of powers to the LGUs is that they are better positioned to address these problems due to their closeness to the issues confronting tricycles as opposed to the DOTC.[§]

* <https://www.adb.org/sites/default/files/projects/163994/43207-012-phi-dpta-07.pdf>

[†] *Ibid.*

[‡] <http://cnnphilippines.com/news/2015/03/16/tricycles-as-iconic-as-jeepneys.html>

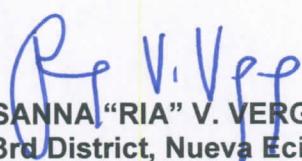
[§] Land Transportation Office v. City of Butuan, G.R. No. 131512, 20 January 2000.

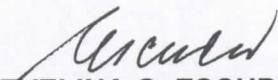
This power to regulate is still subject to the guidelines prescribed by the Department of Transportation. This is embodied in the "Guidelines to Implement the Devolution of LTFRBs Franchising Authority over Tricycles-For-Hire to Local Government units pursuant to the Local Government Code." The Guidelines provide that in lieu of the LTFRB in the DOTC, the *Sangguniang Bayan* or the *Sangguniang Panlungsod* shall issue, amend, revise, renew, suspend, or cancel the Motorized Tricycle Operators Permit and prescribe the appropriate terms and conditions therefor. The said rules also provide for minimum operating conditions for tricycles.

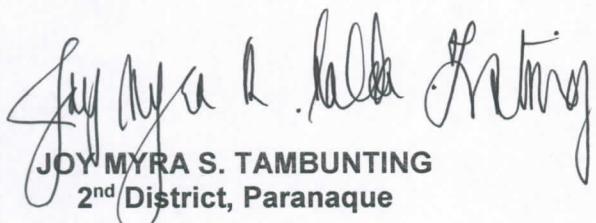
Despite this devolution, however, our tricycle drivers still experience problems with the city or municipal government. For example, some drivers reported the collection of illegal fees, some noted the illegal sale of tricycle franchises, and some reported the issuance of multiple permits for just one tricycle number. Other recurring problems include the tough working conditions of tricycle drivers as well as the poor maintenance of tricycles which generally leads to air pollution.

This bill seeks to provide a *magna carta* for tricycle drivers and operators. It will ensure the safety and protection of this sector from abusive local and national authorities as well as the continued growth of this cultural icon that serves as the livelihood of a large number of Filipino families. This proposal provides for a simplified registration system, a one-stop-shop for tricycle operators, health care and social benefits, lesser penalties compared to their four-wheeled counterparts, the promotion of more economical and eco-friendly engines, as well as a more concrete and defined role for local government units in the development of the sector.

In view of the foregoing, the immediate adoption of this measure is earnestly requested.


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HOUSE OF REPRESENTATIVES
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House Bill No. 3281

Introduced by Hon. Rosanna "Ria" V. Vergara, Evelina G. Escudero, and
Joy Myra S.Tambunting

**AN ACT
PROVIDING FOR REGULATION OF TRICYCLES, INSTITUTIONALIZING MECHANISMS
FOR ITS IMPLEMENTATION**

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*”.

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

- a) To promote and improve the total well-being of the members of the tricycle sector particularly the marginalized low-level income earners by providing them with adequate and timely social, economic, and legal services, as well as with a mechanism that protects their rights and promotes benefits that ensure their dignified existence and economic advancement;
 - b) To recognize, promote, protect, and fulfill the rights of every member of the tricycle sector, particularly the tricycle drivers, whose rights include but are not limited to 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 give the highest priority to the enactment of measures that protect and enhance the rights of all people to human dignity, reduce social, economic, and political inequalities and remove cultural inequities by diffusing wealth and political power for the common good and to provide environments at the national

1 and local levels that enable all workers to fully develop into productive and
2 responsible citizens.

