

## MALACAÑANG

Manila

LETTER OF INSTRUCTIONS NO. 1482

## DIRECTING THE LEGALIZATION OF "COLORUM" MOTORIZED TRICYCLES

TO: The Minister of Transportation and Communications  
The Minister of Finance  
The Minister of Local Government  
The Governor of Metropolitan Manila  
The Chairman of the Land Transportation Commission  
The Chairman of the National Police Commission  
The Chief of the Philippine Constabulary  
All City/Municipal Mayors/Sangguniang Panlungsod/Bayan Members  
All Concerned

WHEREAS, the National Government recognizes that the tricycle plays an important role in the existing public transportation hierarchy in municipalities, where it is, in most cases, the primary means of transportation;

WHEREAS, it is the policy of the National Government to allocate to the local governments a greater responsibility in permitting and controlling tricycle operations, consistent with the policy that the tricycle is more of a local government concern than a national one;

WHEREAS, the Ministry of Transportation and Communications (MOTC) and the Land Transportation Commission (LTC) are presently conducting a study on how to effect the decentralization of operations and the delegation of specific authorities to local officials regarding the franchising and licensing of motorized tricycles for public transport;

WHEREAS, the Ministry of Finance (MOP) and the Ministry of Local Government (MLG) have expressed their willingness to participate and assist in the aforementioned study;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested upon me by the Constitution and by law, and in order to rationalize and put to order the operations of tricycles in the country in the interest of public safety, do hereby order and direct:

SECTION 1. DECLARATION OF POLICY. The National Government recognizes the role of the tricycle as the principal mode of public transport especially in non-urban areas. The operations of motorized tricycles shall be controlled and properly legalized.




with the end in view of instituting effective management thereof. Being primarily a non-urban mode of transport, local governments are hereby tasked to actively participate in the regulation of motorized tricycles.

**SEC. 2. SCOPE.** The legalization program shall cover all illegally operated or "colorum" tricycles operating as of October 31, 1985, and shall be effective for a period of six (6) months starting November 1, 1985.

**SEC. 3. DEFINITION OF TERMS.** Whenever any of the following words or phrases is used in this Letter of Instructions, they shall be understood to mean as indicated:

1. **Tricycle** - is a motor vehicle propelled other than by muscular power, composed of a motorcycle fitted with a single-wheel sidecar or a motorcycle with a two-wheel rear cab, the former having a total of three wheels and the latter having a total of four wheels, otherwise known as the motorela.
2. **Legalization** - is the act of the Government to make the operations of tricycles legal and in order.
3. **Colorum** - is a private vehicle operated for public utility purposes without the benefit of a valid and existing special permit, provisional authority or franchise.
4. **Geographical Area of Responsibility (GAOR)** - is the area covered by a particular agency of the Land Transportation Commission (LTC).
5. **Route Measured Capacity (RMC)** - number of trips to sufficiently meet the passengers demand.
6. **Commission** - shall always be understood to refer to the Land Transportation Commission.
7. **Chairman** - refers to the Chief Executive Officer and Presiding Officer of the Commission.
8. **Regional Office** - is the administrative unit of the Commission maintained within a Region.
9. **Agency** - is the administrative unit of the Commission maintained and operated within the Geographical Area of Responsibility tasked with the registration of motor vehicles and the acceptance of applications for legalization of motorized tricycles recommended by the local government through the Mayor.

**SEC. 4. DUTIES AND RESPONSIBILITIES.** The following offices are to undertake the following functions:



1. Sangguniang Panlungsod/Bayan Through the Mayor shall -
  - a. Conduct a comprehensive survey of all existing tricycle routes within the city/municipality to determine the Route Measured Capacity (RMC).
  - b. Conduct an inventory of all existing and actually operating tricycle units in the city/ municipality.
  - c. Certify and submit to the Agency having jurisdiction over the city/municipality the survey results required under the immediately preceding paragraphs "a" and "b" and furnish a copy of the reports to the Regional Office and the Central Office of the Commission.
  - d. Receive, process and evaluate all applications filed under this program, collect the filing fee in the amount of One Hundred Pesos (P100.00) per unit and retain 75% thereof.
  - e. Submit to the Agency concerned all applications received and recommended together with all the documentary requirements every 15th day of each month enclosing therewith the corresponding Postal Money Order representing 25% of the filing fees collected.
  - f. Upon receipt of the Certificate of Public Convenience issued by the Commission approving the application under this program, the city/ municipality concerned shall distribute to the individual grantees said certificates.
  - g. The city/municipality shall closely monitor the progress of the program and cause the apprehension of units operated without appropriate Provisional Authority or Certificate of Public Convenience in coordination with the Commission.
2. National Police Commission (NAPOLCOM)/Integrated National Police (INP) shall -
  - a. Coordinate and support all the activities of all city/municipal governments, the Commission as well as its other subsidiary units to ensure the attainment of the purposes of this Letter of Instructions.
  - b. Conduct the actual physical inspection of the tricycle with concentration on the body configuration and fitness to operate as a public utility vehicle.

