

Out From the Cold: Unboxing “Habal-Habal” in the Philippines (and the Motorcycle-taxis in the Global South)

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Abstract: Countries of the Global South share a popular mode of public transport with different names. In the Philippines, it is known as *habal-habal*, a mark of its countryside provenance. *Xe-om* in Vietnam, *Ojek* in Indonesia, *Okada* in Nigeria, *Boda-boda* in Nigeria, or simply moto-taxis in South America. It is a mode that is as controversial as it is quaint. For more than three decades, it has grown outside Metro Manila; until it rode into the urban transport landscape via Ride-Hailing Apps whence its legal basis was questioned. A large portion of the 10 to 14 million motorcycles in the country have sashayed into the *habal-habal* business – either full-time or part-time, occasionally or frequently; driven by the twin forces of income deficits and a rising mobility unmet by the formal public transport system. This paper argues that calls for economic regulation of this mode is misplaced, and would do more harm than good. A velvet-glove policy, already prevalent in the provinces, is the more enlightened course of action combined with the lifting of its legal invisibility.

Keywords: motorcycle taxi, *habal-habal*, transport regulation, ride-hailing apps, tricycle, informal public transport

1. INTRODUCTION

Motorcycle taxis (MC-Tx) have been in existence for nearly three decades, especially outside Metro Manila; invisible to the law yet providing a much needed mobility service (aside from being an employment generator). It only appeared on the radar-screen of Manila-centric policy makers, when its upscale version - in the guise of transport network companies, or Ride Hailing Apps (RHAs) - invaded the urban transport scene. Suddenly, it is caricatured between two conflicting images. On one side, a legalistic school that see it as an illegitimate mode; while the other side of the spectrum see it as a practical addition to the menu of transport choices, aside from offering a relief to an inadequate public transport system.

Taxi is a generic term for a vehicle-for-hire with a driver, used by a single passenger or small group of passengers, that conveys a passenger between locations of their choice. This defines the MC-Tx mode of transport, a few of them have begun to operate under the umbrella of RHAs.

This paper attempts to draw a more comprehensive picture of MC-Tx in the Philippines and offers a way forward that recognizes the limits of government and the quiet power of the market. In so doing, it also offers a Solomonic path for the other countries in the Global South that have faced the same dilemma.

2. RESEARCH METHODOLOGY

In order not to lose sight of the forest while looking at the trees, the research started with a mind-map of the issues swirling around MC-Taxis. This is illustrated in Figure 1.

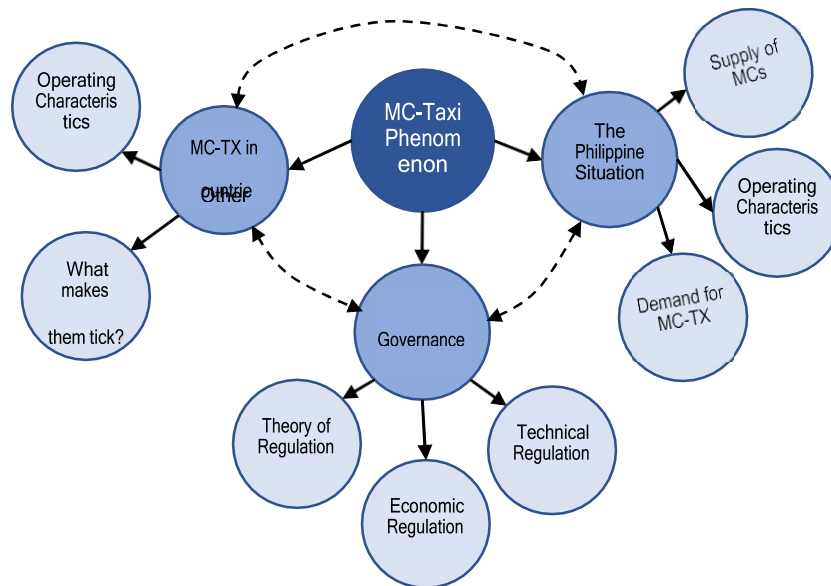


Figure 1. Mindmap of the Research Framework

The second step was a literature review – to avoid re-invention of the wheel, identify the gaps, and to distill available data – from the Philippines and elsewhere - that could be instructive in navigating the issues revolving around two-wheeled motor vehicles.

