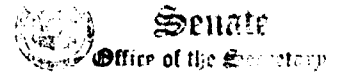
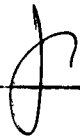


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 NOV 29 AIO :03

SENATE
S. B. No. 2494

RECEIVED BY: 

Introduced by Senator Joseph Victor G. Ejercito

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

EXPLANATORY NOTE

In every barangay, municipality or city in the Philippines, tricycle is regarded as a basic and essential mode of transportation of every Filipino.

Under the Local Government Code, the regulation of tricycles is under the jurisdiction of every local government units. Issues regarding collection of illegal fees, illegal sale of tricycle franchises, issuances of permits, tough working conditions of tricycle drivers and poor maintenance of tricycles continue to rise.

In order to systematically address these problems, this measure seeks to provide a uniform set of requirements and give authority to regulate and grant Motorized Tricycle Operator's Permit (MTOP) to the Land Transportation Office (LTO) and the Land Transportation Franchising and Regulatory Board (LTFRB). With this, there will be a simplified procedure of registration and issuance of MTOP. Moreover, a One-Stop Shop for the Tricycle Sector which is tasked handle all transactions and processing of the business permit applications within their respective jurisdiction, will be established. Furthermore, the bill specifies the clearer role of the Local Government Unit (LGU) in eliminating illegal or colorum tricycle units and designating viable routes

and terminals. Lastly, this measure lays down the rights and benefits of workers in the tricycle sector, including but not limited to mandatory membership to Social Security System (SSS) and Philippine Health Insurance Corporation (PhilHealth), life and accident insurance, and legal assistance.

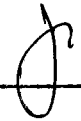
In view of the foregoing, the swift passage of this bill is earnestly sought.

A handwritten signature in black ink, consisting of a stylized 'J' followed by 'V', 'G', and 'E', with a horizontal line extending to the left from the 'J'.

JOSEPH VICTOR G. EJERCITO

23 NOV 29 A10 :03

SENATE
S. No. 2494

RECEIVED BY: 

Introduced by Senator Joseph Victor Ejercito

AN ACT
PROVIDING FOR A MAGNA CARTA OF TRICYCLE DRIVERS AND
OPERATORS, INSTITUTIONALIZING MECHANISM FOR ITS
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 "*Magna Carta for Tricycle*
2 *Drivers and Operators Act of 2023.*"
- 3 Sec. 2. *Declaration of Policies.* - It is the policy of the State:
- 4 a. To nurture and protect the interests of the tricycle sector by providing them
5 with adequate and timely social, economic and legal services, as well as
6 mechanisms that shall protect their rights and promote benefits that ensure
7 their dignified existence and economic advancement;
- 8 b. To recognize, promote, protect the rights of every worker in the tricycle
9 sector including the right to self-organization, the right to decent work, just
10 and humane working conditions, access to social protection, and the right
11 to represent their organizations in a continuing process of consultation and
12 dialogue towards maximizing the provision of a comprehensive package of
13 reforms, interventions, and services in accordance with their articulated
14 needs and interests;
- 15 c. To promote gender equity and equality through elimination of gender
16 stereotypes attached to this sector and redefining tricycle drivers as not only
17 males but also females;

- 1 d. To protect women workers in the tricycle sector against gender-based
2 discrimination, exploitation, violence and abuse;
3 e. To progressively eliminate child labor in the tricycle sector through the
4 creation of more quality jobs for adults, effective enforcement of laws
5 against child labor, improved access to universal education and elimination
6 of cultural factors that tolerate child labor; and
7 f. To develop the local economy through maximization of the potential and
8 contribution of the tricycle sector.

