



HOUSE OF REPRESENTATIVES

H. No. 9073

BY REPRESENTATIVES VERGARA, SARMIENTO (E.M.), SARMIENTO (C.), ESCUDERO, TAMBUNTING, VARGAS, ESPINO, PIMENTEL, GONZALEZ, FERNANDO, LOPEZ (C.), MADRONA, PANCHO, UY (J.), ROBES, COLLANTES, VIOLAGO, MANALO, BENITEZ, BIAZON, SANDOVAL, CASTELO, TUGNA, BATOCABE, NIETO, SY-ALVARADO, LAZATIN, RELAMPAGOS, DALIPE AND LOPEZ (M.L.), PER COMMITTEE REPORT NO. 1231

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:

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Magna Carta for*
2 *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 of the tricycle
5 sector particularly the marginalized low-level income earners by providing them with
6 adequate and timely social, economic and legal services, as well as mechanism that
7 shall protect their rights and promote benefits that ensure their dignified existence
8 and economic advancement;

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

1 c) To give the highest priority to the enactment of measures that protect and
2 enhance the rights of all people to human dignity, reduce social, economic and
3 political inequalities and remove cultural inequities by diffusing wealth and political
4 power for the common good and to provide environments at national and local levels
5 that enable all workers to fully develop into productive and responsible citizens.

6 d) To recognize the roles and contributions of members of the tricycle sector,
7 make them visible in the national and local statistics and develop the local economy
8 by maximizing their potential;

9 e) To promote gender equity and equality through elimination of gender
10 stereotypes attached to this sector, redefining tricycle drivers as not merely males
11 but also females and protecting the women workers against gender-based
12 discrimination, exploitation, violence and abuse;

13 f) To protect vulnerable groups in the tricycle sector such as the elderly and
14 differently-abled persons from safety issues, discrimination, and harassment; and

15 g) To eliminate child labor in the tricycle sector through effective enforcement
16 of laws against child labor and the creation of more quality jobs for adults.

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

20 a) Putting in place policies and programs that will bring members of the
21 tricycle sector to the economic and social mainstream;

22 b) Pursuing structural reforms in all relevant levels of LGUs by creating
23 committees, special offices for development and protection of members of the
24 tricycle sector and supporting their representational rights through their
25 organizations;

26 c) Extending coverage of accessible and affordable social security and
27 health care benefits to workers in the tricycle sector; and

28 d) Exacting responsibility on the part of the tricycle sector members:
29 *Provided*, That the State shall recognize their rights and put in place responsive,
30 transparent and accountable mechanisms to ensure the protection, promotion and
31 realization of those rights.

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

33 (a) **Colorum** – refers to a private vehicle operated as a public utility without
34 the benefit of a valid and existing special permit, provisional authority, or franchise.

1 (b) **Motorist Awareness Program** – refers to any information or public
2 awareness program designed to enhance motorist awareness on the presence of
3 tricycles on or near roadways.

4 (c) **Motorized Tricycle Operators Permit (MTOPT)** – refers to the permit that
5 authorizes the holder to operate a tricycle for public transport;

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

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

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

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

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

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

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

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

33 (b) For safety reasons, no tricycle shall operate on national highways utilized
34 by 4-wheel vehicles greater than four (4) tons and where normal speed exceed forty

1 (40) kilometers per hour. However, the concerned *Sanggunian* may provide
2 exceptions if there are no transportation services or modes servicing the said route,
3 either along the highway or crossing the same, other than tricycles, subject to the
4 approval of the DOTr: *Provided, however,* That when such operation is allowed, the
5 LGU is mandated to provide appropriate signages, marks for lanes and other safety
6 features to guide and protect the tricycles utilizing the highways.

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

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

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

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

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

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

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

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

1 SEC. 6. *Registration and Issuance of the MTOP.* – There shall be a simple
2 system and procedure for registration and issuance of the MTOP in accordance with
3 the framework and principles of this Act. The registration fee for the application for
4 an MTOP, which shall be valid for a three-year period, shall not exceed one
5 thousand pesos (Php1,000.00). The said fee shall cover the cost of the issuance of
6 the MTOP, the filing fee, franchise fee, inspection fee, fare adjustment fee,
7 amendment, regulatory, and all other fees. No other fees shall be exacted from the
8 tricycle sector business activities or enterprise other than the registration fee as
9 mentioned above.

