

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



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SENATE
S.B. No. 2711

RECEIVED BY: 

Introduced by **SENATOR IMEE R. MARCOS**

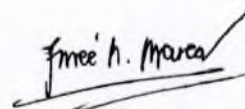
AN ACT
PROVIDING FOR THE MAGNA CARTA FOR TRICYCLE DRIVERS
AND OPERATORS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Tricycles can be regarded as an essential component of the Philippine transportation industry and has become part of the daily lives of commuters in the country. The humble motorcycle with a sidecar which can sit at least three (3) commuters enable every Filipino to affordably and conveniently be transported from point A to point B without need of owning their own vehicles. Due to its accessibility to every Filipino, indubitably, it has become one of the preferred modes of transportation in almost every corner of the country.

This measure further advances the rights and protection of the players in the tricycle sector and the role of the local government units (LGUs) in ensuring the said goal through the simplified registration and issuance of the Motorized Tricycle Operators Permits (MTOPs), as well as motorist awareness and safety programs to educate and raise awareness to motorists on road safety.

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



IMEE R. MARCOS

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AN ACT
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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
2 Tricycle Drivers and Operators."

3 SECTION 2. Declaration of Policy. – It is the policy of the State to promote
4 the welfare of the members of the tricycle sector and protect their rights by
5 formulating policies, providing assistance, and initiating programs that encourage
6 their socio-economic advancement.

7 SECTION 3. Definition of Terms. – Pursuant to this Act, the following terms
8 shall mean:

9 a. Colorum – a private vehicle operated as public utility without the
10 benefit of a valid and existing special permit, provisional authority, or franchise;

11 b. Motorist Awareness and Safety Program – a program intended to
12 educate and raise awareness to motorists on road safety

13 c. Motorized Tricycle Operators Permit (MTOP) – the permit that
14 authorizes the holder to operate a tricycle for public transport;

15 d. Sanggunian – the Sangguniang Panlungsod or the Sangguniang Bayan,
16 as the case may be;

17 e. Tricycle – a motor vehicle composed of a motorcycle fitted with a
18 single-wheel sidecar, or a motorcycle with a two-wheel rear cab, the former having a

1 total of three wheels and the latter having a total of four wheels, otherwise known
2 as the motorela;

3 f. Tricycle Operators and Drivers' Association (TODA) – an organization
4 of the tricycle operators and drivers recognized by a local government unit;

5 g. Tricycle Sector – a group consisting of drivers and operators of
6 tricycles for public transportation in the Philippines.

7 SECTION 4. Regulation of Operation. – The cities and municipalities shall
8 regulate the operation and grant permits for the operation of tricycles within their
9 territorial jurisdiction, subject to the guidelines prescribed by the Department of
10 Transportation (DOTr), the Land Transportation Office (LTO) and the Land
11 Transportation Franchising and Regulatory Board (LTFRB).

12 SECTION 5. Issuance of Motorized Tricycle Operators Permit (MTOP) and
13 Creation of the Tricycle Operation Plan. – Prior to the issuance of the MTOPs, the
14 LGUs shall submit a Tricycle Operation Plan which includes, among others, the
15 tricycle routes and zones, designation of terminals, maximum number of tricycles
16 operating within their jurisdiction, and maximum number of allowed passengers
17 and/or goods, among others. Such plan shall be subject to the approval of the DOTr
18 and must comply with the guidelines promulgated therefor with the end goal of
19 ensuring efficiency, integration, and safety of the transportation system.

20 SECTION 6. Registration and Issuance of the MTOP. – A simplified procedure
21 of registration and issuance of the MTOP shall be implemented. The registration fee
22 for the application for an MTOP shall not exceed One Thousand Pesos (Php
23 1,000.00). The fee shall cover the cost of the issuance of the MTOP, filing fee,
24 franchise fee, inspection fee, fare adjustment fee, amendment, regulatory, and all
25 other fees. No other fees shall be exacted from the tricycle sector business activities
26 or enterprise other than the aforementioned registration fee.

27 SECTION 7. Registration and Compliance Validation. – The LGU shall ensure
28 that the tricycle unit is registered with the LTO prior to the issuance of any MTOP. It
29 shall also validate that the tricycle unit is compliant with roadworthiness standards
30 and environmental regulations.

