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SENATE
S. B. No. 2202

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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:

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.

The Department of Transportation and Communications reported that 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, have been occupying a larger role in the public commuter's life.

In a 1999 study conducted by the Asian Development Bank on the transport industry in Quezon City and Palawan 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, a proliferation of tricycles over the past years is noticeable. Based on the data from 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 when combined as traffic-related injuries 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 granting 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 they handle 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.


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(4) “Motorist awareness program” means any informational or public awareness program designed to enhance motorist awareness that is developed by or in coordination with the Land Transportation Office and the local government unit authority having jurisdiction over tricycle regulation;

(5)“LTO” means the Land Transportation Office;

(6)“TESDA” means the Technical Education and Skills Development Authority.

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

- (1) Develop and implement a nationwide Tricycle Driver Safety Program in coordination with tricycle regulation offices of local government units.
- (2) Develop and implement a nationwide Motorist Awareness Program in coordination with the tricycle regulation offices of local government units.
- (3) Collect and analyze data on tricycle accidents and other information that can be used to monitor the effectivity of the programs and for research, technical assistance, and policy development;
- (4) Provide continuous information and awareness campaigns to the target drivers and the general public on transportation safety issues.

SECTION 4. *Role of Local Government Units.* – The office of each local government unit that is in charge of regulating the tricycle sector in their jurisdiction shall ensure that tricycle drivers shall not operate without first undergoing the Tricycle Driver Safety Program. A franchise shall not be granted until a certification issued by the LTO to the driver/applicant has been presented.

SECTION 5. *Appropriations.* – To carry out the provisions of this Act, such amount as may be necessary is hereby authorized to be appropriated from the National

Treasury. Thereafter, the amount necessary for the continuous operation of the program shall be included in the annual appropriations of the Land Transportation Office.

SECTION 6. *Separability Clause.* — If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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