- c. Prepare and sign Motor Vehicle Inspection Report (MVIR) for inclusion in the application form for legalization.
3. Constabulary Highway Patrol Group (CHPG) shall -
  - a. Assist and support the Commission and the INP in all their activities to ensure attainment of the purposes of this Letter of Instructions.
4. Ministry of Finance shall -
  - a. Instruct the City/Municipal Treasurers to ensure the collection of the filing fees, remittance of 25% to the LTC and retention of the 75% thereof by the local government.
5. Ministry of Local Government shall -
  - a. Instruct and enjoin all Sangguniang Panlungsod/Bayan through the Mayor to undertake the Legalization Program as provided in this Letter of Instructions.
  - b. Provide the required support and resources to ensure the total and successful implementation and realization of the objectives of this Program.
6. Ministry of Transportation and Communications shall -
  - a. Provide necessary assistance in terms of policy realignment and required resources to implement the Program.
7. Land Transportation Commission -
  - 7.1 Agency -
    - a. Shall be primarily responsible in the maintenance of all records on tricycles operated within the GAOR to include the survey results submitted by the Sangguniang Panlungsod/Bayan.
    - b. Whenever necessary, shall extend assistance to the Sangguniang Panlungsod/Bayan particularly in the determination of the route measured capacity and some other technical aspects necessary and inherent to a successful implementation of this Letter of Instructions.





- c. Shall evaluate all applications filed and submitted by tricycle operators through the Sangguniang Panlungsod/Bayan particularly the supporting documents thereof, cross-checking accordingly against the documents filed in the concerned agency.
- d. Shall assess and collect all fees due from such application particularly the registration fees and correspondingly issue the Official Receipt (MVRR) acknowledging payment thereof which shall henceforth serve as their Provisional Authority.
- e. When all required documents are satisfied and fees collected, shall issue a new "for hire" plate. In case, however, where concerned tricycle was previously issued a plate of different classification, such plate shall first be surrendered before issuing the new "for hire" plate.
- f. Shall indicate in the Receipt (MVRR) the place or route where the tricycle is authorized to operate.
- g. All documents submitted, evaluated and processed by the Agency related to this Letter of Instructions shall be compiled and submitted to the Central Office accompanied by a tabulated statement (See Annex \_\_\_) every 15th day of each month direct to the Central Office, a copy of the tabulation provided the Regional Office.

#### 7.2 Regional Office

- a. Shall be responsible in coordinating the activities of all government agencies tasked to some activities under the Letter of Instructions.
- b. Shall maintain all the necessary statistics related to the route measured capacity and the number of tricycles actually operating the route.

#### 7.3 Central Office

- a. Shall establish and maintain the Central Monitoring Office to ensure that the goals



and objectives of this Letter of Instructions are attained by keeping track of and solving the problems encountered.

- b. Shall issue relevant regulations and recommend additional measures to ensure the success of the program.
- c. Shall evaluate the tabulated reports by agency to ensure attainment of goals set in the program.
- d. Shall issue the printed Certificate of Public Convenience to each unit legalized and transmit the same to the City/Municipal Mayor for distribution to the individual grantees.
- e. Shall record all CPC's issued and forwarded to the field.

**SEC. 5. WHO MAY APPLY.** All owners of tricycles may apply under the legalization program, provided they possess the following qualifications:

1. The applicant is a Filipino Citizen;
2. The applicant owns the tricycle.

**SEC. 6. VENUE OF APPLICATION.** All applications filed under this program shall be submitted to the concerned Sangguniang Panlungsod/Bayan where the unit is presently operated, or where the applicant/owner is a resident.

**SEC. 7. DOCUMENTATION.** Any person applying under the legalization program shall submit the following documents to the Sangguniang Panlungsod/Bayan through the Mayor:

1. Document(s) attesting to the applicant's citizenship;
2. Certification of the Barangay Captain:
  - a. that applicant is a bona-fide resident of the Barangay within the City/Municipality; or
  - b. that the unit applied for is actually operating in the City/Municipality.
3. Land Transportation Commission Certificate of Registration and latest Land Transportation Commission official receipt of registration payment. In case, however, the applicant cannot produce the required registration certificate and official

receipt, an affidavit of ownership duly executed by applicant/owner attested to by affidavits of two (2) disinterested persons shall be submitted.