1 SECTION 8. Operational Guidelines. – The LGU having territorial jurisdiction
2 over the city or municipality where the tricycle is registered shall ensure that the
3 following guidelines are observed and implemented:

4 a. For safety reasons, no tricycle should operate on national highways
5 utilized by 4-wheel vehicles greater than four (4) tons and where normal speed
6 exceed forty (40) kilometers per hour. However, the concerned may provide
7 exceptions if there are no transportation services or modes servicing the said route,
8 either along the highway or crossing the same, other than tricycles, subject to the
9 approval of the DOTr. Provided, however, that when such operation is allowed, the
10 LGU is mandated to provide appropriate signages, marks for lanes and other safety
11 features to guide and protect the tricycles utilizing the highways;

12 b. Zones must be within the boundaries of the municipality or city.
13 Existing zones within more than one municipality or city, however, shall be
14 maintained. Provided that, operators serving said zones shall secure MTOPs from
15 each of the municipalities and/or cities having jurisdiction over the areas covered by
16 the zone;

17 c. A color coded scheme operating in the same zone may be imposed.
18 Each tricycle unit shall be assigned and bear an identification number, aside from its
19 LTO license plate number;

20 d. An operator wishing to terminate its service should report in writing
21 such termination or suspension to the Sanggunian which originally granted the
22 MTOP;

23 e. The MTOP shall be valid for three (3) years, renewable for the same
24 period. Transfer to another zone, change of ownership of unit or transfer of MTOP
25 shall be construed as an amendment to an MTOP and shall require appropriate
26 approval of the Sanggunian;

27 f. Operators shall employ only drivers possessing professional licenses
28 duly issued by the LTO. For this purpose, the LTO shall issue guidelines, including
29 theoretical and practical examinations, appropriate for drivers of tricycles;

30 g. No tricycle-for-hire shall be allowed to carry more passengers and/or
31 goods than it is designed for; and

1 h. A tricycle-for-hire shall be allowed to operate like a taxi service where,
2 aside from rendering services in the designated terminals, the tricycle can be
3 flagged-down or engaged by passengers on the road within its authorized zone of
4 operation.

5 SECTION 9. One-Stop Shop for the Tricycle Sector. – All LGUs shall establish a
6 One-Stop Shop Center for the tricycle sector which shall handle all transactions and
7 processing of the MTOP applications within their respective jurisdiction. The Center
8 shall ensure that the processing of the MTOP shall commence on the day of their
9 application and the registration shall be released within two (2) working days upon
10 submission of the complete requirements.

11 SECTION 10. Rights and Benefits of Members of the Tricycle Sector. – The
12 members of the tricycle sector shall have the following rights:

13 a. Self-organization to collectively negotiate with government and other
14 entities in the promotion of their welfare and advancement of their interests free
15 from any political interference or favor;

16 b. Informed participation in decision-making processes relevant to the
17 concerns of their sector through their legitimate organizations. Towards this end,
18 they shall be represented in all public hearings for laws, ordinances, or regulations
19 that will affect their sector;

20 c. Safe working conditions with access to medical care services and
21 insurance;

22 d. Freedom from any form of discrimination, violence, exploitation, or
23 harassment;

24 e. Freedom from any form of discrimination, violence, exploitation, or
25 harassment;

26 f. Freedom from deprivation of property without valid cause and due
27 process of law;

28 g. Equal access to information on how to safeguard their rights according
29 to law;

30 h. Access to programs, trainings and vocational courses aimed at
31 improving their skills and promoting road safety and awareness; and

1 i. Safeguard from hazardous work, activity of undertaking, or from
2 exposure to hazardous working conditions.

3 SECTION 11. Role of the Local Government Units - LGUs shall have the
4 following responsibilities:

5 a. The LGU shall have continuous dialogues with the tricycle sector to
6 identify and designate viable routes and terminals within their jurisdiction. Terminals
7 shall be in proximity to public buildings, public markets, commercial centers and
8 other similar places;

9 b. The Sangguniang concerned shall, within ninety (90) days after
10 consultations with the stakeholders, designate the routes and terminals of tricycles
11 as specified in this Act through an Ordinance;

12 c. Adjustments on tricycle routes and terminals may be made. Provided
13 that, recommendations from the tricycle drivers and operators are prioritized;

14 d. In partnership with DOTr, LTO and LTFRB, programs on road safety
15 and awareness for tricycle drivers and operators shall be conducted. The LGUs shall
16 require all holders of MTOP within its jurisdiction to undergo said program. Further,
17 LGUs shall partner with the DOLE and TESDA for vocational courses on auto-
18 mechanics and related courses like engine repair and maintenance which shall be
19 offered to the tricycle sector; and

20 e. LGUs shall provide for alternative livelihood and skills- training
21 programs for the tricycle sector to provide more economic opportunities.

22 SECTION 12. Government Support to Tricycle Sector. – All concerned
23 government agencies, offices and institutions shall include plans, programs, projects
24 and activities that will support the concerns of the tricycle drivers.

