

5 MAY 28 11:13

SENATE
S.B. No. **3289**

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. 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 while jeepneys and buses ply the primary roads of Quezon City; tricycles on the other hand, dominate the inner areas and communities. 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 an LTO 1990-2003 survey, motorcycle and tricycle registration generated a 212% increase in the Quezon City area. In 2004, the Tricycle Regulation Unit (TRU) of Quezon City reported a total of 20,316 registered tricycles.

Unfortunately, the increased volume of vehicles and commuters has also translated into a higher number of accidents. Pedestrian and vehicular accidents, when combined as traffic-

related injuries, account for 30% of injury in previously healthy children; 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. Tricycles handle differently than standard motorcycles; unfortunately, there are no mandatory tricycle driver safety training and awareness programs at the moment. This bill aims for such a program to be instituted at the national level with specific tasks to be delegated to the local government units. The power to regulate tricycles has devolved from the Land Transportation Franchising and Regulatory Board (LTFRB) to the cities and municipalities. Hence, each local government unit has the responsibility to ensure that safely driven tricycles ply their roads. This can be done through the establishment of a mandatory national safety program.


MIRIAM DEFENSOR SANTIAGO

9 MAY 28 P 2:43

SENATE
S. B. No. **3289**

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1 AN ACT
2 ESTABLISHING TRICYCLE DRIVER TRAINING AND
3 MOTORIST AWARENESS PROGRAMS

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Tricycle Driver Safety Act”

7 SECTION 2. *Declaration of Policy* - The State shall endeavor to protect commuters and
8 the general public by ensuring that transport operators and drivers, most notably, tricycle drivers,
9 are adequately trained in safe driving techniques.

10 SECTION 3. *Definitions.* – For purposes of this Act, the term:

11 A. TRICYCLE – means a motor vehicle composed of a motorcycle with not more
12 than two (2) cylinders of five hundred cubic centimeters (500cc) engine capacity
13 filled with single-wheel side car designed to accommodate four (4) passengers only
14 including the driver.

15 B. TRICYCLE DRIVER SAFETY PROGRAM - means any formal program of
16 instruction that provides accident avoidance and other safety-oriented operational
17 skills to tricycle drivers, including innovative training to meet unique regional
18 needs.

19 C. MOTORIST AWARENESS – means individual or collective motorist awareness
20 of--

21 (1) The presence of tricycles motorcycles on or near roadways;

1 (2) Safe driving practices that avoid injury to tricycles, motorcyclists,
2 bicyclists and pedestrians;

3 D. LTO -- means the Land Transportation Office;

4 E. TESDA – means the Technical Education and Skills Development Authority.

5 F. TODA - tricycle operators and drivers' association

6 G. DOTC – Department of Transportation and Communication

7 SECTION 4. *Creation and Implementation of a Tricycle Driver Safety Program.*

8 The LTO with the assistance of TESDA shall :

9 (1) Develop and implement a nationwide Tricycle Driver Safety Program. All
10 tricycle drivers must enroll in this program. Once the driver has passed this
11 program, the LTO shall issue a certification to the driver bearing such
12 information.

13 (2) Develop and implement a nationwide Motorist Awareness Program.

14 (3) Collect and analyze data on tricycle accidents and other information that can
15 be used to monitor the effectivity of the programs and for research, technical
16 assistance, and policy development;

17 (4) Provide continuous information and awareness campaigns to the target
18 drivers and the general public on transportation safety issues.

19 SECTION 5. *Role of Local Government Units.* – Each local government unit shall
20 coordinate with the LTO in the implementation of the Tricycle Driver Safety Program and the
21 Motorist Awareness Program. A franchise shall not be granted to the operator until all the
22 drivers of the said operator have been issued a certification from the LTO that they have passed
23 the Tricycle Driver Safety Program.

24 SECTION 6. *Appropriations.* –The amount necessary for the initial implementation of
25 this Act shall be charged against the appropriations of the DOTC under the current General

1 Appropriations Act. Thereafter, such sum as may be necessary for its full implementation shall
2 be included in the annual General Appropriations Act as a distinct and separate item.

3 SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
5 valid and subsisting.

6 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
8 with the provision of this Act is hereby repealed, modified, or amended accordingly.

9 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

11 Approved,

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