9 **Sec. 3. *Definition of Terms.*** - Pursuant to this Act, the following terms shall
10 mean:

- 11 a. **Colorum-** a private vehicle operated as a public utility without the benefit
12 of a valid and existing special permit, provisional authority, or franchise;
13 b. **Motorized Tricycle Operator's Permit or MTOP** - the permit that authorizes
14 the holder to operate a tricycle for public transport;
15 c. **Periodic maintenance** - the cleaning and replacing of parts that have been
16 exhausted of their effective service life.
17 d. **Preventive maintenance** - the regular cleaning of the engine and other
18 related parts that affect its performance;
19 e. **Sanggunian** - the Sangguniang Panlungsod or the Sangguniang Bayan, as
20 the case may be;
21 f. **Tricycle** - the motor vehicle composed of a motorcycle fitted with a single
22 wheel sidecar, or a motorcycle with a two-wheel rear cab, the former
23 having a total of three wheels and the latter having a total of four wheels,
24 otherwise known as the motorcycle;
25 g. **Tricycle Operators and Drivers' Association or TODA** - the organization of
26 tricycle operators and drivers in a given local government unit;
27 h. **Tricycle Sector** - refers to the drivers and operators of tricycles for public
28 transportation in the Philippines.

29 **Sec. 4. *Authority to Regulate and to Grant MTOP.*** - Subject to the guidelines to
30 be prescribed by the Department of Transportation (DOTr), the Land Transportation
31 Office (LTO) and the Land Transportation Franchising and Regulatory Board (LTFRB),
32 cities and municipalities shall have the power to regulate the operation of tricycles and

1 grant permits for the operation thereof within their respective territorial jurisdictions.
2 Before it can issue the MTOP, the concerned LGU is required to submit a tricycle
3 operation plan which includes, among others, the tricycle routes and zones,
4 designation of terminals and maximum number of tricycles operating within its
5 jurisdiction. Such a plan shall be subject to the approval of the DOTr and must comply
6 with the guidelines promulgated therefore with the end goal of ensuring overall
7 efficiency, integration and safety of the transportation system.

8 *Sec. 5. Uniform and Standardized Set of Requirements.* - The local government
9 units (LGUs) having jurisdiction over the city or municipality where the tricycle is
10 registered shall impose no other requirement, restriction, or condition for its operation,
11 except the following:

- 12 a. For safety reasons, no tricycle should operate on national highways utilized
13 by 4-wheel vehicles greater than four (4) tons and where normal speed
14 exceeds forty (40) kilometers per hour. However, the concerned LGU may
15 provide exceptions if there are no transportation services or modes
16 servicing the said route, either along the highway or crossing the same,
17 other than tricycle, subject to the approval of the DOTr. *Provided, however.*
18 That when such operation is allowed, the LGU is mandated to provide
19 appropriate signages, marks for lanes and other safety features to guide
20 and protect the tricycles utilizing the highways.
- 21 b. Zones must be within the boundaries of the municipality/city. Existing zones
22 within more than one municipality or city, however, shall be maintained.
23 *Provided, That operators servicing said zones shall secure MTOPs from each*
24 *of the municipalities and/or cities having jurisdiction over the areas covered*
25 *by the zone.*
- 26 c. A common color for tricycles-for-hire operating in the same zone may be
27 imposed. Each unit shall be assigned and bear an identification number,
28 aside from its LTO license plate number.
- 29 d. An operator wishing to terminate or suspend its service for more than one
30 month should report in writing such termination or suspension to the
31 Sanggunian which originally granted the MTOP

- 1 e. The MTOP shall be valid for three (3) years, renewable for the same period.
2 Transfer to another zone, change of ownership of a unit or transfer of MTOP
3 shall be construed as an amendment to an MTOP and shall require
4 appropriate approval of the Sanggunian.
- 5 f. Operators shall employ only drivers possessing professional licenses duly
6 issued by the LTO. For this purpose, the LTO shall issue guidelines,
7 including theoretical and practical examinations, appropriate for drivers of
8 tricycles.
- 9 g. No tricycle-for-hire shall be allowed to carry more passengers and/or goods
10 than it is designed for.
- 11 h. A tricycle-for-hire shall be allowed to operate like a taxi service where, aside
12 from rendering services in the designated terminals, the tricycle can be
13 flagged- down or engaged by passengers on the road within its authorized
14 zone of operation.