25 SECTION 13. Grievance Committee. – LGUs shall form a committee to act as
26 a grievance mechanism to address the concerns of the members of the tricycle
27 sector.

28 SECTION 14. Phase-in of More Efficient Engines. – Within thirty (30) days
29 after the effectivity of this Act, the DOST and the DOTr shall create a program
30 promoting more efficient engines and cleaner technologies that may be used by the
31 tricycle sector.

1 SECTION 15. Mandatory Membership in Social Security System (SSS) and
2 PhilHealth – The SSS and the PhilHealth shall, within ninety (90) days from the
3 effectivity of this Act, promulgate guidelines for the mechanism of collecting
4 premiums from members of the tricycle sector.

5 Tricycle drivers shall, in addition to SSS and healthcare coverage, be provided
6 accident Insurance coverage to compensate for damage or injury acquired such as
7 death, disability, limb amputations, loss of sight, hearing, and speech, including the
8 loss of thumb or the index finger.

9 Tricycle drivers are also entitled to legal assistance in the exercise and pursuit
10 of their rights herein granted.

11 SECTION 16. Appropriation. - An initial appropriation of One Billion Pesos
12 (P1,000,000,000.00) is hereby appropriated for this Act. Thereafter, the amount
13 needed for the effective implementation of this Act shall be included in the General
14 Appropriations Act.

15 SECTION 17. Penalties. –

16 a. A driver who operates a tricycle without the necessary MTOP to be
17 observed by the tricycle sector in pursuit of cleaner technologies and in accordance
18 with Republic Act 8479, otherwise known as the "Clean Air Act," including any who
19 incurs delinquency in payment of fees that is tantamount to an incomplete
20 application for an MTOP, operates in highways without valid authorization as
21 mentioned in Section 8 (a) hereof transports passenger and/or goods beyond the
22 limitations on the number of passengers and on load capacity, or operates a tricycle
23 not compliant with environmental laws shall be punished by a fine of not less than
24 Five Hundred Pesos (Php 500.00) but not more than Two Thousand Pesos (Php
25 2,000.00) or the impoundment of the tricycle by an enforcement agency for a period
26 of two (2) months.

27 b. An operator who operates without the necessary MTOP or authority to
28 operate in highways employs a driver without the requisite license to drive a tricycle,
29 including those below the age of majority, or allows a driver to operate a tricycle
30 that is not roadworthy or with unauthorized modification affecting vehicle safety,
31 shall be punished by a fine of not less than Five Hundred Pesos (Php 500.00) but not
32 more than Two Thousand Pesos (Php 2,000.00) or the impoundment of the tricycle

1 by an enforcement agency for a period of two (2) months. The second and
2 succeeding offenses shall warrant the revocation of the MTOP or franchise and the
3 perpetual disqualification from being issued the said privilege.

4 c. Any person who shall willfully interfere with, restrain or coerce any
5 member of the tricycle sector in the exercise of rights or shall in any manner act in
6 violation of Section 10 of this Act shall, upon conviction, be punished by a fine of not
7 less than Fifty Thousand Pesos (Php 50,000.00) but not more than Five Hundred
8 Thousand Pesos (Php 500,000.00) or imprisonment not exceeding (1) year or both,
9 at the discretion of the court.

10 d. A public officer or employee who acts in violation of Sections 4, 5, 6, 7,
11 8 and 9 hereof shall, in addition to administrative and criminal liability under existing
12 laws, be penalized with one-month to six-month suspension from office, at the
13 discretion of the court.

14 SECTION 18. Implementing Rules and Regulations (IRR). – Within ninety (90)
15 days from the effectivity of this Act, the DOTr, in coordination with the LTO, LTFRB,
16 SSS, PhilHealth, DOLE, TESDA, DOST, DTI and DILG, shall issue the rules and
17 regulations necessary to implement this Act. Further, the IRR shall include the
18 guidelines for the allocation of the fund for subsidizing the SSS or PhilHealth
19 premiums of the members of the tricycle sector and the programs that will benefit
20 them.

21 SECTION 19. Separability Clause. – If any provision, or part hereof, is held
22 invalid or unconstitutional, the remainder of the law or the provision not otherwise
23 affected shall remain valid and subsisting.

24 SECTION 20. Repealing Clause. – Any law, presidential decree or issuance,
25 executive order, letter of instruction, administrative order, rule, ordinance, or
26 regulation contrary to or inconsistent with, the provisions of this Act is hereby
27 repealed, modified, or amended accordingly.

28 SECTION 21. Effectivity Clause. – This Act shall take effect fifteen (15) days
29 after its publication in at least two (2) newspapers of general circulation.

30