- 3 d) To recognize the roles and contributions of members of the tricycle sector, make
4 them visible in the national and local statistics, and develop the local economy by
5 maximizing their potential;
- 6 e) To promote gender equity and equality through the elimination of gender
7 stereotypes attached to this sector, redefining the sector by inclusivity in that
8 tricycle drivers do not only consist of males but also females, and protecting the
9 women workers against gender-based discrimination, exploitation, violence, and
10 all other forms of abuse;
- 11 f) To protect vulnerable groups in the tricycle sector such as the elderly and
12 differently-abled persons from safety issues, discrimination, and harassment; and
- 13 g) To eliminate child labor in the tricycle sector through effective enforcement of
14 laws against child labor and the creation of more quality jobs for adults.

15 SEC. 3. *Framework and Principles.* – Local government units (LGUs) shall pursue
16 and implement a comprehensive, rights-based, participatory and gender responsive
17 framework for members of the tricycle sector that includes:

- 18 a) Putting in place policies and programs that will, as a first step, bring members of
19 the tricycle sector to the economic and social mainstream;
- 20 b) Pursuing structural reforms in all relevant levels of LGUs by creating committees,
21 special offices for development and protection of workers in the tricycle sector
22 and supporting their representational rights through their organizations;
- 23 c) Extending coverage of accessible and affordable social security and health care
24 benefits to workers in the tricycle sector; and
- 25 d) Exacting responsibility on the part of the tricycle sector members, particularly for
26 committing abuses to the riding public, to stakeholders in the sector, and to the
27 environment: *Provided*, That the State shall recognize their rights and put in place
28 responsive, transparent and accountable mechanisms to ensure the protection,
29 promotion and realization of those rights.

30 SEC. 4. *Definitions.* – As used in this Act:

- 31 (a) **Colorum** – refers to a private vehicle operated for public utility without the benefit
32 of a valid and existing special permit, provisional authority, or franchise.
- 33 (b) **Motorist Awareness Program** – refers to any information or public awareness
34 program designed to enhance motorist awareness on the presence of tricycles on
35 or near roadways.
- 36 (c) **Motorized Tricycle Operators Permit (MTOP)** – refers to the permit that
37 authorizes the holder to operate a tricycle for public transport;

- 1 (d) **Sanggunian** – refers to the *sangguniang panlungsod* or the *sangguniang bayan*,
2 as the case may be;
- 3 (e) **Tricycle** – refers to a motor vehicle composed of a motorcycle fitted with a
4 single-wheel sidecar, or a motorcycle with a two-wheel rear cab, the former
5 having a total of three wheels and the latter having a total of four wheels,
6 otherwise known as the *motorela*.
- 7 (f) **Tricycle Drivers Safety Program** – refers to any formal program of instruction
8 that provides accident avoidance, compliance with road safety laws and best
9 practices and other safety-oriented operational skills to tricycle drivers, including
10 innovative training to meet unique regional needs.
- 11 (g) **Tricycle Operators and Drivers' Association or TODA** – refers to the
12 organization of tricycle operators and drivers in a given LGU.
- 13 (h) **Tricycle Sector** – refers to a group consisting of drivers and operators of
14 tricycles for public transportation in the Philippines.

15 SEC. 5. *Tricycle Operating Requirements*. Tricycles shall be operated subject to the
16 following requirements:

17 (a) Subject to the guidelines to be prescribed by the Department of
18 Transportation (DOTr), the Land Transportation Office (LTO) and the Land Transportation
19 Franchising and Regulatory Board (LTFRB), the cities and municipalities shall have the
20 power to regulate the operation of tricycles and grant permits for the operation thereof within
21 their territorial jurisdiction.

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

28 (b) For safety reasons, no tricycle shall operate on national highways utilized by
29 4-wheel vehicles greater than four (4) tons and where normal speed exceed forty (40)
30 kilometers per hour. However, the concerned *Sanggunian* may provide exceptions if there
31 are no transportation services or modes servicing the said route, either along the highway or
32 crossing the same, other than tricycles, subject to the approval of the DOTr: *Provided*,
33 however, That when such operation is allowed, the LGU is mandated to provide appropriate
34 signages, marks for lanes, and other safety features to guide and protect the tricycles
35 utilizing the highways.

