

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
3569
House Bill No. _____



Introduced by **Representative Ferdinand L. Hernandez**
& **Representative Ron P. Salo**

AN ACT
ALLOWING AND REGULATING THE USE OF MOTORCYCLE AS PUBLIC
UTILITY VEHICLES, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.
4136 OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND TRAFFIC
CODE, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This Bill aims to provide safe and efficient alternative mode of public transport by allowing and regulating the use of motorcycles-for-hire as public utility.

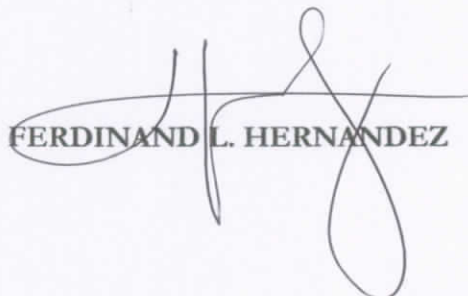
“Habal-Habal” and motorcycle ride-sharing services are commonly accepted as a means of public transportation in rural and metropolitan areas. However, these motorcycles-for-hire are not registered as such. Their business operations are considered illegal and are not covered by any kind of insurance.

This bill will require operators of motorcycles-for-hire insurance coverage for the driver, rider and third party. This bill will also mandate the Department of Transportation (DOTr) and the Land Transportations and Regulatory Board (LTFRB) to coordinate with local government units to prescribe the routes and require the establishment of terminals.

Regulating the business operation of motorcycle-for-hire will protect both the operator and the riding public. Hence, operators of motorcycles-for-hire are eventually given the authority to register their motor vehicle as a public transport and are obliged to be governed by the law on common carrier.

This measure has had its success in the last Congress, having been approved on third and final reading. It is prayed that in the 18th Congress this measure be finally approved and enacted into law.

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


FERDINAND L. HERNANDEZ


RON P. SALO

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

SECTION 1. *Title* – This Act shall be known as the “Motorcycles-for-Hire Act”.

SEC 2. *Declaration of Policy.* – It is the policy of the State to render basic services to the people and promote their safety and general welfare. Towards this end, the use of motorcycles as an alternative mode of public transportation is hereby allowed and regulated in recognition of the need to provide convenience and ease of commute in urban and rural areas while ensuring public safety and the efficiency of the transportation system as a whole.

Sec.3. – Section 3 of Republic Act. No. 4136 or the Land Transportation and Traffic Code is hereby amended by adding a new word which shall be defined as follows:

“(N) MOTORCYCLES-FOR-HIRE – ANY TWO-WHEELED MOTOR VEHICLE THAT MAY BE REGISTERED WITH THE LAND TRANSPORTATION OFFICE AS FOR HIRE AND MAY BE USED AS COMMERCIAL VEHICLES TO TRANSPORT PASSENGERS AND GOODS: PROVIDED, THAT FOR TRANSPORTING PASSENGERS, THE MOTORCYCLES SHALL HAVE A MINIMUM ENGINE DISPLACEMENT OF 125 CUBIC CENTIMETERS AND A BACKBONE-TYPE BUILT.”

SEC. 4. – Section 7 (d) of Republic Act. No. 4136 is hereby amended to read as follows:

“Section 7. Registration Classification. – Every motor vehicle shall be registered under one of the following described classification:

- (a) xxx
- (b) xxx
- (c) xxx
- (d) Public utility automobiles; (e) public utility trucks; (f) taxis and auto-calesas; (g) garage automobiles; (h) garage trucks; (i) hire trucks; [and] (j) trucks owned by contractors and customs brokers and customs agents[.]; **AND (K) MOTORCYCLES-FOR-**

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HIRE. Application for registration under these classifications shall be accompanied by a certificate of public convenience or as special permit issued by the **LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD** [Public Service Commission], and motor vehicles registered under these classifications shall be subject to the Public Service Law, rules and regulations, as well as the provisions of this Act.
xxx.”

SEC. 5. Roadworthiness of Motorcycles-for-hire. The Land Transportation Office (LTO) shall ensure the roadworthiness of motorcycles-for-hire before registration or renewal of registration. To further ensure safety, no modification shall be made on motorcycles-for-hire, except the installation based on safe engineering design specifications, of motorcycle luggage carrier, saddlebag, step board or foot peg and appropriate speed limiter and monitoring device.

SEC. 6. Issuance of Driver's License. Pursuant to Section 23-A of the Land Transportation and Traffic Code, as amended by Republic Act. No. 10930, the LTO shall promulgate the necessary prerequisites and guidelines for the issuance of licenses to the driver-applicants, including the theoretical and practical examinations appropriate for motorcycles-for-hire. The LTO shall also ensure the continuous safety training of licensed drivers of motorcycles-for-hire.

SEC. 7. Fare Setting. The Land Transportation Franchising and Regulatory Board (LTFRB) shall determine, prescribe, approve and periodically review and adjust, reasonable fares, rates and other related charges for the operation of motorcycles-for-hire. The LTFRB may allow motorcycles-for-hire to choose and use online ride-hailing or pre-arranged transportation platforms, accredited by the proper government agency under existing laws, but the said companies or platforms shall comply with this Act and other regulations on motorcycles-for-hire, including fare setting.

SEC. 8. Prescribing of Routes. In prescribing routes, the Department of Transportation (DOTr) and the LTFRB shall give priority to higher-capacity vehicles or mass transit systems in accordance with route rationalization studies. Motorcycles-for-hire may be allowed to operate for a limited period, with limited number of units and in specific routes only, as may be determined by DOTr and the LTFRB, in coordination with concerned local government units.

SEC. 9. Penalties – The operation of motorcycles-for-hire in violation of this Act shall be penalized pursuant to the violations and fines and penalties provided under existing laws and agency regulations: *Provided*, That companies, or the officers or directors thereof, providing online ride-hailing or pre-arranged transportation platforms involving motorcycles without a valid franchise, shall have solidary liability and shall be penalized accordingly.

SEC. 10. Implementing Rules and Regulations. The DOTr, LTO and LTFRB, in collaboration with the MMDA, Department of Interior and Local Government, Philippine National-Highway Patrol Group, Department of Health and other agencies and stakeholders, shall promulgate the necessary implementing rules and regulations (IRR) within sixty (60) days from the effectivity of this Act.

The IRR shall include , among others, limitation on the number of riders and the weight or load capacity that can be carried as certified safe by manufacturers, with the requirement that such limitations must be indicated on the motorcycles; the applicable speed limits; the road safety and traffic laws and regulations that need to be complied with; the necessary insurance

policy covering the driver, rider and third party, including extent of liabilities; the designation of terminals; and other requirements for the safety, security and health of the driver and rider.

SEC. 11. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect other provisions of this Act.

SEC.12. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,