

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 SEP 19 P3:36

SENATE
S.B. No. 1328

RECEIVED BY: _____

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
RECOGNIZING MOTORCYCLES AS PUBLIC UTILITY
VEHICLES, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.
4136, OTHERWISE KNOWN AS THE "LAND TRANSPORTATION AND
TRAFFIC CODE" AND REPUBLIC ACT NO. 7160, OTHERWISE
KNOWN AS THE "LOCAL GOVERNMENT CODE", AS AMENDED, AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

Metro Manila is one of the most traffic-congested cities in the world. It ranked as the 18th Worst Traffic-Congested City among 404 countries in the 2021 TomTom's Traffic Index. Time Lost in Rush Hour Per Year was computed at 157 hours (equivalent to 6 days and 13 hours) and Time Lost in Rush Hour for Every 30-Minute Trip averaged 16 minutes in mornings and 24 minutes in evenings.

The issue of traffic goes far beyond its impact on the country's capital and is, in fact, a national issue. For instance, Cebu has already become as bad as Manila in terms of traffic congestion and Davao and Iloilo are also on their way. Several other highly urbanized cities outside Metro Manila are well on their way to frequent traffic jams and heavy road congestion.

Despite the government's lack of action, the rest of the country has recognized the role of motorcycles as an alternative mode of transportation. Given its low cost, the ownership of motorcycles across the country has been increasing. Thus, it is but natural for motorists to consider motorcycles-for-hire. The motorcycle ride-hailing app *Angkas* is a popular alternative to the more expensive alternatives, Grab and taxis.

The reality is that motorcycles, despite their inherent limitations and potential hazards, are widely used for their affordability and their maneuverability. This is particularly true in developing cities like Bangkok, Jakarta, and Hanoi with yet-developed public transport systems, but even so in developed cities like Paris, California, and Melbourne. Across many transport systems around the world,

motorcycles fill a critical gap no other mode can fulfill: as a feeder service, as an end-to-end transport, and in some cases, as the only service capable of traversing roads.

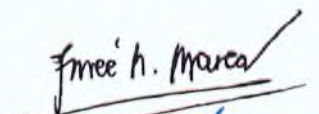
Motorcycles-for-hire used as public utility have the added benefit of employing a large number of the unskilled workforce. In 2016, *Angkas* pioneered the motorcycle taxi industry and has legalized and professionalized the two-wheel transportation by shouldering the safety training of about 100,000 riders, of which 30% who passed the test have been selected for employment. Since educational attainment is not a qualification for *Angkas* drivers, this particular Transport Network Vehicle Service (TNVS) gives a chance and opportunity for decent and above-average means of income and livelihood for an urban poor class who otherwise will have to compete in a highly competitive formal market. There is also great potential for local motorcycle owners, transport cooperatives, and other groups (MODAs cf. TODAs) to organize their own local transport networks for profit and employment in unserved or underserved areas.

With the dawn of the digital age, the LTFRB, by virtue of a Department Order, now regulates TNVS for four-wheel vehicles. Yet, this does not cover the regulation of motorcycles being used as public utility vehicles. Even more so, Republic Act No. 4136 does not contemplate motorcycles as public utility vehicles. Neither is there a mention of motorcycles used as public utility vehicles in the Local Government Code.

However, under Section 7(q) of the above-mentioned law, the Commissioner of Land Transportation may, in his discretion, allow the registration of motor vehicles even though it does not conform to the described regular classification provided therein. In effect, this gives the Department of Transportation (DOTr) the authority to classify a "special" kind of public utility vehicle and allow for its registration without the need for a separate legislation on this matter. By necessary implication, the DOTr through the Land Transportation Franchising Regulatory Board (LTFRB), may also regulate such vehicles.

Thus, this bill intends to amend the Land Transportation and Traffic Code and the Local Government Code to recognize motorcycles-for-hire as public utility vehicles and, thus, to regulate them.

Given the abovementioned, the passage of this bill is earnestly sought.