The third step is to infer or induce some hard truths about this transport mode, leading to policy recommendations.

3. LITERATURE REVIEW

For a mode that has become ubiquitous in the Philippines, and has operated for many decades as well in countries of the Global South, it is surprising to find few research papers in the transport literature about motorcycles-for-hire. Available studies revolved, for the most part, around their operational characteristics.

The earliest one to surface in the Philippines (Guillen, D. and Ishida, H., 2003) delved on the operations of incipient *habal-habal* in Davao City vis-a-vis skewed, if not reactionary, government's transport policies coupled with maximum tolerance at the local level. This was followed by a more detailed study (Alucilja and Fillone, 2018) of *habal-habal* operational characteristics in North Cotabato – where self-adopted order of things were observed. A third paper (Cerio, C. 2017) touched on how jeepneys got displaced by MC- Tx in one route in Bicol region. A more recent research (Mangco, R.A. et al, 2019) cast eyes on Metro Manila's covert MC-Tx operations and overt patronage. All four studies noted the existence of MC-Tx terminals, driver organizations, and tacit recognition – if not maximum tolerance - by local authorities.

The operation and socio-economic impact of motorcycle-taxis in Ho Chi Minh was the subject of a paper (Vu Anh Tuan and Mateo-Babiano, 2013) that acknowledged their importance and recommended some form of economic regulation, such as metering and fare controls.

The MC-Tx of Bangkok was the subject of a study (Oshima, R. et.al., 2007) with an objective of formulating a financial viability equation as a tool for an imagined regulator. It noted that Thailand was the first country in the world to regulate MC-Tx – through imposition of fares, theater of operation, and driver uniforms. A peripheral study (Pongprasert and Kubota, 2017) touched on transit-oriented development (TOD) in Bangkok and the accessibility factors favoring walking against moto-taxis. The authors concluded that an adequate and good public transport system that meets the needs of all residents is necessary to encourage walking and reduce the number of motorcycle taxis in TODs. It did not explain, however, why the latter needs to be reduced.

The vital role played by MC-Tx services in providing public transport options in sub-Saharan Africa was described in a multi-country study (Ehebrecht, Heinrichs and Lenz, 2018). It covered the underlying factors for its growth in the continent, the supply and demand dimensions, service organization, regulation, as well as safety, health and environmental impacts.

The dilemma of Latin American countries regarding moto-taxis was the subject of a paper (Olmerod and Dib, 2022), that conceded “ultimately the market will decide”. The literature on RHAs are far more numerous, but nearly all of them refer to car-based mobile applications. The MC-Tx was a footnote in most of them, maybe because digital penetration is still emergent for this mode. Perhaps an exception, is a study (Wadud, Z. 2020) that found correlation in the rise of RHAs and increasing motorcycle-ownership in Dhaka. It seems to imply that correlation is causation – which is not always true. As will be discussed in subsequent section, MC ownership is more a function of income – up to a certain level.

3.1 MC Ascendant in the Philippines

3.1.1 From the Supply Side

How many motorcycles-taxis (MC-Tx) are there in the Philippines? Since they are informal (and illicit), no official count exist. But it can be estimated by analyzing various data sources. First, from official data. In 2022, the Land Transportation Office (LTO) recorded a total of 13.9 million motor vehicles in the Philippines, of which 61% (or 8.5m) were classified as motorcycles or MC.

A sub-class of MC is TC, referring to the 3-wheeled variety; which comprised 1.6million, or nearly 1/5 of the MC-class. But only 627,341 (or 40% of the total TCs) got recorded as for-hire, i.e., issued with yellow plates. This implies that more TCs are operating in the gray zone; they are either with or without franchise, but did not bother to change.