15 **Sec. 6. *Registration.*** - There shall be a simplified procedure of registration and
16 issuance of MTOP in accordance with the framework and principles of this Act. The
17 registration fee for the application for an MTOP shall not exceed One thousand pesos
18 (P1,000.00). The validity of MTOP shall be for three years. The said fee shall cover
19 the cost of the issuance of the MTOP, the filing fee, franchise fee, inspection fee, fare
20 adjustment fee, amendment, regulatory, and all other fees. No other fees shall be
21 exacted from the tricycle sector business activities or enterprise other than the
22 registration fee as mentioned above.

23 **Sec. 7. *Establishment of One-Stop Shop for the Tricycle Sector.*** - All LGUs shall
24 establish a One-Stop Shop Center for the Tricycle Sector (the "Center") which shall
25 handle all transactions and processing of the business permit applications within their
26 respective jurisdiction. The Center shall ensure that the processing of the MTOP shall
27 commence on the day of their application and the registration shall be released within
28 forty-eight (48) hours upon submission of the complete requirements. To facilitate
29 efficient and expeditious processing of MTOP applications, LGUs shall formulate a
30 uniform and simple checklist of requirements for registration such as valid proof of
31 identity and flowchart of the procedure of registration. LGUs shall be responsible in
32 translating the checklist of requirements and flowchart of procedure of registration in

1 their own local dialect. LGUs shall cause the posting of the checklist and flowchart of
2 procedure of registration in at least three (3) conspicuous areas, preferably public
3 areas, in the community and cause the publication of the same in the local newspaper,
4 if there be any.

5 *Sec. 8. Rights and Benefits of Workers in the Tricycle Sector.* - The members
6 of the tricycle sector shall have the following rights:

- 7 a. Self-organization to collectively negotiate with government and other
8 entities in the promotion of their welfare and advancement of their interests
9 free from any political interference or favor;
- 10 b. Informed participation in decision-making processes relevant to the
11 concerns of their sector through their legitimate organizations. Towards this
12 end, they shall be represented in all public hearings for laws, ordinances, or
13 regulations that will affect their sector;
- 14 c. Safe working conditions with access to medical care services and insurance;
- 15 d. Freedom from any form of discrimination, violence, exploitation, or
16 harassment;
- 17 e. Freedom from deprivation of property without valid cause and due process
18 of law;
- 19 f. All concerned national government agencies, government financial
20 institutions, and local government units shall include in their plans,
21 programs, projects and activities efforts that are supportive of the concerns
22 of the tricycle sector;
- 23 g. Each LGU shall create a grievance mechanism to deal with the concerns of
24 the members of the tricycle sector;
- 25 h. The Social Security System (SSS) and the Philippine Health Insurance
26 Corporation (PhilHealth) shall, within ninety (90) days from the effectivity
27 of this Act, promulgate guidelines for the mechanism of collecting premiums
28 from members of the tricycle sector. The SSS shall also inform its members
29 from the tricycle sector of loans that they can avail of;
- 30 i. Any driver shall not be engaged to work in any hazardous work, activity or
31 undertaking, and neither shall he/she be exposed to hazardous working
32 conditions; and

- 1 j. All persons whether from the private or public sectors are prohibited from
2 committing acts of interference or coercion against a member of the tricycle
3 sector, including machinations to influence political and/or religious beliefs
4 of the member of the tricycle sector.

5 Sec. 9. *Role of the Local Government Unit (LGU)*. - Subject to the operating
6 conditions in this Act and the guidelines to be promulgated by the DOTr, LTO and
7 LTFRB, cities and municipalities shall have the following responsibilities:

