

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
4652
HOUSE BILL NO. _____



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

EXPLANATORY NOTE

Ride-hailing apps have become a commuter's favorite phone application. With just a tap on the screen, a ride would be on its way to pick you up wherever you are and bring you to your destination. Nowadays, with traffic congestion still a big problem in the streets of Metro Manila, motorcycles have become the preferred mode of transit for motorists. And it's also become the favorite for commuters, as popularity is increasing for motorcycle ride-hailing apps like Angkas as it provides for greater mobility around the Metro.

We've seen Angkas riders with their blue vest cruise along EDSA, sometimes with a passenger at the back, often called motorcycle taxis, and is currently operating in Cebu, General Santos, and Cagayan de Oro apart from Metro Manila¹. Globally, motorcycle ride-hailing apps have been emerging in cities like Indonesia, Thailand, India, Paris, and in East Africa, where the apps have been key in making motorcycle taxi rides safer². In Jakarta, motorcycle taxis have help drive unemployment rate downward as the ride-hailing apps attract many Indonesians to join as drivers³.

The idea of motorcycles as a form of public transportation is not new to the country. *Habal-habal* is a commonly known form of transportation, especially in the province,

¹ Reyes, Rizal Raoul. November 30, 2018. Business Mirror. Accessed on July 17, 2019. <https://businessmirror.com.ph/2018/11/30/angkas-riding-with-the-winds-of-change/>

² Accessed on July 16, 2019. <http://techandlifestylejournal.com/angkas-motorcycle-taxis-globally-help-economy/>

³ Ibid.

where up to 3, sometimes 5, people fit themselves in a motorcycle through a makeshift extension seat to get around the city. The popular Tricycles also use motorcycles to transport people, but are able to seat passengers in a sidecar instead. Angkas is a modernized version of the classic *Habal-habal*, only being able to seat 1 passenger alongside the driver and can be hired through a ride-hailing app. Whether a *Habal-habal* or an Angkas motorcycle taxi, the goal is clear: to provide an option for transporting people and helping commuters get to where they need to be.

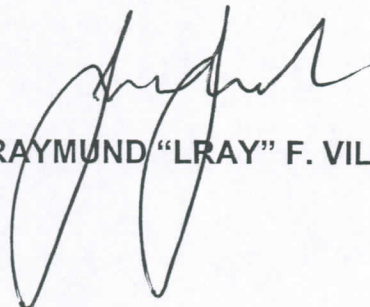
In the hopes of improving this popular mode of public transportation, and making sure that it is safe for commuters to take and ride around the city with, this measure proposes to legalize motorcycles for hire. This would amend Section 3 and 7 of Republic Act No. 4136 to include motorcycle-for-hire in the definition of terms and in the classification of vehicles that would be required for registration with the Land Transportation Franchising and Regulatory Board (LTFRB). It aims to recognize motorcycles for hire, or *Habal-habal* or motorcycle taxis, as a legitimate mode of public transportation in the country.

To ensure the safety of the riding public, the operators of motorcycles-for-hire are required to have insurance coverage for the driver, rider and third party. The Land Transportation Office, LTFRB and relevant agencies are mandated to provide the necessary guidelines and minimum requirements to ensure the safety of passengers and goods while the Department of Transportation is mandated to prescribe the routes and require the establishment of terminals.

Number one priority in transporting people is the safety and welfare of the passengers and the driver. In welcoming a new age of public transportation, this bill seeks to set the groundwork to make motorcycles safe and secure for the riding public and the operators. The proposed measure would start the framework for quality assurance among motorcycles for hire, give commuters an alternative for a mode of transportation and ensure a safe road for everyone.

This bill is filed as a counterpart to Senator Poe's version in the Senate.

The approval of this bill is earnestly sought.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a final flourish.

LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

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, 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 Motorcycles-for-Hire Act
of 2019*"

SECTION 2. Declaration of Policy. – The State recognizes the role of safe, reliable,
and affordable public transportation as a means to provide the people with a rising
standard of living, and an improved quality of life for all. Towards this end, the State
hereby allows use and regulation of motorcycles as an alternative mode of public
transportation in order to provide convenience and ease of commute in urban and rural
areas while ensuring public safety and efficiency of the transport system as a whole.