| | | | |
|--|--------------------------------------|---|---|
| Total Motorcycles Official data = 8.5M (60%) Unofficial = 13.5 M (71%) | TCs (3-wheelers) =1.6M (19%) | For Hire (40%) Gray zone (60%) | } Economic Regulation under LGUS |
| | MCs (2-wheelers) =6.9M (81%) | Private use only Gray zone: For Hire, full-time or occasionally (one news item placed this at 51%) | |
| Other MVs=5.4 M | Un-registered MCs (~4.5M) | Might've registered once, but not renewed | Likely to be prevalent in rural areas |
| | Buses = 32,514 Jeepneys ~ 200,000 | Conventional public transport (buses & jeepneys) likely to be more than official data | "Illegitimacy" is not exclusive to <i>habal-habal</i> |

Figure 2. Number of Motorcycles in the Philippines, 2022

That leaves a balance of 6.9 million MCs without sidecars (MC), the pool for MC-Tx supply. How many operate for-hire (on full-time or part-time) – is impossible to ascertain. One news item placed it as high as 51% (equivalent to 3.4M). One group claimed more than 200 thousand exist in Metro Manila alone (Rosales, E., 2022) - where it is engaged in a cat-and-mouse game with enforcers. Assuming 1/5 of 6.9M (which is the ratio of trikes to MC), the MC-Taxi would be about 1.38 million.

When it comes to MC, however, there is reason to be skeptical about official data. Consider the 7-year period 2016 to 2022, when the Motorcycle Development Program Participants Association of the Philippines (MDPPA) reported sales of new motorcycles accumulating to 9.95 million units. And yet, the registered total for MC hit only 8.5 million in 2022 – instead of 14.5 million (assuming zero attrition) or 12.5 million (under a scenario of 10% annual scrappage). This means that more than 3 million evaded, or failed to renew, their annual registration. Strangely, LTO put the non-registrants at less than 50 thousand. The undercount could be higher, if imported MCs are included in the estimation.

From the preceding data, a conservative estimate of the total number of MC in the country is 10 million – representing 67% of total MVs (not 60%). More likely, at 14 million (equivalent to 72%). That makes MCs arguably the new king of the road in the Philippines. A dwarf among transport modes has snatched the throne – from the jeepneys.

MC-Tx came out of the woodwork, first in the countryside - outside the jaded lens of Manila-centric officials. They became known as “habal-habal”, a colloquial word with risque albeit humorous connotation. They are no different from the *xe-om* of Vietnam, *motodops* of Cambodia, *ojek* of Indonesia, *motosai* of Thailand, and *okadas* in Nigeria. Controversies about their operations only erupted when MC-Tx and RHAs invaded the large cities. A local start-up *Angkas* broke the ice on RHAs for MCs; it launched in Cebu City sometime in 2016. The number of MC-Tx under the umbrella of RHAs is also unknown– but can be presumed to be no more than 50 thousand (Dela Peña, K. 2021) because of government restriction.

Cross-country sample data are unanimous in identifying the central motivations for MC-drivers/owners: poverty and lack of alternative employment. It is a means to earn a living. This is most severe in rural areas where labor could not be absorbed as farm hands. The same drivers can be discerned in other GS countries.

3.1.2 The Demand Side

On the other hand, the central motivation for passengers to patronize MC-Tx is the lack of mobility option, and its competitive advantage where traditional public transport alternatives exist.

For example, in the 105 routes where MC-TX operate in North Cotabato (Alulcilja and Fillone, 2018), more than 67% of passengers surveyed has no other option; and in cases where there were alternatives (tricycle and jeepneys), they found the latter’s infrequent trips as a turn off. In urban areas, several alternatives are available and yet MC-Tx gets patronized - in order to ‘beat the traffic’, i.e., to save on travel time, despite its higher (and unregulated) fares.

In Cebu City, “there are at least 77 areas which are not accessible using public transportation, hence, habal- habal is the only means of access” (Villarete, P. 2018).

Views from Below

“Before the habal-habal, people just walked. There was no transport”
 - A retired female teacher in Malaybalay

“Habal-habal is an important source of income for their families. “
 “Riders are required to have valid registration papers, to wear a uniform, observe personal hygiene”
 - Habal-habal Drivers Association

Source: Vera Files (2019)



Figure 3. MC-TX in Different Parts of the Philippines

3.2 Other Countries: Similarities & Differences

3.2.1 International Popularity of MC-Taxis

MC-Tx is not unique in the Philippines. It is rampant in developing countries across Asia, South America, and Africa. It is a rarity, if it exists at all, in countries of the Global North. The common denominator is low-income households coping with their mobility requirements combined with lack of employment opportunities. Where per capita GDP is low, motorcycles tends to be high. It is cheaper to buy a motorcycle than to buy a car. In remote areas and where roads are inadequate, motorcycles end up as the only mobility option - or the most convenient one versus infrequent fill-and-leave services. And to those with motorcycles, a means to earn money or augment meager household incomes.

