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SENATE
S. No. 512

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Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT
PROVIDING FOR A MAGNA CARTA OF TRICYCLE DRIVERS AND
OPERATORS, INSTITUTIONALIZING MECHANISMS FOR ITS
IMPLEMENTATION AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Tricycles is a mode of transportation that has been embedded in everyday life of Filipinos. It is considered as iconic as our beloved jeepney. Currently, more than 1.5 million tricycles have been registered and plying all over the country since its operation has been legalized. Since the population is growing, it is expected that demands for tricycles will continue to grow.

Because of the devolution of powers brought by the enactment of the Local Government Code, cities and municipalities are empowered to regulate the operation of tricycles. Due to different regulations and guidelines of different jurisdiction, conflicting issues arose involving tricycle operators to the disadvantage of the tricycle sectors. For instance, as reported by CNN Philippines, Mandaluyong City requires all tricycle drivers in their jurisdiction to be a resident of the city, maintain accident insurance and carry garbage receptacles. It also requires tricycle operators to equip their exhaust pipe with silencers. More than the additional requirement and conditions, LGUs collect different fees for registration and operations of tricycles.

This proposed bill seeks to address those issues. More importantly, the bill aims to uplift the life and promote the interest of the members of the tricycle sector by recognizing and protecting their rights and their contributions to the local economy.

By enacting into law, this Magna Carta of Tricycle Drivers and Operators will ensure that rights of the members of the tricycle sector shall be respected at all times. This bill will further promote the interests of the tricycle sector by providing uniform rules and regulation for the issuance of permit for the operation of tricycles and regulated fees. LGUs shall be mandated to establish TODA One-Stop Shop Center to handle all transactions and processing of the business permit applications and ensuring that applications of tricycle drivers be acted upon swiftly.

A Tricycle Drivers Safety Program shall also be implemented that will guarantee the safety of the drivers and the riding public. As promotion of social protection for our tricycle sector, this bill proposes alternative livelihood and mandatory membership to SSS and Philhealth.

In view of the foregoing, the passage of this bill is earnestly sought.

RONALD "BATO" DELA ROSA 

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**AN ACT
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IMPLEMENTATION AND FOR OTHER PURPOSES**

*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 the "TODA Act".

2 Sec. 2. *Declaration of Policy.* – It is the declared policy of the State to uplift the
3 life and promote the interest of the members of the tricycle sector by recognizing and
4 protecting their rights and their contributions to the local economy.

5 Towards this end, the State shall provide adequate social protection and
6 mechanisms that will ensure the maximization of their potential and economic
7 advancement.

8 Sec. 3. *Definition of Terms.* – As used in this Act:

- 9 a) *Motorized Tricycle Operator Permit (MTOPI)* refers to the permit issued by
10 the LGU concerned that authorizes the holder to operate a tricycle for public
11 transport;
- 12 b) *Tricycle* refers to a motorized vehicle which may be composed of a
13 motorcycle fitted with a single-wheel sidecar or a motorcycle with a two-
14 wheel rear cab; and
- 15 c) *Tricycle Sector* refers to the sector consisting of drivers, operators and
16 owners of tricycle for public transportation.

1 Sec. 4. *Requirements for Operation of Tricycle.* – Tricycles shall only be
2 operated in accordance with the following requirements:

- 3 a) Subject to the road worthiness guidelines and compliance with
4 environmental laws prescribed by the Department of Transportation (DOTr)
5 thru the Land Transportation Office (LTO), the cities and municipalities shall
6 continue to exercise the power to regulate the operation of tricycles and
7 grant permits for the operation thereof within their territorial jurisdiction.
- 8 b) For safety reasons, no tricycle shall operate on national highways where the
9 maximum speed limit exceeds forty (40) kilometers per hour. However, the
10 concerned *Sanggunian* may provide exceptions if there are no available
11 public transportation services or modes servicing the route.
- 12 c) Operators shall employ only drivers possessing professional licenses duly
13 issued by the LTO. For this purpose, the LTO shall issue guidelines, including
14 theoretical and practical examinations, appropriate for drivers of tricycles.
- 15 d) The LTO is mandated to formulate and issue safety standards and the
16 allowable designs and modifications, taking into consideration the needs of
17 the vulnerable groups, and determine the limitations on passengers and
18 weight capacity.
- 19 e) Cities and Municipalities may adopt a color coding scheme for tricycle
20 operating in their jurisdiction. They may assign an identification number
21 assigned from the license plate number issued by the LTO.
- 22 f) MTOP issued shall be valid for three (3) years, renewable for the same
23 period. Change of ownership of unit or transfer of the MTOP shall be
24 considered as an amendment to an MTOP and shall require approval of the
25 local government unit (LGU) which issued the same.

26 Cities and Municipalities shall impose no other requirement or condition for
27 tricycle operation except those provided in this Act.

