

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )



'19 FEB 11 A11 :01

RECEIVED

**SENATE**  
**P. S. RES. No. 1020**

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Introduced by Senator SONNY ANGARA

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**RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REVIEW OF REPUBLIC ACT NO. 4136, AS AMENDED, WITH THE END IN VIEW OF UPDATING THE PROVISIONS ON PENALTIES OF VIOLATION OF SAID ACT**

1 WHEREAS, it is the declared policy of the State to safeguard its citizenry from  
2 the ruinous and extremely injurious effects of vehicular accidents and to ensure the  
3 adequate maintenance of national and provincial roads. Toward this end, several  
4 laws were enacted regulating the use of motor vehicles in the country;

5 WHEREAS, Republic Act No. 4136 otherwise known as the Land  
6 Transportation and Traffic Code was enacted in 1964 providing among others  
7 penalties for violations of the said Act. This Act was later on amended by Batas  
8 Pambansa Blg. 74 which regulates registration of motor vehicles, Executive Order  
9 No. 43, s. 1986 which rationalizes the structure of the tax on private motor vehicle,  
10 and Republic Act No. 8794 which imposes Motor Vehicle User's Charge;

11 WHEREAS, Section 3 (4) and (14), Chapter I, Title XV, Book III of Executive  
12 Order No. 292 otherwise known as the Administrative Code of 1987 gives the  
13 Department of Transportation and Communication the authority to "[a]dminister and  
14 enforce all laws, rules and regulations in the field of transportation and  
15 communications" and to "[e]stablish and prescribe the corresponding rules and  
16 regulations for enforcement of laws governing land transportation, air transportation  
17 and postal services, including the penalties for violations thereof";

18 WHEREAS, on June 2, 2014, the Land Transportation Office, Land  
19 Transportation Franchising and Regulatory Board, and Department of Transportation

1 and Communication issued Joint Administrative Order No. 2014-01 which provides  
2 for the revised schedule of fines and penalties for violations of laws governing land  
3 transportation;

4 WHEREAS, despite the absence of any provision in Republic Act No. 4136, as  
5 amended, granting the implementing agency the authority to revise the penalties  
6 provided therein, Joint Administrative Order No. 2014-01 essentially amends  
7 Republic Act No. 4136 by increasing the penalties provided under said law;

8 WHEREAS, notwithstanding the laudable intentions behind Joint  
9 Administrative Order No. 2014-01, the same clearly violates the well-established  
10 principle that administrative issuances cannot amend an act of Congress as the  
11 former cannot purport to do any more than implement the latter (*Purísima v.*  
12 *Philippine Tobacco Institute*, G.R. No. 210251, April 17, 2017);

13 WHEREAS, there is a need to balance the need to intensify existing laws  
14 regulating the use of motor vehicles in the country so that these laws will  
15 continuously be effective in achieving its intended goals and the legality of the  
16 approach in attaining said goals;

17 NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the  
18 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the  
19 review of Republic Act No. 4136, as amended, with the end in view of reviewing and  
20 updating the provisions on penalties of violation of the said Act. The Land  
21 Transportation Office, Land Transportation Franchising and Regulatory Board, and  
22 Department of Transportation and Communication are likewise urged to revisit Joint  
23 Administrative Order No. 2014-01 and remove the provisions inconsistent with  
24 Republic Act No. 4136, as amended.

Adopted,



**SONNY ANGARA**

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



19 FEB 11 AIO :59

SENATE

S.B. No. 2210

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Introduced by Senator SONNY ANGARA

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AN ACT  
ALLOWING AND REGULATING THE USE OF MOTORCYCLES 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

Currently, the Land Transportation and Traffic Code, or Republic Act 4136, only allows the registration of motorcycles for either private or government use, outlawing its listing as a vehicle for hire. However, individuals, and even unaccredited transport groups, continue to utilize motorcycles for public transport despite the explicit prohibition of such operation under the same law.

Motorcycles-for-hire or *habal-habal* have been long used, even becoming a primary mode of public transportation in the provinces. Without mandatory specifications for safety, these motorcycles are modified to accommodate up to 11 passengers which undoubtedly endanger not only passengers, but also other motorists and pedestrians on the road.

In recent years, companies begun offering a similar motorcycle-for-hire service as an alternative to ride-sharing schemes in cities and surrounding urban areas. The worsening traffic congestion in main thoroughfares still forces commuters to use motorcycle ride-hailing apps as a fast and affordable option to reach their destination on time, in spite of being unregulated.

In recognition of this growing public need, this measure legalizes the use of motorcycles-for-hire by amending the Land Transportation and Traffic Code to finally permit public utility motorcycles. The regulation extended by this Bill establishes motorcycle-for-hire service as a legitimate livelihood and as a legally-recognized mode of public transportation that protects both operators and passengers.

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

SONNY ANGARA

1           **MOTORCYCLE SHALL HAVE A MINIMUM ENGINE DISPLACEMENT OF**  
2           **125 CUBIC CENTIMETERS AND A BACKBONE TYPE BUILT."**

3           Sec. 4. – Section 7 (d) of Republic Act No. 4136 or the Land Transportation  
4 and Traffic Code is hereby amended to read as follows:

5           "Sec. 7. *Registration Classification.* – Every motor vehicle shall be registered  
6 under one of the following described classifications:

7           (a) xxx

8           (b) xxx

9           (c) xxx

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

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

21          xxx."

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

28          Sec. 6. *Issuance of Driver's License.* – Pursuant to Section 23-A of the Land  
29 Transportation and Traffic Code, as amended by Republic Act No. 10930, the LTO  
30 shall promulgate the necessary prerequisites and guidelines for the issuance of  
31 licenses to the driver-applicants, including the theoretical and practical examinations

1 appropriate for motorcycles-for-hire. The LTO shall also ensure the continuous  
2 safety training of licensed drivers for motorcycles-for-hire.

3       *Sec. 7. Separability Clause.* – If any provision of this Act is held invalid or  
4 unconstitutional, the other provisions not so declared shall remain in force and effect.

5       *Sec. 8. Repealing Clause.* – All laws, decrees, orders, rules and regulations  
6 contrary to or inconsistent with the provisions of this Act are hereby repealed or  
7 amended accordingly.

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

Approved,