Historical trends of motorization across countries also suggest that ownership of motorcycles tend to decelerate as GDP per capita increases – with the tipping point between

\$5000 and \$7000 (Binu-yu Chiu and Gerra, 2023). Nearly all countries belonging to ASEAN showed this motorization pattern of tapering MCs with higher GDP per capita – with the exception of the Philippines. Why that is so, can be the subject of another research.

3.2.2 The Outliers in ASEAN

Vietnam and the Philippines are the two outliers. The growth pattern of motorization across countries show dominance of MCs at the early stages, followed by a rapid transition to cars and 4-wheelers, as the economy move from low to higher income status.



Figure 4. MC-TX in Other Countries

This was not the case for the Philippines, where the reverse is happening. Visiting international experts in the 1980s wondered why MCs were virtually absent on Philippine roads but were ubiquitous among its Asian neighbors. Nowadays, MCs outnumber cars. The proportion of MC was only 24% in 1990, 33% in 2000, and 72% by 2022.

MCs played an outsized role in Vietnam's development, which was forced by circumstances at the end of the Vietnam war in 1975 to rely on bicycles, that later upgraded to motorized. This 2-wheel motor vehicle has been woven into the Vietnamese lifestyle - not unlike the West attachment to cars (Kaaloa, C., 2017). In 1990s, MCs in Vietnam outnumbered cars 11 to 1 (vs the Philippines 0.35 to 1). By 2005, the ratio in Vietnam stood at 18 to 1 vs Philippines 0.83 to 1. By 2020, the ratio for Philippines hit 6.5 to 1 vs Vietnam's 29.7 to 1. Vietnam's went up by a factor of 1.65 vs 7.8 for the Philippines.

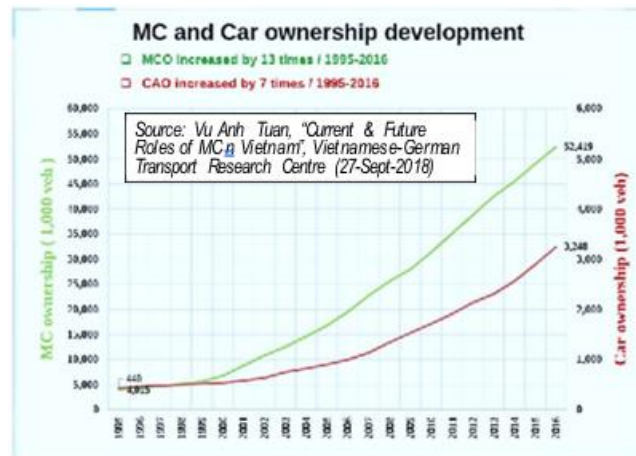


Figure 5. Car and MC Growth in Vietnam

In the mid-1990s, the modal share of MC in Metro Manila was only 1% compared to Bangkok’s (19%), Jakarta (12%), and Singapore (6%). By 2014, the modal share of MC in Metro Manila rose to 12% plus another 23% for tricycles. In contrast, Bangkok’s and Singapore’s declined to less than 3%.

Available literature on modal splits in countries of the global North would show no value for MCs, because they form an insignificant mode in the transport mix.

