

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 4005

Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

This bill seeks to provide a magna carta for tricycle drivers and operators in the country. This bill has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. On account of the necessity to provide uniform guidelines for the use of tricycle drivers and operators, this bill is being refiled.

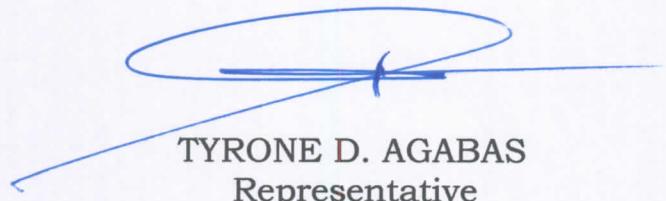
This bill has for its purpose the effective operation and management tricycles throughout the country. In a country where tricycles have become a primary mode of transportation, necessity dictates that we have to revisit laws and regulations governing the operation and management of tricycle drivers and operators. Local government units are the primary authority tasked to regulate tricycle operations and grant franchises. However, tricycle drivers are geographically separated by regions and are individually set apart by localized limitations and delimitations. Without an institutionalized mechanism through which uniform regulations can be appropriately prescribed, the protection of welfare and of drivers and operators can never be achieved. For the protection of drivers and operators, so as not to be subjected to individual and local prejudice, there is a need to institutionalize a magna carta wherein uniform guidelines will be followed.

The State recognizes the sanctity of human life. To this end, laws, rules and regulations are enacted to secure the preservation of life to its fullest. This legislative measure seeks for the inclusion of motorcycle-for-hire within the realm and definition of public utility vehicles. Every year, approximately 1.2 million people around the world die in road traffic accidents. In the Philippines, motorcycle riders have constantly been the

top victim of road crash injuries since 2010. Unfortunately, most of them are aged between 15 to 29 years. Road traffic incidents are debilitating as they expose the riders to injuries, financial loss, and possible death. Regrettably, motorcycles are not public utility vehicles hence are not allowed to ply routes without certificates of public convenience, and yet, they are being used as motorcycles-for-hire in the country. Absent their status as public utility vehicles, claims arising from accidents will not give rise to any liability from insurance companies.

Hence, the need to regulate the use of motorcycles as public utility vehicles to protect the riding public from undue harm.

Accordingly, the approval of this bill is earnestly sought.



TYRONE D. AGABAS
Representative
6th District, Pangasinan

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HOUSE BILL NO. 4005

Introduced by Representative **TYRONE D. AGABAS**

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

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Magna
2 Carta for Tricycle Drivers and Operators”

3 **SEC. 2.** Declaration of Policy. – It is the policy of the State;

4 a) To promote and improve the total well-being of the members
5 of the tricycle sector particularly the marginalized low-level
6 income earners by providing them with adequate and timely
7 social, economic and legal services, as well as mechanism
8 that shall protect their rights and promote benefits that
9 ensure their dignified existence and economic advancement;

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

19 c) To give the highest priority to the enactment of measures
20 that protect and enhance the rights of all people to human
21 dignity, reduce social, economic and political inequalities
22 and remove cultural inequities by diffusing wealth and

23 political power for the common good and to provide
24 environments at national and local levels that enable all
25 workers to fully develop into productive and responsible
26 citizens.

- 27 **d)** To recognize the roles and contributions of members of the
28 tricycles sector, make them visible in the national and local
29 statistics and develop the local economy by maximizing their
30 potential;
- 31 **e)** To promote gender equity and equality through elimination
32 of gender stereotypes attached to this sector, redefining
33 tricycle drivers as not merely males but also females and
34 protecting the women workers against gender-based
35 discrimination, exploitation, violence and abuse;
- 36 **f)** To protect vulnerable groups in the sector such as the
37 elderly and differently-abled persons from safety issues,
38 discrimination, and harassment; and
- 39 **g)** To eliminate child labor in the tricycle sector through
40 effective enforcement of laws against child labor and the
41 creation of more quality jobs for adults.

42 **SEC. 3. Framework and Principles.** – Local Government Units
43 (LGUs) shall pursue and implement a comprehensive, rights-
44 based, participatory and gender responsive framework for
45 members of the tricycle sector that includes:

- 46 **a)** Putting in place policies and programs that will bring
47 members of the tricycle sector to the economic and social
48 mainstream;
- 49 **b)** Pursuing structural reforms in all relevant levels of LGUs by
50 creating committees, special offices for development and
51 protection of members of the tricycle sector and supporting
52 their representational rights through their organizations;
- 53 **c)** Extending coverage of accessible and affordable social
54 security and health care benefits to workers in the tricycle
55 sector; and
- 56 **d)** Exacting responsibility on the part of the tricycle sector
57 members: *Provided* that the State shall recognize their rights
58 and put in place responsive, transparent and accountable
59 mechanisms to ensure the protection, promotion and
60 realization of those rights.