IMEE R. MARCOS

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 SEP 19 P3:36

SENATE

S.B. No. 1328

RECEIVED BY



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
RECOGNIZING MOTORCYCLES AS PUBLIC UTILITY
VEHICLES, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.
4136, OTHERWISE KNOWN AS THE "LAND TRANSPORTATION AND
TRAFFIC CODE" AND REPUBLIC ACT NO. 7160, OTHERWISE
KNOWN AS THE "LOCAL GOVERNMENT CODE", AS AMENDED, AND
FOR OTHER PURPOSES**

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, "*Motorcycles-for-Hire*
2 *Act.*"
3

4 **SEC. 2.** *Declaration of Policy.* – It shall be the policy of the State to provide
5 basic transport services to the people, and safeguarding their safety and promoting
6 their general welfare. Toward this end, the use of motorcycles-for-hire as an alternative
7 mode of public transportation is hereby recognized and regulated in order to provide
8 mobility in unserved and underserved rural areas, as well as traffic congested urban
9 centers
10

11 **SEC. 3.** Section 3 of Republic Act No. 4136 is hereby amended by adding new
12 words which shall be defined as follows:
13

14 "*Section 3. Words and phrases defined.* – As used in this Act:
15

16 X X X
17

1 **(N) MOTORCYCLE-FOR-HIRE - ANY TWO-WHEELED MOTOR**
2 **VEHICLE USED AS A MEANS OF PUBLIC TRANSPORTATION AND**
3 **CARGO REGISTERED WITH THE LAND TRANSPORTATION OFFICE**
4 **OR THE LAND TRANSPORTATION FRANCHISING AND**
5 **REGULATORY BOARD (LTFRB); PROVIDED THAT FOR**
6 **TRANSPORTING PASSENGERS, THE MOTORCYCLE SHALL HAVE**
7 **A MINIMUM ENGINE DISPLACEMENT OF 125 CUBIC**
8 **CENTIMETERS AND A BACKBONE TYPE BUILT.**

9
10 **MOTORCYCLES-FOR-HIRE MAY BE OPERATED INDEPENDENTLY**
11 **BY THE OWNER OF THE MOTORCYCLE, OR MADE AVAILABLE**
12 **THROUGH A NETWORK OR DIGITAL TRANSPORT VEHICLE**
13 **SERVICE (TNVS)."**

14
15 **SEC. 4.** Section 7 (d) of Republic Act No. 4136 or the Land Transportation and
16 Traffic Code is hereby amended to read as follows:

17
18 "Sec. 7. *Registration Classification.* - Every motor vehicle shall be
19 registered under one of the following described classifications:

20 (a) x x x

21 (b) x x x

22 (c) x x x

23 (d) Public utility automobiles; (e) public utility trucks; (f) taxis and auto-
24 calesas; (g) garage automobiles; (h) garage trucks; (i) hire trucks; [and]
25 (j) trucks owned by contractors and customs brokers and customs agents
26 [.]; **AND (K) MOTORCYCLES-FOR-HIRE.** Application for registration
27 under these classifications shall be accompanied by a certificate of public
28 convenience or a special permit issued by the [~~Public—Service~~
29 ~~Commission~~] **LAND TRANSPORTATION FRANCHISING AND**
30 **REGULATORY BOARD (LTFRB)**, and motor vehicles registered under
31 these classifications shall be subject to the Public Service Law, rules and
32 regulations, as well as the provisions of this Act.

33
34 **FURTHER PROVIDED THAT MOTORCYCLES-FOR-HIRE**
35 **OPERATING STRICTLY WITHIN THE TERRITORIAL**
36 **JURISDICTION OF A LOCAL GOVERNMENT UNIT, WHETHER**
37 **THESE MOTORCYCLES BELONG TO A TRANSPORT NETWORK, OR**
38 **ARE MEMBERS OF LOCAL COOPERATIVE OR CORPORATION, OR**

1 **ARE INDIVIDUAL OWNERS/OPERATORS OF THE MOTORCYCLE,**
2 **THEY SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 447**
3 **(3) (V I) AND SECTION 45 8 (3) (VI) OF REPUBLIC ACT NO. 7160.**
4 xxx."