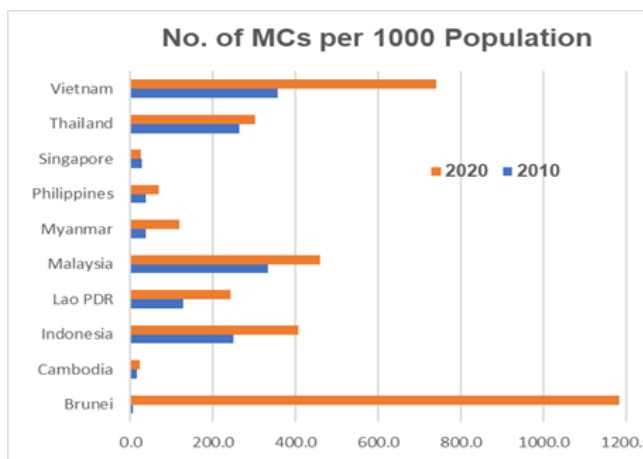


Figure 6. MC per Capita in ASEAN

In terms of number of motorcycles per capita, Figure 6 shows the comparative data for years 2010 and 2020 among ASEAN countries. Brunei, Myanmar and Vietnam recorded big jumps from 2010 to 2020. The Philippines also saw a significant increase, albeit starting from a low base; but with huge potentials for growth since its current GDP/capita (~ \$3,300) is far from the tipping point.

3.2.3 Country Governance of MC-Tx

All countries in the Global South struggled on how to deal with MC-Tx - as with any informal mode of public transport. While they understand the need for their services, their legal framework were always behind the curve. The responses ranged from the liberal (“let them be”) to the control-oriented (“iron-fisted rules”) and to contempt. Addis Ababa in Ethiopia is one of the few countries that banned MC-Tx outright. Cameroon tried the same, but was met with massive protest that paralyzed the capital city’s mobility. Rwanda placed them under its utilities regulatory agency and ordered their consolidation into cooperatives with substantial support from the government. Vietnam, for a while, tried to ban xe-oms; now, they embrace Uber-Moto. So far, there is no country that succeeded in banishing MC-Tx from their streets.

For reference, the author asked AI (BingChat) about the legal framework in a number of countries in the global South. Excerpted answers are tabulated in Table 1 below.

Table 1. Status of Legal Framework in Selected Countries

| Countries | AI Responses | Independent Search |
|------------------|---|---|
| Cambodia | MC taxis are widely available as a form of low-cost public transport | <i>Deregulated, left to market</i> |
| Laos | Not yet legalized, but are operating under a pilot study | <i>Few restrictions. Drivers required to wear orange vest. Taxi stands provided.</i> |
| India | Widely accepted. Government imposed regulations upon MC taxi registration system | <i>Differs from State to State, with some banning them while others require license registration, safety requirements, device tracking system</i> |
| Indonesia | Indonesia’s 2009 road traffic law has been amended to included MC-Tx as a form of public transport | <i>Prior to 2009, MC-TX is technically illegal, but tolerated</i> |
| Malaysia | 1 st response alluded to a Philippine case. Subsequent question pointed to its Transport Minister saying MC-taxi service will not be legalized | <i>Gov’t is still debating a legal framework for MC-Taxis, but MC-Tx on RHAs exist</i> |
| Myanmar | Restrictions on MCs in general imposed in certain townships, but no answer on legal framework | <i>Officially banned in Yangon, as MC use is restricted to government staff. Thriving business in suburbs</i> |
| Nigeria | About 3 million MC taxis (okadas) operate in Nigeria, with over 1 million in Lagos alone. Lagos prohibit carrying of pregnant women or children. | <i>Same information as BingChat</i> |
| Thailand | Nothing specific could be found | <i>In 2005, Thailand imposed basic regulations regarding drivers and fare rate.</i> |
| Vietnam | There is a law, but nothing specific other than driving licenses | <i>MCs under Ride-hailing Apps allowed to register as a business, with Grab reported to have 50k drivers</i> |

*Compiled by author, with the help of Bing Chat, a variant of ChatGPT.

A policy of tolerance prevails in most countries of the global South, notwithstanding their ‘illegality’. It is the same in most parts of the Philippines – except in Metro Manila where, and when, the cats (i.e., police) would try to catch the mice (i.e., MC-Tx). Figure 7 shows MC-drivers experience on the game of cat-and-mouse in Metro Manila – the highest number simply for being MC-Tx.