61 **SEC.4. Definitions** - As used in this Act: **(a)** *Colorum* – refers to a
62 private vehicle operated as a public utility without the benefit of a

63 valid and existing special permit, provisional authority, or
64 franchise.

65 (b) *Motorist Awareness Program* – refers to any information or
66 public awareness program designed to enhance on the presence of
67 tricycles on or near roadways.

68 (c) *Motorized Tricycle Operators Permit (MTOP)* – refers to the
69 permit that authorizes the holder to operate a tricycle for public
70 transport;

71 (d) *Sanggunian* – refers to the sangguniang panlungsod or the
72 sangguniang bayan, as the case may be;

73 (e) *Tricycle* – refers to a motor vehicle composed of a
74 motorcycle fitted with a single-wheel sidecar, or a motorcycle with
75 a two wheel rear cab, the former having a total of three wheels and
76 the latter having a total of four wheels, otherwise known as the
77 *motorela*.

78 (f) *Tricycle Drivers Safety Program* – refers to any formal
79 program of instruction that provides accident avoidance,
80 compliance to road safety laws and best practices and other safety-
81 oriented operational skills to tricycle drivers, including innovative
82 training to meet unique regional needs.

83 (g) *Tricycle Operators and Drivers' Association or TODA* –refers to
84 the organization of tricycle operators and drivers recognized by an
85 LGU.

86 (h) *Tricycle Sector* – refers to a group consisting of drivers and
87 operators of tricycles for public transportation in the Philippines.

88 **SEC. 5. Tricycle Operating Requirements.** Tricycle shall be operated
89 subject to the following:

90 (a) Subject to the guidelines to be prescribed by the Department
91 of Transportation (DOTr), the Land Transportation Office
92 (LTO) and the Land Transportation Franchising and
93 Regulatory Board (LTFRB), the cities and municipalities shall
94 have the power to regulate the operation of tricycle and grant
95 permits for the operation thereof within their territorial
96 jurisdiction. Before it can issue the MTOP, the concerned
97 LGU is required to submit a tricycle operation plan which
98 includes, among others, the tricycle routes and zones,
99 designation of terminals and maximum number of tricycles
100 operating within their jurisdiction. Such plan shall be
101 subject to the approval of the DOTr and must comply with
102 the guidelines promulgated therefor with the end goal of

103 ensuring overall efficiency, integration and safety of the
104 transportation system.

105 (b) For safety reasons, no tricycle shall operate on national
106 highways utilized by 4-wheel vehicles greater than four (4)
107 tons and where normal speed exceed forty (40) kilometers
108 per hour. However, the concerned Sanggunian may provide
109 exceptions if there are no transportation services or modes
110 servicing the said route, either along the highway or crossing
111 the same, other than tricycles, subject to the approval of the
112 DOTr: Provided, however, That when such operation is
113 allowed, the LGU is mandated to provide appropriate
114 signage's, marks or lanes and other safety features to guide
115 and protect the tricycles utilizing the highways.

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

120 (d) The LTO shall ensure the roadworthiness of tricycles before
121 registration or renewal of registration, including compliance
122 to environmental laws. In coordination with motorcycle and
123 tricycle manufacturers and the Department of Trade and
124 Industry (DTI), the LTO shall formulate safety standards and
125 the allowable designs and modification, taking into
126 consideration the needs of the vulnerable groups, and
127 determine the limitations on passengers and weight or load
128 capacity. Such limitations shall be indicated on the body of
129 the tricycles.

130 (e) Zones must be within the boundaries of the concerned city
131 or municipality. However, existing operating zones traversing
132 two (2) or more LGUs shall be maintained: Provided, that
133 operators serving said zones shall secure the necessary
134 MTOP from each of the LGU having jurisdiction over the
135 covered areas.

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

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

143 (h) The MTOP shall be valid for three (3) years, renewable for the
144 same period. Transfer to another zone, change of unit or

145 transfer of the MTOP shall be construed as an amendment to
146 an MTOP and shall require appropriate approval of the
147 concerned Sanggunian.

148 (i) A tricycle shall be allowed to operate like a taxi service
149 where, aside from rendering services in the designated
150 terminals, the tricycle can be flagged-down or engaged by
151 passengers on the road within its authorized zone of
152 operation. The concerned LGUs shall impose no other
153 additional requirement for tricycle operation, except those
154 provided under this Act.