SECTION 3. Section 3 of Republic Act No. 4136, or the "*Land Transportation and
Traffic Code*" is hereby amended as follows:

"Section 3. *Words and phrases defined.* - As used in this Act:

"(a) "Motor Vehicle" x x x

x x x

"(m) "Tourist" x x x

(N) MOTORCYCLES FOR HIRE – SHALL MEAN ANY TWO-WHEELED MOTOR VEHICLE WHICH IS REGISTERED WITH THE LAND TRANSPORTATION OFFICE (LTO) OR THE LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD (LTFRB), AS THE CASE MAY BE, WHICH TRANSPORTS PASSENGERS AND GOODS ON A FOR HIRE BASIS, AND WHICH MAY UTILIZE ONLINE RIDE HAILING OR PRE-ARRANGED TRANSPORTATION PLATFORMS: *PROVIDED, THAT THE MOTORCYCLE SHALL WEIGH LESS THAN ONE THOUSAND KILOGRAMS (1,000 KG), CAN TRAVEL FASTER THAN FIFTY KILOMETERS PER HOUR (50 KM/H), AND HAS A MINIMUM ENGINE DISPLACEMENT OF 125 CUBIC CENTIMETERS (125 CM³) AND A BACKBONE TYPE BUILD.*”

SECTION 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) hire trucks; [and] (j) trucks owned by contractor 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 conveyance or a special permit issued by the **LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD** [~~Public Services Commission~~], and motor vehicles registered under these classifications shall be subject to the Public Services Law, rules and regulations, as well as the provisions of this Act.

xxx.”

The succeeding sections shall be renumbered accordingly.

SECTION 5. *Liability and Diligence Required.* – Motorcycles-for-hire are hereby declared as common carriers for purposes of determining the liability and degree of diligence that must be observed in the course of transporting passengers or goods, and the presumption of negligence in breach of contract shall likewise apply to them.

SECTION 6. *Roadworthiness of Motorcycles for Hire.* – The LTO and LTFRB, as the case may be, shall ensure the roadworthiness of motorcycles-for-hire before registration or renewal of registration. To further ensure safety, no modifications shall be made on motorcycles-for-hire, except the installation, based on safe engineering design specifications, of motorcycle luggage carrier, saddlebag, stepboard or foot peg and appropriate speed limiter and monitoring device.

SECTION 7. *Issuance of Driver's License.* – Pursuant to Section 23-A of Republic Act No. 4136, as amended by Republic Act No. 10930, the LTO shall promulgate the necessary prerequisites and guidelines for the issuance of professional licences 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.

SECTION 8. *Fare Setting.* – The 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 ride-hailing platforms or pre-arranged transportation platforms, accredited by the proper government agency under the applicable laws and rules and regulations: *Provided, That* such online ride-hailing platforms or pre-arranged transportation platforms shall provide a fare estimator that enables users to estimate the cost of a trip, and issue an electronic receipt afterwards.

SECTION 9. *Prescribing of Routes.* – In prescribing routes for motorcycles-for-hire, the Department of Transportation 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, with limited number of units, and in specific routes only, as may be determined by the DOTr and

the LTFRB in coordination with concerned local government units: *Provided, That* specific routes shall not be prescribed for motorcycles-for-hire which utilize online ride-hailing or pre-arranged platforms.

SECTION 10. *Penalties.* – The operations of motorcycles-for-hire in violation of this Act shall be penalized pursuant to the violations and applicable fines and penalties provided under existing laws and agency regulations: *Provided, That* companies or officers or directors thereof, providing online ride-hailing or pre-arranged transportation platforms involving motorcycles without a valid franchise, shall have solidary liability and shall be penalized accordingly.

SECTION 11. *Implementing Rules and Regulations.* – The DOTr, LTO, and LTFRB, in coordination with the Metro Manila Development Authority, 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 limitation on the number of riders and weight or load capacity that can be certified as safe by the manufacturers, which shall be indicated on the motorcycles; 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 parties, including extent of liability; and other requirements for the safety, security, and health of the driver and rider, which shall include a zero tolerance for drugs and alcohol policy.

SECTION 12. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 13. *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 14. *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,