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

4 (d) The LTO shall ensure the roadworthiness of tricycles before registration or
5 renewal of registration, including compliance with environmental laws. In coordination with
6 motorcycle and tricycle manufacturers and the Department of Trade and Industry (DTI), the
7 LTO shall formulate safety standards and the allowable designs and modifications, taking
8 into consideration the needs of the vulnerable groups, and determine the limitations on
9 passengers and weight or load capacity. Such limitations shall be indicated on the body of
10 the tricycles.

11 (e) Zones must be within the boundaries of the concerned city or municipality.
12 However, existing operating zones traversing two (2) or more LGUs shall be maintained:
13 *Provided*, That operators serving said zones shall secure the necessary MTOP from each of
14 the LGU having jurisdiction over the covered areas.

15 (f) An LGU may adopt a common color coding scheme for tricycles operating in
16 the same zone. Each unit shall be assigned and bear an identification number, aside from its
17 license plate number issued by the LTO.

18 (g) An operator wishing to completely terminate its service should report in
19 writing such termination to the *Sanggunian* which originally granted the MTOP.

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

24 (i) A tricycle shall be allowed to operate like a taxi service where, aside from
25 rendering services in the designated terminal, the tricycle can be flagged-down or engaged
26 by passengers on the road within its authorized zone of operation.

27 The concerned LGUs shall impose no other additional requirement for tricycle
28 operation, except those provided under this Act.

29 SEC. 6. *Registration and Issuance of the MTOP.* – There shall be a simple system
30 and procedure for registration and issuance of the MTOP in accordance with the framework
31 and principles of this Act. The registration fee for the application for an MTOP, which shall be
32 valid for a three-year period, shall not exceed one thousand pesos (PhP1,000.00). The said
33 fee shall cover the cost of the issuance of the MTOP, the filing fee, franchise fee, inspection
34 fee, fare adjustment fee, amendment, regulatory, and all other fees. No other fees shall be
35 exacted from the tricycle sector business activities or enterprise other than the registration
36 fee as mentioned above.

1 The LGU may increase or adjust the fee herein imposed once every five (5) years:
2 *Provided*, That in no case shall the increase be more than 10% of the prevailing amount.

3 SEC. 7. *Tricycle Sector One-Stop Shop Center*. – All cities and municipalities shall
4 establish a Tricycle Sector One-Stop Shop Center which shall handle all transactions and
5 processing of the business permit applications within their respective jurisdictions. The
6 Center shall ensure that the processing of the MTOP of the members of the tricycle sector
7 shall commence on the day of their application and the registration shall be released within
8 thirty-six (36) hours upon submission of the complete requirements.

9 To facilitate efficient and expeditious processing of MTOP applications, the LGUs
10 shall also formulate a uniform and simple checklist of requirements for registration such as
11 valid proof of identity (barangay clearance, certificate of residency, etc.) and flowchart of the
12 procedure of registration. The LGUs shall also be responsible in translating the checklist of
13 requirements and flowchart of procedure of registration in their own local dialect. The LGUs
14 shall cause the posting of the checklist and flowchart of procedure of registration in at least
15 three (3) conspicuous areas, preferably public areas, in the community and cause the
16 publication of the same in the local newspaper if there be any.

17 SEC. 8. *Rights and Benefits of Workers in the Tricycle Sector*. – The members of the
18 tricycle sector shall have the following rights:

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

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

26 (c) Safe working conditions with access to medical care services and insurance;

27 (d) Freedom from any form of discrimination, violence, exploitation, or
28 harassment;

29 (e) Freedom from deprivation of property without valid cause and due process of
30 law;

31 (f) Equal access to information on how to safeguard their rights according to law;

32 (g) Any driver shall not be forced or engaged to work in any hazardous work,
33 activity or undertaking, or be exposed to hazardous working conditions; and

34 (h) Any member of the tricycle sector shall be protected from any act of
35 interference, coercion, extortion, and bureaucratic red tape.