4. Motor Vehicle Inspection Report (MVIIR).

SEC. 8. COLLECTIBLE FEES. Without prejudice to whatever the agency shall collect from the tricycle owner/operator, i.e. registration fees, legal research fund, the city/municipal treasurer shall collect the amount of One Hundred Pesos (P100.00) representing legalization fee. Seventy-five per cent (75%) shall be retained by the city/municipality and shall form part of their funds, and the remaining twenty-five per cent (25%) shall be remitted through Postal Money Order made payable to the Commission.


SEC. 9. ADMINISTRATIVE BOUNDARIES. The authority granted to each Sangguniang Panlungsod/Bayan shall be limited and confined to the boundaries of the City or Municipality. The Sangguniang Panlungsod/Bayan may only recommend tricycles operated within the city/municipality or owned by residents thereof.

In cases where travel between two municipalities can only be done by tricycle in the absence of any higher mode of public transportation, the municipalities concerned shall agree between/among themselves how incursions of tricycles belonging to another municipality will be treated.

SEC. 10. LIMITS OF OPERATIONS. Generally, tricycles are authorized to operate on any road within the municipality. However they are prohibited to operate along the national highway or on any road which allows a maximum speed greater than 40 KPH, especially on well-paved, high speed roads, unless special tricycle/bicycle lanes on the shoulder are provided, except to cross.

In the case of cities or densely populated centers, they may travel within the city or municipality subject to the conditions set forth in the immediately preceding paragraph. However, the Sangguniang Panlungsod may limit and fix the routes by adopting a scheme of boundaries as they may heretofore impose.

SEC. 11. CHANGE OF UNIT. A change of unit or substitution may be allowed only when the supply level is below the demand level or when the route measured capacity (RMC) is not saturated. When such conditions prevail, the Sangguniang Panlungsod/Bayan may recommend the change of unit to the agency and the latter before effecting such change, shall require among others, the surrender of the For Hire plate of the unit sought to be substituted.



**SEC. 12. MISCELLANEOUS PROVISIONS.**

a. **Amnesty** - All unpaid fees and penalties accruing against the tricycle are hereby condoned except the current registration fee which shall be paid and collected in full regardless of the remaining portion of the registration year and miscellaneous fees.

b. **CHPG Clearance, Affidavits and Bond** - Owners of tricycles who cannot produce their ownership papers shall execute an affidavit of ownership duly attested by affidavits of two (2) disinterested parties. The CHPG Clearance is hereby waived for this purpose and the Commission may proceed to register the unit in the name of the actual owner.

c. **Exception to the Demand Level** - Notwithstanding the number of tricycles established by the RMC as the true level of demand, all units including those in excess of the demand level may be accepted for legalization provided they are actually operated as of October 31, 1985.

d. **Appeal** - If for one reason or the other, a tricycle owner/applicant is aggrieved by any decision of any Sangguniang Panlungsod/Bayan through the Mayor related to this Letter of Instructions, such tricycle owner/applicant may file an appeal to the Commission through the appropriate Agency citing therein the reasons of such appeal.

e. **Authority of Metro Manila Commission** - The authorities and responsibilities defined under Section 4, Paragraph 1 hereof and such other provisions related thereto, shall be exercised by the Metropolitan Manila Commission for the cities and municipalities under it. However, it may delegate the same to the cities and municipalities under its jurisdiction.

f. **Non-cooperation** - Without prejudice to whatever action that may be taken against any official concerned in this Letter of Instructions, the Commission through its respective field agencies/units shall undertake the functions defined herein in case of non-cooperation. In cases of the Sangguniang Panlungsod/Bayan, the 75% of the legalization fee granted under Section 4, sub-paragraph 1(d) shall likewise accrue to the Commission.

**SEC. 13. PENALTY.** The owner/operator of any tricycle operating after the legalization period, shall be penalized in accordance with the provisions of Republic Act No. 4136, as amended, and such other applicable existing laws, rules and regulations.

**SEC. 14. APPROPRIATIONS.** For purposes of this legalization program, the Commission shall make available whatever funds



appropriated for their operations. Cities/Municipalities, however, in view of their 75% share shall shoulder whatever expenses are needed at their end.

SEC. 15. REPEALING CLAUSE. All orders, rules, regulations and instructions or parts thereof inconsistent with this Letter of Instructions are deemed repealed, amended or modified accordingly.

SEC. 16. EFFECTIVITY. This Letter of Instructions shall take effect immediately.

DONE in the City of Manila, this 14<sup>th</sup> day of October, in the year of Our Lord, nineteen hundred and eighty-five.

A handwritten signature in black ink, appearing to be 'L. G. ...', written over a large, faint, diagonal watermark or background pattern.