- 8 a. The Municipality or City, after consultation with the small transport groups,
9 the affected communities, and other sectors or groups, shall identify c Viable
10 terminals shall be in proximity to public buildings, markets, commercial
11 districts, or commercial establishments and other places which the public
12 frequently visits.
- 13 b. The Sanggunian shall, within ninety (90) days after the consultation referred
14 to in the preceding paragraph, pass an ordinance designating the viable
15 terminals of tricycles as specified in this Act. No designation of terminal,
16 however, shall be conducted without prior consultation with the tricycle
17 sector, the affected inhabitants and other sectors. LGUs that have already
18 established or designated routes and terminals of tricycles prior to this Act
19 are deemed to have complied with this provision: *Provided*, That the
20 aforesaid establishment or designation of terminals have been undertaken
21 after consultation with the relevant parties.
- 22 c. LGUs shall also lead a Tricycle Maintenance Program. This shall be done by
23 teaching the existing TODAs within their jurisdiction on preventive and
24 periodic maintenance. Technical and administrative capability shall be
25 sourced through partnerships with private institutions and through the
26 Department of Science and Technology (DOST).
- 27 d. Vocational education on auto-mechanics and related courses like engine
28 repair and maintenance shall also be developed by the LGUs in cooperation
29 with the Department of Labor and Employment (DOLE) and the Technical
30 Education and Skills Development Authority (TESDA).
- 31 e. There shall be a mandatory Tricycle Drivers Safety Program at the LGU level.
32 The content and structure of the Tricycle Drivers Safety Program shall be

1 formulated by the DOTr, LTO, LTFRB and other relevant government
2 agencies. The LGU shall require all tricycle drivers within its jurisdiction to
3 undergo this orientation. To complement this, the LTO and LTFRB shall
4 include a Motorist Awareness Program in all its safety training.

- 5 f. LGUs shall also eliminate illegal or colorum tricycle units.
- 6 g. LGUs shall provide for alternative livelihood and skills-training programs to
7 allow tricycle drivers to explore more economically rewarding sources of
8 income.
- 9 h. LGUs shall pursue and implement a comprehensive, rights-based,
10 participatory and gender responsive framework for workers in the tricycle
11 sector that includes but is not limited to:
 - 12 i. Putting in place policies and programs that will bring members of the
13 tricycle sector to the economic and social mainstream;
 - 14 ii. Pursuing structural reforms in all relevant levels of LGUs by creating
15 committees, special offices for development and protection of
16 workers in the tricycle sector and supporting their representational
17 rights through their organizations;
 - 18 iii. Extending coverage of accessible and affordable social security and
19 health care benefits to workers in the tricycle sector; and
 - 20 iv. Exacting responsibility on the part of the tricycle sector workers
21 provided that the state shall recognize their rights and put in place
22 responsive, transparent and accountable mechanisms to ensure the
23 protection, promotion and realization of those rights.

24 **Sec. 10. *Policy on Impounding of Vehicle and Imposable Penalties.*** - Tricycles
25 shall not be impounded, confiscated or destroyed for mere violation of license or
26 registration or traffic rules and regulations, unless the said vehicle was utilized in the
27 conduct of criminal activities. In case of mere violation of traffic rules and regulations,
28 a traffic violation ticket shall be issued to the erring driver without impounding the
29 said vehicle. The responsible person or officer who violated this Section shall be
30 administratively liable under this Act. Nothing herein shall prohibit the aggrieved
31 members of the tricycle sector from initiating a criminal or civil action against the
32 responsible persons or officers whenever such action is applicable. The imposable

1 penalties for tricycle drivers who are found to violate traffic rules or regulations shall
2 be limited to fifty percent of the fine or penalty that can be imposed on drivers of four-
3 wheeled vehicles.

4 Sec. 11. *Phase-in of More Efficient Engines.* - Within thirty (30) days after the
5 effectivity of this Act, the DOST and the DOTr shall partner to create a continuous
6 program to develop more efficient engines and cleaner technologies that may be used
7 by the tricycle sector, at the own initiative or volition of tricycle drivers and/or
8 operators.

9 Sec. 12. *Coordination between Local Government Units and the DOTr.* – The
10 implementation of the national policy as regards curbing traffic must be taken into
11 consideration in the enforcement of this Act. The DOTr shall ensure that its guidelines
12 for the regulation of tricycles by LCDs must be mindful of the state of traffic in the
13 country. Furthermore, the DOTr must efficiently and meaningfully coordinate closely
14 with the LCDs as regards the regulation of the tricycle sector.