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

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

20 To facilitate efficient and expeditious processing of the MTOP applications,
21 the LGUs shall also formulate a uniform and simple checklist of requirements for
22 registration such us valid proof of identity (barangay clearance, certificate of
23 residency, etc.) and flowchart of the procedure of registration. The LGUs shall also
24 be responsible in translating the checklist of requirements and flowchart of procedure
25 of registration in their local dialect. The LGUs shall cause the posting of the checklist
26 and flowchart of procedure of registration in at least three (3) conspicuous areas,
27 preferably public areas, in the community and cause the publication of the same in
28 the local newspaper if there is any.

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

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

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

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

7 (d) Freedom from any form of discrimination, violence, exploitation, or
8 harassment;

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

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

13 (g) A driver shall not be forced or engaged to work in any hazardous work,
14 activity or undertaking, or be exposed to hazardous working conditions; and

15 (h) A member of the tricycle sector shall be protected from any act of
16 interference, coercion, extortion, bureaucratic red tape.

17 SEC. 9. *Government Support to Tricycle Sector.* – All concerned national
18 government agencies, government financial institutions, and LGUs shall include in
19 their plans, programs, projects and activities efforts that are supportive of the
20 foregoing rights and other concerns of the tricycle sector. Each LGU shall also create
21 a grievance mechanism to deal with the concerns of the members of the tricycle
22 sector.

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

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

32 (a) An LGU, in coordination with its Informal Sector Local Development
33 Office, after consultation with the transport groups, the affected community, and

1 other stakeholders, shall identify and designate viable routes and terminals of tricycle
2 within the city or municipality. Viable terminals shall be in proximity to public
3 buildings, public markets, private markets, commercial districts, or commercial
4 establishments and other places which the public frequently visits.

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

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

14 (c) In coordination with the DOTr, LTO and public and private stakeholders,
15 LGUs shall implement a tricycle maintenance program. This shall be done by
16 providing the existing TODAs within their jurisdiction, training and instruction on
17 preventive and periodic maintenance in tandem with the Department of Science and
18 Technology (DOST) and other private institutions.

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

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

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

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

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

5 (h) The LGUs are also hereby empowered to provide, in its ordinance or as
6 terms or conditions in the MTOP or franchise issued, additional acts of violation,
7 whether relating to existing laws, rules and regulations or to the treatment of tricycle
8 passengers, and the penalties therefor in accordance with the operation of tricycles
9 within their respective jurisdiction.

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

17 SEC. 13. *Penalties.*

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

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

33 c) An operator who operates without the necessary MTOP or authority to
34 operate in highways employs a driver without the requisite license to drive a

1 tricycle, including those below the age of majority, or allows a driver to operate a
2 tricycle that is not roadworthy or with unauthorized modification affecting vehicle
3 safety, shall be punished by a fine of not less than Five hundred pesos (PhP500.00)
4 but not more than Two thousand pesos (PhP2,000.00) or the impoundment of the
5 tricycle by an enforcement agency for a period of two (2) months. The second and
6 succeeding offenses shall warrant the revocation of the MTOP or franchise and the
7 perpetual disqualification from being issued the said privilege.

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

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

17 SEC. 14. *Implementing Rules and Regulations.* – The DOTr, in coordination
18 with the LTO, LTFRB, the SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the
19 Department of the Interior and Local Government, shall issue the implementing rules
20 and regulations (IRR) of this Act within ninety (90) days from its effectivity. The IRR
21 shall include the guidelines for the allocation of the fund for subsidizing the SSS or
22 Philhealth premiums of the members of the tricycle sector and the programs that will
23 benefit them.

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

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

31 SEC. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its
32 publication in the Official Gazette or in a newspaper of general circulation.

33 Approved,