155 **SEC. 6. Registration and Issuance of the MTOP.** – There shall be a
156 simple system and procedure for registration and issuance of the
157 MTOP in accordance with the framework and principles of this Act.
158 The registration fee for the application for an MTOP, which shall be
159 valid for a three-year period, shall not exceed one thousand pesos
160 (PhP1,000.00). The said fee shall cover the cost of the issuance of
161 the MTOP, the filing fee, franchise fee, inspection fee, fare
162 adjustment fee, amendment, regulatory, and all other fees. No
163 other fees shall be exacted from the tricycle sector business
164 activities or enterprise other than the registration fee as mentioned
165 above.

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

169 **SEC. 7. Tricycle Sector One-Stop Shop Center.** – All cities and
170 municipalities shall establish a Tricycle Sector One-Stop Shop
171 Center which shall handle all transactions and processing of the
172 business permit applications within their respective jurisdiction.
173 The Center shall ensure that the processing of the MTOP of the
174 members of the tricycle sector shall commence on the day of their
175 application and the registration shall be released within thirty six
176 (36) hours upon submission of the complete requirements. To
177 facilitate efficient and expeditious processing of the MTOP
178 applications, the LGUs shall also formulate a uniform and simple
179 checklist of requirements for registration such as valid proof of
180 identity (barangay clearance, certificate of residency, etc.) and
181 flowchart of the procedure of registration. The LGUs shall also be
182 responsible in translating the checklist of requirements and
183 flowchart of procedure of registration in their local dialect. The
184 LGUs shall cause the posting of the checklist and flowchart of
185 procedure of registration in at least three (3) conspicuous areas,
186 preferably public areas, in the community and cause the
187 publication of the same in the local newspaper if there is any.

188 **SEC. 8. Rights and Benefits of Workers in the Tricycle Sector.**-The
189 members of the tricycle sector shall have the following rights:

- 190 (a) Self-organization to collectively negotiate with government
191 and other entities in the promotion of their welfare and
192 advancement of their interests free from any political
193 interference or favor;
- 194 (b) Informed participation in decision-making processes relevant
195 to concerns of their sector through their legitimate
196 organizations. Towards this end, they shall be represented in
197 all public hearings for laws, ordinances, or regulations that
198 will affect their sector;
- 199 (c) Safe working conditions with access medical care services
200 and Insurance;
- 201 (d) Freedom from any form of discrimination, violence,
202 exploitation or harassment;
- 203 (e) Freedom from deprivation of property without valid cause
204 and due process of law;
- 205 (f) Equal access to information on how to safeguard their rights
206 according to law;
- 207 (g) A driver shall not be forced or engaged to work in any
208 hazardous work, activity or undertaking, or be exposed to
209 hazardous working conditions; and
- 210 (h) A member of the tricycle sector shall be protected from any
211 act of interference, coercion, extortion, bureaucratic red
212 tape.

213 **SEC. 9. Government Support to Tricycle Sector.** – All concerned
214 national government agencies, government financial institutions,
215 and LGUs shall include in their plans, programs, projects and
216 activities efforts that are supportive of the foregoing rights and
217 other concerns of the tricycle sector. Each LGU shall also create a
218 grievance mechanism to deal with the concerns of the members of
219 the tricycle sector.

220 **SEC. 10. Mandatory Membership in SSS and Philhealth.** – The
221 Social Security System (SSS) and the Philippine Health Insurance
222 Corporation (PhilHealth) shall, within ninety (90) days from the
223 effectivity of this Act, promulgate guidelines for the mechanism of
224 collecting premiums from members of the tricycle sector. The SSS
225 shall also inform its members from the tricycle sector of services
226 and loans that they can avail of.

227 **SEC. 11. Role of a Local Government Unit.**— Subject to the operating
228 conditions in Section 5 of this Act and the guidelines to be
229 promulgated by the DOTr, LTO and LTFRB, cities and
230 municipalities shall have the following responsibilities:

231 (a) An LGU, in coordination with its Informal Sector Local
232 Development Office, after consultation with the transport
233 groups, the affected community, and other stakeholders,
234 shall identify and designate viable routes and terminals of
235 tricycle within the city or municipality. Viable terminals shall
236 be in proximity to public buildings, public markets,
237 commercial districts, or commercial establishments and
238 other places which the public frequently visits.

239 (b) The Sanggunian shall, within 90 days after the survey and
240 pursuant to the recommendation of the Informal Sector
241 Local Development Office, pass an ordinance designating the
242 routes and the terminals of tricycles as specified in this Act.
243 However, no designation of terminal shall be conducted
244 without prior consultation with the tricycle sector, the
245 affected inhabitants and other sectors.