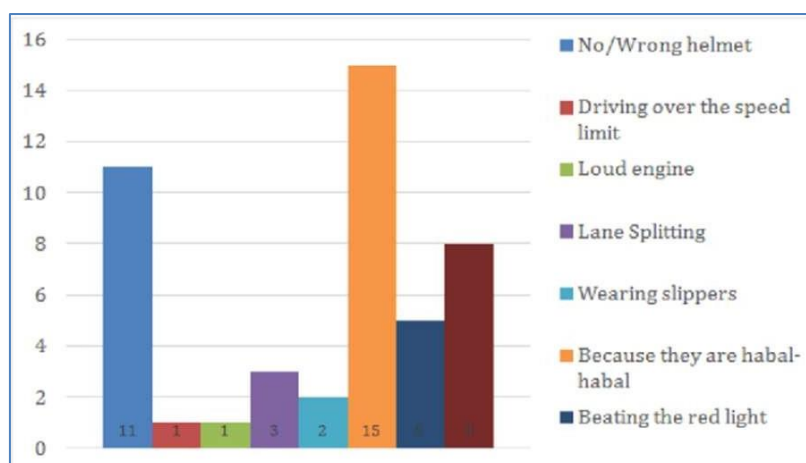


Figure 7. Reasons for MC-Drivers being Caught by Police

4. REGULATION: WHAT IS THE QUESTION?

4.1 Theory of Regulation

The term ‘regulation’ is often associated with what the State imposes by law, and enforced by a designated regulator. A more expansive meaning of regulation was discussed in a working paper (Mitchell and Koopman, 2018) – equating the term to rules of behavior that establishes order - whether by fiat or not. It sees four types of governance, as summarized in Table 2 with entries about motorcycles-for-hire in the Philippines.

Table 2. The Universe of Transport Regulation

| | Taxis (Created Order) | Cosmos (emergent order) |
|---------|--|--|
| Public | Q1: Coherent, deliberately designed, state-enforced rules complied by all. RA#1436, for example. <i>Under current law, MC-taxis should not exist at all in the Philippines</i> | Q2: General, but not faithful, compliance to applicable laws. <i>MC-drivers are mostly licensed, their vehicles sport private license plates.</i> |
| Private | Q4: Established practices in selling and loan-financing for MCs. RHAs doing background checks, GPS monitoring, use of algorithms to reward performance. <i>Business-model of RHAs (Angkas, Joyride, etc)</i> | Q3: Peer-to-peer or decentralized reputational mechanisms in rural areas; branding, service & price differentiations by RHAs in urban areas. <i>Local MC-Tx associations in North Cotabato is illustrative</i> |

The public dimension (1stRow) is characterized as mandatory (with no exit) and with an implicit threat of force. In contrast, competition – the private axis (2nd Row) of regulation – allows exit and carries no threat yet ensures quality, limit fraud, yield lower prices, and ensure the performance of promises. The cosmos axis (vertical axis) is the result of human actions, based on etiquette and certain cultural norms that set boundaries on acceptable behavior and create a set of shared understandings that dictate appropriate behavior. The survival instincts of drivers and back-riders, for example, impel them to behave accordingly – regardless of what the letter of the law says.

The intersection of public-taxis (Q1) is often equated to “regulation”. Thus, all the pending bills in Congress are of this nature – predicated on the theory that government is a better protector of citizens welfare than the citizens themselves. It presumes confidence in a competent bureaucracy – acting in the public interest on perfect information. Such assumption,

of course, is a fantasy in the Philippines and probably in other developing countries also. Neo-liberal economics lean toward a private-cosmos regime (Q3), where implicit regulation by the market is deemed more effective and efficient. The role of *habal-habal* associations found in North Cotabato (Alulcilja & Fillone, 2022) is illustrative of this self-regulation.

The literature on State regulation is rich and diverse. A good summation of the case for, and against it, can be found in a paper (Beales, H. et.al, 2017) published by a conservative group partial to small, non-interventionist, government. One that has a more Statist bent is a paper (Machan, Tibor, 1988) that marshalled moral arguments in favor of regulating economic activities. For transport actors and MC-Tx, the most relevant is the discourse on the regulatory framework adopted in Ethiopia for 3-wheeled MCs (Mains, D. and Kinfu E., 2017). It described a regime that mirrors the Philippines regulatory schizophrenia for traditional public transport and foreshadowing what might happen if coverage is extended to MC-Tx.