5
6 **SEC. 5.** Section 447 (3) (VI) of Republic Act No. 7160 is hereby amended
7 to read as follows:

8
9 "x x x
10 (vi) subject to the guidelines prescribed by the [~~Department of~~
11 ~~Transportation and Communications~~] **LTFRB**, regulate the operation of
12 tricycles **AND MOTORCYCLES-FOR-HIRE AS PUBLIC TRANSPORT**
13 **OPERATING STRICTLY WITHIN THE TERRITORIAL**
14 **JURISDICTION OF A LOCAL GOVERNMENT UNIT, WHETHER**
15 **THESE MOTORCYCLES BELONG TO A TRANSPORT NETWORK, OR**
16 **ARE MEMBERS OF LOCAL COOPERATIVE OR CORPORATION, OR**
17 **ARE INDIVIDUAL OWNERS/OPERATORS OF THE MOTORCYCLE,**
18 and grant franchises for the operation thereof within the territorial
19 jurisdiction of the municipality;
20 x x x"

21
22 **SEC. 6.** Section 458 (3) (VI) of Republic Act No. 7160 is hereby amended
23 to read as follows:

24
25 "(vi) subject to the guidelines prescribed by the [~~Department of~~
26 ~~Transportation and Communications,~~] **LTFRB**, regulate the operation of
27 tricycles **AND MOTORCYCLES AS PUBLIC TRANSPORT OPERATING**
28 **STRICTLY WITHIN THE TERRITORIAL JURISDICTION OF A LOCAL**
29 **GOVERNMENT UNIT, WHETHER THESE MOTORCYCLES BELONG**
30 **TO A TRANSPORT NETWORK, OR ARE MEMBERS OF LOCAL**
31 **COOPERATIVE OR CORPORATION, OR ARE INDIVIDUAL**
32 **OWNERS/OPERATORS OF THE MOTORCYCLE,** and grant franchises
33 for the operation thereof within the territorial jurisdiction of the city;
34 xxx"

35
36 **SEC. 7.** *Roadworthiness of Motorcycles-for-hire.* – The Land
37 Transportation Office (LTO) shall guarantee the roadworthiness of motorcycles-
38 for-hire by requiring emission testing and other safeguards before registration

1 and each renewal. No modification shall be made thereafter on motorcycles-for-
2 hire, except the possible installation following LTO's guidelines of a luggage
3 carrier, saddlebag, step board or foot peg, and an appropriate speed limiter and
4 monitoring device.

5
6 **SEC. 8. *Liability and Diligence.*** – Motorcycles-for-hire are hereby declared
7 as common carriers for purposes of determining the liability and degree of
8 diligence to be observed in the course of transporting goods or passengers, and
9 the presumption of negligence in the breach of contract shall likewise apply, as
10 provided in existing laws, rules and regulations.

11
12 **SEC. 9. *Driver's Safety.*** – In accordance with Section 23-A of the Land
13 Transportation and Traffic Code, as amended by Republic Act No. 10930, the LTO
14 shall impose the necessary requisites for issuance of licenses to the driver
15 applicants, including training theoretical and practical testing and health
16 examinations. Further, safety helmets should be provided as required by law.

17
18 **SEC. 10. *Insurance.*** – In addition to driver's and motor vehicle insurance,
19 the LTO shall require the insurance and coverage of passengers and cargo.

20
21 **SEC. 11. *Local Government's Duties.*** – The concerned local government
22 unit is urged, before it could issue a franchise under this Act, to issue guidelines
23 for the operation of motorcycles in their territorial jurisdiction. These guidelines
24 may include, with the approval of the Department of Public Works and Highways
25 (DPWH) the designation of motorcycle lanes in highways, assigned motorcycle
26 parking, terminals, and such other facilities as may constitute a motorcycle-for-
27 hire transport system.

28
29 **SEC. 12. *Repealing Clause.*** – All other laws, acts, presidential decrees,
30 executive orders, Issuances, presidential proclamations, rules and regulations or
31 parts thereof, which are contrary to and inconsistent with any provision of this
32 Act, are hereby repealed, amended, or modified accordingly.

33
34 **SEC. 13. *Separability Clause.*** – If any portion or provision of this Act is
35 declared unconstitutional, the remainder of this Act or any provision not affected
36 thereby shall remain in force and effect.

1 **SEC. 14. Effectivity.** – This Act shall take effect after fifteen (15) days
2 following the completion of its publication either in the Official Gazette or in a
3 newspaper of general circulation in the Philippines.

Approved,