28 Sec. 5. *Application for MTOP.* – A simple systematic procedure shall be adopted
29 for application and issuance of the MTOP in accordance with the conditions set forth
30 in this Act. The application fee shall not exceed one thousand pesos (P1,000.00). The
31 said fee shall cover the cost of the issuance of MTOP, filing fee, franchise fee,

1 inspection fee, regulatory and other related fees. No other fees shall be collected from
2 the applicant other than the fee mentioned in this Section.

3 LGUs may adjust the fee prescribed herein once every five (5) years: *Provided,*
4 That in no case shall the increase be more than 5% of the prevailing fee.

5 Sec. 6. *TODA One-Stop Shop Center.* – Concerned LGUs shall establish a TODA
6 One-Stop Shop Center which shall handle all transactions and processing of the
7 business permit applications within their respective jurisdiction. The Center shall
8 ensure that the processing of application for MTOP shall be acted upon within three
9 (3) days from receipt of said application.

10 Sec. 7. *Rights of Members of the Tricycle Sector.* – Members of the Tricycle
11 Sector shall have and enjoy the following rights:

- 12 a) Self-organization to collectively negotiate with government and other
13 entities in the promotion of their welfare and advancement of their interests
14 free from any political interference or favor;
- 15 b) Informed participation in policy making processes relevant to the concerns
16 of their sector through their legitimate organizations;
- 17 c) Safe working conditions and access to medical care services;
- 18 d) Freedom from discrimination, violence, exploitation, or harassment;

19 Sec. 8. *Membership in Social Security System (SSS) and Philippine Health*
20 *Insurance Corporation (Philhealth).* – The SSS and the Philhealth shall ensure the
21 inclusion of the members of the tricycle sector to their respective corporation. They
22 shall also ensure that members of the tricycle sector are informed of the benefits that
23 they are entitled to as members of the SSS and Philhealth.

24 Sec. 9. *Role of the Local Government Unit.* – LGUs shall have the following
25 responsibilities:

- 26 a) LGUs after consultation with the tricycle sector shall identify and designate
27 viable routes and terminals within their jurisdiction. Terminals shall be in
28 proximity to public buildings, public markets, commercial centers and other
29 similar places.
- 30 b) The *Sangguniang* concerned shall, within ninety (90) days after
31 consultations with the stakeholders, designate the routes and terminals of
32 tricycles as specified in this Act through an Ordinance.

- 1 c) In coordination with the DOTr, LTO and stakeholders, LGUs shall implement
2 a tricycle maintenance program. This program shall provide the tricycle
3 sector within their jurisdiction, training and instruction on preventive and
4 periodic maintenance.
- 5 d) There shall be a mandatory Tricycle Drivers Safety Program by the
6 concerned LGU with assistance from the LTO. The content and structure of
7 the Tricycle Drivers Safety Program shall be formulated by the DOTr, LTO
8 and other relevant government agencies. The LGUs shall require all holders
9 of MTOP within its jurisdiction to undergo said program.
- 10 e) Vocational courses on auto-mechanics and related courses like engine repair
11 and maintenance shall be offered to the tricycle sector. The Department of
12 Labor and Employment and Technical Education and Skills Development
13 Authority shall coordinate with LGUs to implement this Section.
- 14 f) LGUs shall provide for additional and alternative livelihood and skills-training
15 programs for the tricycle sector.
- 16 g) LGUs may, through ordinances or as condition of the issuance of MTOP,
17 additional acts of violation in relation to operation of tricycles and the
18 penalties therefor within their respective jurisdiction.

19 Sec. 10. *Government Support to Tricycle Sector.* – Concerned government
20 agencies, government financial institutions and LGUs shall include plans, programs,
21 projects and activities that are supportive of the concerns of the tricycle sector.

22 LGUs shall create a grievance mechanism to address the concerns of the
23 members of the tricycle sector.

24 Sec. 11. *Promotion of Energy Efficient Engines.* – The DOTr and the Department
25 of Science and Technology shall implement a continuing program to encourage
26 manufacturers to develop environment friendly and energy efficient engines for the
27 tricycle sector. The Department of Trade and Industry shall prescribe the standards
28 and specification for tricycle engines to be observed by the tricycle sector in
29 accordance with Republic Act No. 8749, otherwise known as the Clean Air Act.

30 Sec. 12. *Implementing Rules and Regulations.* – The DOTr and Department of
31 Interior and Local Government in consultation with Leagues of Cities and Municipalities

1 and stakeholders shall promulgate the necessary rules and regulations for the effective
2 implementation of this Act no later than ninety (90) days upon effectivity of this Act.

3 Sec. 13. *Separability Clause.* – If any portion or provision of this Act is declared
4 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
5 remain in force and effect.

6 Sec. 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive
7 order, letter of instruction, rule or regulation inconsistent with the provisions of this
8 Act is hereby repealed or modified accordingly.

9 Sec. 15. *Effectivity.* – This Act shall take effect fifteen (15) days following its
10 complete publication in a newspaper of general circulation.

Approved,