4.2 The Philippines in a Private-Taxi Metaverse

A Pavlovian tendency to regulate public transport has persisted among government policy-makers. It is akin to a doctor prescribing a medicine without diagnosing the patient.

This overreach mindset is the legacy of a 1934 law (Commonwealth Act #146) that was predicated on State action to mitigate the predatory behavior of natural monopolies – such as those in water supply, distribution of electricity, telecommunications and other public utilities.

Despite the fact that public land transport is far from being monopolies, they remained regulated as if they were. The revised Public Service Act (RA#11659) have recognized that many public utilities no longer fit the monopoly label. The fact is that the road-based public transport industry is peppered by small-scale operators competing on the streets. Nowhere is this fact more evident than in MC-Tx – whose sheer number may range between 1 and 3 million throughout the country.

The Philippine version of public regulation of vehicles-for-hire is a textbook example of bad regulation. For more than seven decades, the transport regulator (LTFRB) fixated on two variables: quantity and price. It tried to limit both variables in defiance of the law of supply and demand. By forcing a cap on fares, the regulator appears to pander to the public (on pretext of affordability) but ends up inflicting harm to producers (inability to maintain, renew and expand fleet) and to consumers (limiting their choices to fewer vehicles with low service levels) alike. It spawned a “low-level equilibrium trap” (Nelson, Richard R., 1956) in public transport, exemplified by a resilient jeepney sector characterized by poor service, low fare, and stagnant technology.

On the other hand, investment on private vehicles carry no quantity restriction. The subliminal message: private car is to be preferred over public or shared uses. It is no wonder that the number of buses-for-hire remained stagnant for 30 years - 18,341 in 1990; 34,478 in 2011; and 18,337 in 2022. Had the regulator (LTFRB) performed its job according to needs, the number of buses should hover at 32,000 (based on population growth alone), or at 46,000 (same growth rate as cars).

4.3 Right Motivation, Wrong Instrument

Safety is the apparent justification for the pending Bills in Congress to regulate MC-taxis. On this criterion, therefore, the imposition of a franchising requirement is the wrong remedy. For safety reasons, all motor vehicles – private or public use - are already subject to annual inspections, whilst its drivers are required to have driving licenses. These set of technical regulations – for road safety - are implemented by LTO, and not LTFRB.

With franchising, ironically, the unintended consequence is likely to lead to more (rather than less) accidents as it would encourage the few suppliers to run faster to meet demand, or to load more than one back-rider to boost revenue per trip but keep within government-imposed fare caps. A kind of Pelzman Effect, where the imposition of mandatory seat belts led to higher number of risky behaviors. In the provinces, jeepneys can be observed to overload (on top of the vehicles) even if there are empty vehicles at the terminal waiting for passengers - to maximize revenues and comply with fare cap since the return journey is near empty. It is more unsafe for passengers on rooftop of jeepneys than on *habal-habal*. Figure 8 is mistakenly used (by economists) to demonstrate lack of competition, if not restrictive regulation.

There are no data – actual or anecdotal - to support the hypothesis that for-hire vehicles are more accident-prone than private vehicles. While global road accidents data point to MC as a vehicle class that incurs more accidents per vehicle-km than cars on a ratio of 25 to 1 fatality, no data exists that differentiate accidents of MC-private vs MC-for-hire. Neither is there evidence to conclude that the operations of 863,000 classified for-hire vehicles (in 2022) have safer records than the 13 million private vehicles.

If economic regulation leads to safer rides, then it must be able to filter the good from the bad, award franchise only to the good ones, and ensure that the bad ones get excluded from the market. This has not happened for the 200 thousand or so buses and jeepneys under the supervision of LTFRB; it can not happen for millions of indistinguishable motorcycles offering a homogenous transport service under different geographic settings. One must concede, however, that transport network companies or RHAs are able to differentiate themselves from competitors through various means and have adopted their own regulations that produce the outcome to be desired from a (missing) legal framework.

4.4 The Cost (and Benefits) of Franchising

What will it cost if franchising for MC-taxis is imposed by law?

