

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
EIGHTEENTH CONGRESS

House Bill No. **5352**



Introduced by the Honorable Precious Hipolito Castelo

EXPLANATORY NOTE

Due to the perennial problem of traffic in many urban areas, especially in Metro Manila, Filipinos are left with no choice but to fend for themselves by finding alternative, albeit, illegal means of transportation.

This is the reason why motorcycles have become an accepted mode of public transportation. The chief example is the *habal-habal*, which is found in many parts of the country. Another example is the *Angkas*, which is operated through a mobile application and is considered to be a Transport Network Vehicle Service (TNVS) player.

Despite the proliferation of these motorcycle-for-hire schemes, under Republic Act No. 4136 or the "Land Transportation and Traffic Code", motorcycles are not authorized to conduct business and offer public transport services. This is the reason why the Supreme Court previously issued a Temporary Restraining Order (TRO) against *Angkas*.

Nevertheless, during the 17th Congress, the House of Representatives passed a resolution which advised the Department of Transportation to implement a pilot program for the examination of the viability and safety of motorcycles-for-hire as a means of public transportation, pending the process of the creation of a law that will allow them to operate.

The pilot program is now being implemented by the Department of Transportation and was set to run for six (6) months. The operation of these motorcycles-for-hire are temporarily considered legal during the implementation of this program.

In recognition of the public clamor for the legalization of the operation of motorcycles for-hire, this measure seeks to amend the Land Transportation and Traffic Code.

The immediate passage of this bill is most earnestly sought.


PRECIOUS HIPOLITO CASTELO

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

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 “Motorcycles-for-Hire Act of 2019”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to provide and to promote adequate and efficient modes of transportation in the country. Towards this end, the State shall enact measures for the regulation of motorcycles-for-hire to ensure that the paramount interest of the public is protected and conserved, while encouraging free enterprise and economic development.

SEC. 3. Section 7(d) of Republic Act No. 4136 or the Land Transportation and Traffic Code is hereby amended as follows:

“Sec 7. *Registration Classification.* – Every motor vehicle shall be registered under one of the following described classifications:

(a) xxx

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**, 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.”

SEC. 4. *Motorcycles-for-Hire are Common Carriers.* – Motorcycles-for-hire are hereby declared as common carriers for purposes of determining liability and degree of diligence that must be exercised in the course of transporting passengers or goods. As such, the presumption of negligence in case of breach of contract of carriage is applicable to them.

SEC. 5. *Implementing Rules and Regulations.* – Within sixty (60) days from the approval of this Act, the Department of Transportation (DOTr), in coordination with the Land Transportation Office (LTO) and the Land Transportation Franchising and Regulatory Board (LTFRB) shall formulate and promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 6. *Separability Clause.* – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations and other issuances, or part or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,