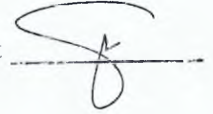


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

'22 JUL 12 P5:21

**SENATE**

RECEIVED BY



**S.B. No. 430**

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Introduced by SENATOR RONALD "BATO" DELA ROSA

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

**EXPLANATORY NOTE**

The use of tricycle as a mode of transportation in the Philippines dates back as early as 1946. As they are considered as the "vehicle of the masses", tricycle has been the basic mode of transportation of many Filipinos. In such capacity, it has become one of the basic sources of income of many of our kababayans in cities and even in the farthest barangay of the country.

According to the report, there are an estimated 4.5 million registered tricycles on Philippine roads<sup>1</sup> in 2018. In 2021, the number of registered motorcycles and tricycles were down to approximately four million.<sup>2</sup>

It is high time that we give value to our tricycle drivers and operators to their contribution to the daily life of the ordinary Filipinos and to economic development.

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<sup>1</sup> <https://gulfnnews.com/world/asia/philippines/philippines-jeepneys-and-tricycles-game-over-1.1548007857224>

<sup>2</sup> <https://www.statista.com/statistics/708054/number-of-registered-private-motorcycles-and-tricycles-in-the-philippines/>

The proposed measure substantially ensures the basic rights for the protection and safeguard of tricycle drivers and operators. Particularly, it stipulates the requirements in the proper operation of tricycles for a safer and more organized sector. A more simplified registration system will be imposed in the application and issuance of motorized tricycle operator permit (MTOP). In conjunction with this, a TODA one-stop-shop is mandated to be established in every local government unit in order to cater for all the transaction of tricycle drivers and operators.

The bill further advances the rights and protection of the tricycle sector by mandating the Social Security System and the Philippine Health Insurance Corporation to assure the provision of health care and social benefits to the members of the sector. The proposed measure, by the same token, outlines the critical role of the LGU and other government agencies and financial institutions in the support to the sector.

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

  
**RONALD "BATO" DELA ROSA**

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**AN ACT**  
**PROVIDING FOR A MAGNA CARTA OF TRICYCLE DRIVERS AND**  
**OPERATORS, INSTITUTIONALIZING MECHANISMS 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 "**TODA Act**".

2 Sec. 2. *Declaration of Policy.* - It is the declared policy of the State to uplift the  
3 life and promote the interest of the members of the tricycle sector by recognizing and  
4 protecting their rights and their contributions to the local economy.

5 Towards this end, the State shall provide adequate social protection and  
6 mechanisms that will ensure the maximization of their potential and economic  
7 advancement.

8 Sec. 3. *Definition of Terms.* - As used in this Act:

9 a. *Motorized Tricycle Operator Permit (MTOPE)* refers to the permit issued  
10 by the LGU concerned that authorizes the holder to operate a tricycle  
11 for public transport;

12 b. *Tricycle* refers to a motorized vehicle which may be composed of a  
13 motorcycle fitted with a single-wheel sidecar or a motorcycle with a two-  
14 wheel rear cab; and

15 c. *Tricycle Sector* refers to the sector consisting of drivers, operators and  
16 owners of tricycle for public transportation.

1           Sec. 4. *Requirements for Operation of Tricycle.* - Tricycles shall only be  
2 operated in accordance with the following requirements:

- 3           a. Subject to the road worthiness guidelines and compliance with  
4 environmental laws prescribed by the Department of Transportation  
5 (DOTr) thru the Land Transportation Office (LTO), the cities and  
6 municipalities shall continue to exercise the power to regulate the  
7 operation of tricycles and grant permits for the operation thereof within  
8 their territorial jurisdiction.
- 9           b. For safety reasons, no tricycle shall operate on national highways where  
10 the maximum speed limit exceeds forty (40) kilometers per hour.  
11 However, the concerned *Sanggunian* may provide exceptions if there are  
12 no available public transportation services or modes servicing the route.
- 13           c. Operators shall employ only drivers possessing professional licenses duly  
14 issued by the LTO. For this purpose, the LTO shall issue guidelines,  
15 including theoretical and practical examinations, appropriate for drivers  
16 of tricycles.
- 17           d. The LTO is mandated to formulate and issue safety standards and the  
18 allowable designs and modifications, taking into consideration the needs  
19 of the vulnerable groups, and determine the limitations on passengers  
20 and weight capacity.
- 21           e. Cities and Municipalities may adopt a color coding scheme for tricycle  
22 operating in their jurisdiction. They may assign an identification number  
23 assigned from the license plate number issued by the LTO.
- 24           f. MTOP issued shall be valid for three (3) years, renewable for the same  
25 period. Change of ownership of unit or transfer of the MTOP shall be  
26 considered as an amendment to an MTOP and shall require approval of  
27 the local government unit (LGU) which issued the same.

28           Cities and municipalities shall impose no other requirement or condition for  
29 tricycle operation except those provided in this Act.