36 SEC. 9. *Government Support to Tricycle Sector*. – All concerned national government
37 agencies, government financial institutions, and LGUs shall include in their plans, programs,

1 projects and activities efforts that are supportive of the foregoing rights and other concerns
2 of the tricycle sector. Each LGU shall also create a grievance mechanism to deal with the
3 concerns of the members of the tricycle sector.

4 *SEC. 10. Mandatory Membership in SSS and Philhealth, Life and Accident*
5 *Insurance, and Legal Assistance.* – The Social Security System (SSS) and the Philippine
6 Health Insurance Corporation (PhilHealth) shall, within ninety (90) days from the effectivity of
7 this Act, promulgate guidelines for the mechanism of collecting premiums from members of
8 the tricycle sector. The SSS shall also inform its members from the tricycle sector of services
9 and loans that they can avail of.

10 Tricycle drivers shall, in addition to SSS and healthcare coverage, be provided
11 accident insurance coverage to compensate for damage or injury acquired such as death,
12 disability, limb amputations, loss of sight, hearing, and speech; including the loss of thumb or
13 the index finger. Tricycle drivers are also entitled to legal assistance in the exercise and
14 pursuit of their rights herein granted.

15 *SEC. 11. Role of the Local Government Unit.* – Subject to the operating conditions in
16 Section 5 of this Act and the guidelines to be promulgated by the DOTr, LTO and LTFRB,
17 cities and municipalities shall have the following responsibilities:

18 (a) An LGU, in coordination with their respective Informal Sector Local
19 Development Office, after consultation with the transport groups, the affected communities,
20 and other stakeholders, shall identify and designate viable routes and terminals of tricycle
21 within the city or municipality. Viable terminals shall be in proximity to public buildings, public
22 markets, private markets, commercial districts, or commercial establishments and other
23 places which the public frequently visits.

24 (b) The Sanggunian shall, within 90 days after the survey and pursuant to the
25 recommendation of the Informal Sector Local Development Office, pass an ordinance
26 designating the routes and the terminals of tricycles as specified in this Act. However, no
27 designation of terminals shall be conducted without prior consultation with the tricycle sector,
28 the affected inhabitants and other sectors.

29 An LGU, which has already established or designated routes and terminals of
30 tricycles prior to this Act, is deemed to have complied with this provision of the Act: *Provided,*
31 That the aforesaid establishment or designation of terminals have been undertaken after
32 consultation with the relevant parties.

33 (c) In coordination with the DOTr, LTO and public and private stakeholders,
34 LGUs shall also lead a tricycle maintenance program. This shall be done by providing the

1 existing TODAs within their jurisdiction, training and instruction on preventive and periodic
2 maintenance in tandem with the Department of Science and Technology (DOST) and other
3 private institutions.

4 (d) Vocational education on auto-mechanics and related courses like engine
5 repair and maintenance shall also be offered by the LGU to the members of the tricycle
6 sector, in coordination with the Department of Labor and Employment (DOLE) and the
7 Technical Education and Skills Development Authority (TESDA).

8 With the help of DOLE and TESDA, LGUs shall also provide for alternative livelihood
9 and skills-training programs to allow tricycle drivers to explore more economically rewarding
10 sources of income.

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

17 (f) The LGUs, in coordination with law enforcement agencies, shall prevent the
18 proliferation of illegal or *colorum* tricycle units.

19 (g) The LGUs, in coordination with the DOLE and other concerned agencies,
20 shall ensure the regular conduct of seminars to prevent the unlawful employment of children
21 as tricycle drivers and the gender based discrimination in granting driver's licenses.