15 Sec. 13. *Mandatory Membership in SSS and PhilHealth, Life and Accident*
16 *Insurance, and Legal Assistance.* - The SSS and the PhilHealth shall, within ninety (90)
17 days from the effectivity of this Act, promulgate guidelines for the mechanism of
18 collecting premiums from members of the tricycle sector. Tricycle drivers shall, in
19 addition to SSS and healthcare coverage, be provided accident insurance coverage to
20 compensate for damage or injury acquired such as death, disability, limb amputations,
21 loss of sight, hearing, and speech, including the loss of thumb or the index finger.
22 Tricycle drivers are also entitled to legal assistance in the exercise and pursuit of their
23 rights herein granted.

24 Sec. 14. *Appropriations.* - The amount necessary for the implementation of this
25 Act shall be allocated in the Annual General Appropriations Act of the Department of
26 Transportation.

27 Section 15. *Penalties.* –

28 a. Any person who shall willfully interfere with, restrain or coerce any member
29 of the tricycle sector in the exercise of rights, or shall in any manner act in
30 violation of Sections 8, 9 or 10 of this Act shall, upon conviction, be
31 punished by a fine of not less than Fifty Thousand Pesos (P50,000.00) but
32 not more than Five Hundred Thousand Pesos (P500,000.00) or

1 imprisonment not exceeding one (1) year or both, at the discretion of the
2 court.

3 b. A driver who operates a tricycle without the necessary MTOP to be
4 observed by the tricycle sector in pursuit of cleaner technologies and in
5 accordance with Republic Act No. 8479, otherwise known as the "Clean Air
6 Act", including any who incurs delinquency in payment of fees that is
7 tantamount to an incomplete application for an MTOP, operates in
8 highways without valid authorization, transports passenger and/or goods
9 beyond the limitations on the number of passengers and on load capacity,
10 or operates a tricycle not compliant with environmental laws shall be
11 punished by a fine of not less than Five Hundred Pesos (P500.00) but not
12 more than Two Thousand Pesos (P2,000.00) or the impoundment of the
13 tricycle by an enforcement agency for a period of two (2) months.

14 c. An operator who operates without the necessary MTOP or authority to
15 operate in highways or employs a driver without the requisite license to
16 drive a tricycle, including those below the age of majority, or allows a driver
17 to operate a tricycle that is not roadworthy or with unauthorized
18 modification affecting vehicle safety, shall be punished by a fine of not less
19 than Five Hundred Pesos (P500.00) but not more than Two Thousand Pesos
20 (P2,000.00). The second and succeeding offenses shall warrant the
21 revocation of the MTOP or franchise and the perpetual disqualification from
22 being issued the said privilege.

23 d. If the offender is a public official, the court may, in addition to the penalties
24 provided in the preceding paragraph, impose the penalty of disqualification
25 from office.

26 Sec. 16. *Implementing Rules and Regulations (IRR)*. - The DOTr, in
27 coordination with the LTO, LTFRB, SSS, PhilHealth, DOLE, TESDA, DOST, DTI and the
28 Department of the Interior and Local Government (DILG), shall issue the IRR of this
29 Act within ninety (90) days from its effectivity. The IRR shall include the guidelines for
30 the allocation of the fund for subsidizing the SSS or PhilHealth premiums of the
31 members of the tricycle sector and the programs that will benefit them.

1 **Sec. 17. *Separability Clause.*** – If any provision of this Act is declared invalid or
2 unconstitutional, the provisions not affected thereby shall continue to be in full force
3 and effect.

4 **Sec. 18. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or
5 parts thereof which are contrary to or inconsistent with the provisions of this Act are
6 hereby amended, repealed or modified accordingly.

7 **Sec. 19. *Effectivity.*** – This Act shall take effect immediately after fifteen (15)
8 days from its publication in the Official Gazette or in a newspaper of general
9 circulation.

Approved,