

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

15 AUG 26 P5:16

SENATE
S. No. 2918

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
ESTABLISHING TRICYCLE DRIVER TRAINING AND MOTORIST AWARENESS
PROGRAMS

EXPLANATORY NOTE

Common carriers, by the very nature of their business and for reasons of public policy, have a duty to exercise extraordinary diligence in protecting the safety of its passengers. The Civil Code, Article 1755, provides:

Article 1755. A common carrier is bound to carry passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances.

Based on a report by the Department of Transportation and Communications, more than 60% of passengers use public utility vehicles as opposed to private vehicles. Land-based vehicles for public use include jeepneys, buses, trains, mini-buses, and tricycles. Tricycles, in particular, occupy a large role in the public commuter's life.

In a 1999 study conducted by the Asian Development Bank on the transport industry in Quezon City with particular focus on the tricycle sub-sector, it was found that jeepneys and buses dominate the primary roads of Quezon City; tricycles on the other hand, ply within the inner areas and communities. Most of the time, tricycles provide supplementary services by transporting the commuting public from tertiary roads to the primary roads, and vice-versa, where four-wheeled vehicles operate. Furthermore, many commuters were found to have preferred the use of tricycles for reasons such as (i) high

accessibility; (ii) availability; (iii) affordability; (iv) no waiting time; and (v) convenience.

Because of the demand for tricycles and the relatively small capital needed to start a tricycle business, tricycles have proliferated over the past years. Based on data from the Land Transportation Office (LTO), total vehicle registration in the Quezon City area exhibited a 114% increase from the 1990-2003 levels. Motorcycle and tricycle registration generated a 212% increase for the same period and is considered the third major contributor, next to cars and utility vehicles, for the significant increase in vehicular population in the area. In 2004, the Tricycle Regulation Unit (TRU) reported a total of 20,316 tricycles registered in Quezon City.

Unfortunately, the increased volume of commuters has also translated into higher number of accidents. According to statistics compiled by the Philippine Pediatric Society, 54% of all injuries in the Philippines occur in the streets. Pedestrian and vehicular accidents account for 30% of injury in previously healthy children; and passenger tricycle injury ranks 4th in causing motor vehicle injury.

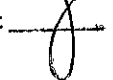
Since an increasing number of commuters rely on tricycles, the grant of franchises to operators of these vehicles must be accompanied by adequate measures that ensure driver safety skills. Considering that tricycles ply residential areas with heavy pedestrian traffic, and tricycles are handled differently than standard motorcycles, this bill proposes that a tricycle driver safety training and awareness program be instituted at the national level and specific tasks be delegated to the local government units.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Fourteenth Congress and re-filed in the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. *Short Title.* – This Act shall be known as “Tricycle Drivers Safety
2 Act”.

3 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

4 A. “LTO” shall mean the Land Transportation Office;

5 B. "Motorist Awareness" shall mean individual or collective motorist
6 awareness of the presence of tricycles and motorcycles on or near
7 roadways; and safe driving practices that avoid injury to tricycles,
8 motorcycleists, bicyclists, and pedestrians;

9 C. "Motorist awareness program" shall mean any information or public
10 awareness program designed to enhance motorist awareness that is
11 developed by or in coordination with the Land Transportation Office
12 and the local government unit authority having jurisdiction over
13 tricycle regulation;

14 D. "TESDA" shall mean the Technical Education and Skills Development
15 Authority;

1 E. "Tricycle" shall mean a motor vehicle composed of a motorcycle with
2 not more than two (2) cylinders of five hundred cubic centimeters
3 (500cc) engine capacity, with a single-wheel sidecar designed to
4 accommodate three (3) passengers only including the driver; and

5 F. "Tricycle Drivers Safety Program" shall mean any formal program of
6 instruction that provides accident avoidance and other safety-oriented
7 operational skills to tricycle drivers, including innovative training to
8 meet unique regional needs;

9 SECTION 3. *Implementing Agency.* – The Land Transportation Office, with the
10 assistance of TESDA, shall:

11 A. Develop and implement a nationwide Tricycle Drivers Safety Program
12 in coordination with tricycle regulation offices of local government
13 units;

14 B. Develop and implement a nationwide Motorist Awareness Program in
15 coordination with the tricycle regulation offices of local government
16 units;

17 C. Collect and analyze data on tricycle accidents and other information
18 that can be used to monitor the effectivity of the programs and for
19 research, technical assistance, and policy development; and

20 D. Provide continuous information and awareness campaigns to the target
21 drivers and the general public on transportation safety issues.

22 SECTION 4. *Role of Local Government Units.* – The office of each local
23 government unit that is in-charge of regulating the tricycle sector in their jurisdiction
24 shall ensure that tricycle drivers shall not operate without first undergoing the Tricycle

1 Drivers Safety Program. A franchise shall not be granted until a certification issued by
2 the LTO to the driver/applicant has been presented.

3 SECTION 5. *Appropriations.* – To carry out the provisions of this Act, such
4 amount as may be necessary is hereby authorized to be appropriated from the National
5 Treasury. Thereafter, the amount necessary for the continuous operation of the program
6 shall be included in the annual appropriations of the Land Transportation Office.

7 SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or
8 unconstitutional, the same shall not affect the validity and effectivity of the other
9 provisions hereof.

10 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
11 portions thereof, which are inconsistent with the provisions of this Act, are hereby
12 repealed, amended or modified accordingly.

13 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
14 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/aml 2015