246 An LGU, which has already established or designated
247 routes and terminals of tricycles prior to this Act is deemed
248 to have complied with this provision of this Act: Provided,
249 that the aforesaid establishment or designation of terminals
250 have been undertaken after consultation with the relevant
251 parties.

252 (c) In coordination with the DOTr, LTO and public and private
253 stakeholders, LGUs shall implement a tricycle maintenance
254 program. This shall be done by providing the existing TODAs
255 within their jurisdiction, training and instruction on
256 preventive and periodic maintenance in tandem with the
257 Development of Science and Technology (DOST) and other
258 private institutions.

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

265 With the new program of DOLE and TESDA, LGUs
266 shall also provide for alternative livelihood and skills-training
267 program, to allow tricycle drivers to explore more
268 economically rewarding sources of income.

- (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) The LGUs, in coordination with law enforcement agencies, shall prevent the proliferation of illegal or Colorum tricycle units.
 - (g) The LGU, in coordination with the DOLE and other concerned agencies, shall ensure the regular conduct of seminars to prevent the unlawful employment of children as tricycle drivers and the gender based discrimination in granting driver's license.
 - (h) The LGU are also hereby empowered to provide in its ordinance or as terms or condition in the MTOP or franchise issued, additional acts of violation, whether relating to existing laws, rules and regulations or to the treatment of tricycle passengers and the penalties therefor in accordance with the operation of tricycles within their respective jurisdiction.

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

SEC. 13. Penalties – a) A public officer or employee who acts in violation of Sections 2705, 6, or 7 hereof shall, in addition to administrative and criminal liability under existing laws, be penalized with one-month to six-month suspension from office, 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

311 incomplete application for an MTOP, operates in highways without
312 valid authorization as mentioned in Section 5 (b) hereof transports
313 passenger and/or goods beyond the limitations on the number of
314 passengers and on load capacity, or operates a tricycle not
315 compliant with environmental laws shall be punished by a fine of
316 not less than five hundred pesos (PhP500.00) but 283 not more
317 than Two thousand pesos (PhP2,000.00) or the impoundment 284
318 of the tricycle by an enforcement agency for a period of two (2)
319 months.

320 **c)** An operator who operates without the necessary MTOP or
321 authority to operate in highways employs a driver without the
322 requisite license to drive a tricycle including those below the age of
323 majority or allows a driver to operate a tricycle that is not
324 roadworthy or with unauthorized modification affecting vehicle
325 safety, shall be punished by a fine of not less than Five hundred
326 pesos (PhP500.00) but not more than Two thousand pesos
327 (PhP2,000.00) or the impoundment of the tricycle by an
328 enforcement agency for a period of two (2) months. The second and
329 succeeding offenses shall warrant the revocation of the MTOP or
330 franchise and the perpetual disqualification from being issued said
331 privilege.

332 **d)** Any person who shall willfully interfere with, restrain or
333 coerce any member of the tricycle sector in the exercise of rights or
334 shall in any manner act in violation of Section 8 of this Act shall,
335 upon conviction be punished by a fine of not less than Fifty
336 thousand pesos (PhP50,000.00) but not more than Five hundred
337 thousand pesos (PhP500,000.00) or imprisonment not exceeding
338 (1) year or both at the discretion of the court. If the offender is a
339 public official, the court may, in addition to the penalties provided
340 in the preceding paragraph, impose the penalty of disqualification
341 from office.

342 **SEC. 14. Implementing Rules and Regulations.** – The DOTr, in
343 coordination with the LTO, LTFRB, the SSS, PhilHealth, DOLE,
344 TESDA, DOST, DTI and the Department of the Interior and Local
345 Government, shall issue the implementing rules and regulations
346 (IRR) of this Act within Ninety (90) days from its effectivity. The IRR
347 shall include the guidelines for the allocation of the fund for
348 subsidizing the SSS or Philhealth premiums of the members of the
349 tricycle sector and the programs that will benefit them.

350 **SEC. 15. Separability Clause** – If any provision or part hereof is
351 held invalid or unconstitutional, the remainder of the law or the
352 provision not otherwise affected shall remain valid and subsisting.

353 **SEC. 16.** *Repealing Clause* – Any law, presidential decree or
354 issuance, executive order, letter of instruction, administrative
355 order, rule, ordinance, or regulation contrary to or inconsistent
356 with, the provisions of this Act is hereby repealed, modified, or
357 amended accordingly.

358 **SEC. 17. Effectivity** - This Act shall take effect Fifteen (15) days
359 after its publication in the Official Gazette or in a newspaper of
360 general circulation.

361 Approved,