22 (h) The LGUs are also hereby empowered to provide, in its ordinance or as terms
23 or conditions in the MTOP or franchise issued, additional acts of violation, whether relating to
24 existing laws, rules and regulations or to the treatment of tricycle passengers, and the
25 penalties therefore in accordance with the operation of tricycles within their respective
26 jurisdiction.

27 SEC. 12. *Phase-in of More Efficient Engines.* – Within thirty (30) days from the
28 effectivity of this Act, the DOTr and the DOST shall implement a continuing program to
29 encourage manufacturers to develop more efficient engines and cleaner technologies to be
30 used by the tricycle sector. The DTI-Bureau of Product Standards shall prescribe the
31 standards and specifications for tricycle engines to be observed by the tricycle sector in
32 pursuit of cleaner technologies and in accordance with Republic Act No. 8749, otherwise
33 known as the Clean Air Act.

34 SEC. 13. *Penalties.*

35 a) A public officer or employee who acts in violation of Sections 5, 6, or 7 hereof,
36 shall, in addition to administrative and criminal liability under existing laws, be penalized with
37 one-month to six-month suspension from office, at the discretion of the court.

1 b) A driver who operates a tricycle without the necessary MTOP to be observed
2 by the tricycle sector in pursuit of cleaner technologies and in accordance with Republic Act
3 8479, otherwise known as the "Clean Air Act", including any who incurs delinquency in
4 payment of fees that is tantamount to an incomplete application for an MTOP, operates in
5 highways without valid authorization as mentioned in Section 5 (b) hereof, transports
6 passengers and/or goods beyond the limitations on the number of passengers and on load
7 capacity, or operates a tricycle not compliant with environmental laws shall be punished by a
8 fine of not less than Five hundred pesos (PhP500.00) but not more than Two thousand
9 pesos (PhP2,000.00) or the impoundment of the tricycle by an enforcement agency for a
10 period of two (2) months.

11 c) An operator who operates without the necessary MTOP or authority to
12 operate in highways, employs a driver without the requisite license to drive a tricycle,
13 including those below the age of majority, or allows a driver to operate a tricycle that is not
14 roadworthy or with unauthorized modification affecting vehicle safety, shall be punished by a
15 fine of not less than Five hundred pesos (PhP500.00) but not more than Two thousand
16 pesos (PhP2,000.00) or the impoundment of the tricycle by an enforcement agency for a
17 period of two (2) months. The second and succeeding offenses shall warrant the revocation
18 of the MTOP or franchise and the perpetual disqualification from being issued the said
19 privilege.

20 d) Any person who shall willfully interfere with, restrain or coerce any member of
21 the tricycle sector in the exercise of rights or shall in any manner act in violation of Section 8
22 of this Act shall, upon conviction, be punished by a fine of not less than Fifty thousand pesos
23 (PhP50,000.00) but not more than Five hundred thousand pesos (PhP500,000.00) or
24 imprisonment not exceeding (1) year or both, at the discretion of the court.

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

27 SEC. 14. *Funding*. – An initial appropriation of ONE BILLION PESOS
28 (P1,000,000,000.00) is hereby appropriated for this Act. Thereafter, the amount needed for
29 the effective implementation of this Act shall be included in the General Appropriations Act.

30 SEC. 15. *Implementing Rules and Regulations*. – The DOTr, in coordination with the
31 LTO, LTFRB, the SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the Department of
32 Interior and Local Government, shall issue the implementing rules and regulations (IRR) of
33 this Act within ninety (90) days from its effectivity. The IRR shall include the guidelines for
34 the allocation of the fund for subsidizing the SSS or PhilHealth premiums of the members of
35 the tricycle sector and the programs that will benefit them.

1 SEC. 16. *Separability Clause.* – If any provision, or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall
3 remain valid and subsisting.

4 SEC. 17. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, ordinance, or regulation contrary to or
6 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
7 accordingly.

8 SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
9 in the Official Gazette or in a newspaper of general circulation.

Approved,