30           Sec. 5. *Application for MTOP.* - A simple systematic procedure shall be  
31 adopted for application and issuance of the MTOP in accordance with the conditions  
32 set forth in this Act. The application fee shall not exceed one thousand pesos

1 (P1,000.00). The said fee shall cover the cost of the issuance of MTOP, filing fee,  
2 franchise fee inspection fee, regulatory and other related fees. No other fees shall be  
3 collected from the applicant other than the fee mentioned in this Section.

4 LGUs may adjust the fee prescribed herein once every five (5) years; Provided,  
5 That in no case shall the increase be more than 5% of the prevailing fee.

6 *Sec. 6. TODA One-Stop Shop Center.* - Concerned LGUs shall establish a TODA  
7 One-Stop Shop Center which shall handle all transactions and processing of the  
8 business permit applications within their respective jurisdiction. The Center shall  
9 ensure that the processing of application for MTOP shall be acted upon within three  
10 (3) days from receipt of said application.

11 *Sec. 7. Rights of Members of the Tricycle Sector.* - Members of the Tricycle  
12 Sector shall have and enjoy 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  
15 interests free from any political interference or favor;
- 16 b. Informed participation in policy making processes relevant to the  
17 concerns of their sector through their legitimate organizations;
- 18 c. Safe working conditions and access to medical care services;  
19 Freedom from discrimination, violence, exploitation, or harassment.

20 *Sec. 8. Membership in Social Security System (SSS) and Philippine Health*  
21 *Insurance Corporation (Philhealth).* - The SSS and the Philhealth shall ensure the  
22 inclusion of the members of the tricycle sector to their respective corporation. They  
23 shall also ensure that members of the tricycle sector are informed of the benefits that  
24 they are entitled to as members of the SSS and Philhealth.

25 *Sec. 9. Role of the Local Government Unit* - LGUs shall have the following  
26 responsibilities:

- 27 a. LGUs after consultation with the tricycle sector shall identify and  
28 designate viable routes and terminals within their jurisdiction. Terminals  
29 shall be in proximity to public buildings, public markets, commercial  
30 centers and other similar places.

- 1           b. The Sangguniang concerned shall, within ninety (90) days after  
2           consultations with the stakeholders, designate the routes and terminals  
3           of tricycles as specified in this Act through an Ordinance.
- 4           c. In coordination with the DOTr, LTO and stakeholders, LCDs shall  
5           implement a tricycle maintenance program. This program shall provide  
6           the tricycle sector within their jurisdiction, training and instruction on  
7           preventive and periodic maintenance.
- 8           d. There shall be a mandatory Tricycle Drivers Safety Program by the  
9           concerned LGU with assistance from the LTO. The content and structure  
10          of the Tricycle Drivers Safety Program shall be formulated by the DOTr,  
11          LTO and other relevant government agencies. The LGUs shall require all  
12          holders of MTOP within its jurisdiction to undergo said program.
- 13          e. Vocational courses on auto-mechanics and related courses like engine  
14          repair and maintenance shall be offered to the tricycle sector. The  
15          Department of Labor and Employment and Technical Education and  
16          Skills Development Authority shall coordinate with LGUs to implement  
17          this Section.
- 18          f. LGUs shall provide for additional and alternative livelihood and skills-  
19          training programs for the tricycle sector. LGUs may, through ordinances  
20          or as condition of the issuance of MTOP, additional acts of violation in  
21          relation to operation of tricycles and the penalties therefor within their  
22          respective jurisdiction.

23           *Sec. 10. Government Support to Tricycle Sector.* - Concerned government  
24          agencies, government financial institutions and LGUs shall include plans, programs,  
25          projects and activities that are supportive of the concerns of the tricycle sector.

26           LGUs shall create a grievance mechanism to address the concerns of the  
27          members of the tricycle sector.

28           *Sec. 11. Promotion of Energy Efficient Engines.* - The DOTr and the Department  
29          of Science and Technology shall implement a continuing program to encourage  
30          manufacturers to develop environment friendly and energy efficient engines for the  
31          tricycle sector. The Department of Trade and Industry shall prescribe the standards

1 and specification for tricycle engines to be observed by the tricycle sector in  
2 accordance with Republic Act No. 8749, otherwise known as the Clean Air Act.

3         *Sec. 12. Implementing Rules and Regulations.* -The DOTr and Department of  
4 Interior and Local Government in consultation with Leagues of Cities and Municipalities  
5 and stakeholders shall promulgate the necessary rules and regulations for the effective  
6 implementation of this Act no later than ninety (90) days upon effectivity of this Act.

7         *Sec. 13. Separability Clause.* - If any portion or provision of this Act is declared  
8 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
9 remain in force and effect.

10         *Sec. 14. Repeating Clause.* - Any law, presidential decree or issuance, executive  
11 order, letter of instruction, rule or regulation inconsistent with the provisions of this  
12 Act is hereby repealed or modified accordingly.

13         *Sec. 15. Effectivity.* -This Act shall take effect fifteen (15) days following its  
14 complete publication in a newspaper of general circulation.

*Approved,*