The budget of LTFRB (GA vol, 1-B, 2023) is a good estimate of the cost of economic regulations – whose clientele is the for-hire subsector totaling 230,403 vehicles in 2022. For 2023, the appropriated amount is Php430.32m – which implies an administrative cost of Php1,830 per franchised vehicle. The franchising for 2 million MCs would then entail a budget of about Php3.7 Billion – 8x current scale of LTFRB’s regulatory activities. Such a build-up, of course, cannot be done overnight – especially for a government looking at downsizing opportunities.

It will be cheaper in the case of LGUs, which already have existing units for regulating tricycles. There are no available data for the cost of regulating tricycles under LGUs – which numbered 627,341 per LTO data but is more likely to be closer to 1.5 million. Some LGUs have formally organized a Tricycle Regulation Unit, many do not have one. But if the scale of a few LGUs interviewed is any gauge, a ballpark estimate puts the cost to no more than Php250/tricycle. Thus, under an LGU-regulated scenario – the administrative cost of franchising would be no higher than Php500m.

In addition, MC-Taxi drivers would incur official (and unofficial) cost associated with securing a franchise - more forbidding than the annual registration process that forced more than 3 million MCs into the unregistered “grey” zone.

On the benefit side, the paucity of accident data makes it impossible to estimate the benefits of regulating MC-Tx. The reverse is more likely to happen – as the incentive is to remain unfranchised. *One*, the LTO would have to replace MV plates, from white (private use only) to yellow (for hire) for those opting to be legit, aside from differentiating 17 plate colors for every region (if RA#11235 is to be followed). *Two*, it would be more convenient for MCs

to remain ‘illegal’ (i.e., without franchise) as reclassifying the unit would be time-consuming and costly, compounded when the unit gets sold or transferred to another region. It would be easier to evade or bribe the few enforcers in remote provinces, or allege a back-rider as non-paying or a relative. *Three*, setting a reasonable fare appropriate to different locations and time-of-day would be beyond the competence of any bureaucrat to determine, or enforce. Rate compliance would be an exception. *Four*, requiring a franchise would entail amending two laws, aside from encouraging more street checkpoints and petty extortions.

A research study of Bangkok MC-Taxi (Oshima, R. et.al., 2007) claimed benefits arising from regulation - in terms of higher income for MC drivers, but resulted to higher fares and lower service frequency. The metrics used could also be viewed as “disbenefits”, as users paid higher fares and competed over fewer units. The strange claim is understandable, as the study was about the financial viability of MC-taxi in selected areas of Bangkok – which also presumed *a priori* that the State is better than the market.

In sum, the costs of regulation can be estimated. But calculating the benefits is scraping the bottom of a barrel.

4.5 Most Plausible Scenario

Obedezco pero no cumplo (“I obey but I do not comply”) is a phrase that was used in Latin America throughout much of the colonial period to describe the attitude of local officials towards the rule of the Spanish Crown. It is also descriptive of many Filipino behavior during the Spanish colonial period, and after independence. It can be expected to manifest again in the case of *habal-habal* should stringent regulations over them come to pass.

The gap between the number of trikes (1.5M) and number of trikes-for-hire (0.63M) is already an indication of widespread non-compliance (“no cumplo”). The same disparity occurs in buses (32,514 vs 18,337), and in jeepneys (153,145 listed as for hire vs 234,739 vehicles alleged by DoTr under the PUVM program vs 300,000 as claimed by jeepney groups). Already, there are about 3 million “ghost” MCs that did not bother to renew or register their units.

Neither is the public sector an exemplar of compliance. The issuance of validating tags and stickers reflective of the year of renewal is required by law; but this has been discontinued by LTO moto propio. The same goes for numeral of the year of registry and vehicle classification – which no longer appear on newer MV plates. The new minibuses that came out to replace jeepneys under PUVM sport white-colored MV plates applicable to private vehicles, although existing law stipulate that they ought to be yellow- colored. Regional differentiation has been removed quietly from new MV plates. In short, it would be hypocritical for government to apply a law on MC-Tx that it waived for buses and car-taxis.

4.6 Contrasting Views: Manila vs Rest of Country

There is overwhelming acceptance of MC-Tx outside of ‘imperial’ Manila. The only news report about arrest of, or penalties imposed on, MC-Taxis came from Metro Manila (Nelz, J., 2022).

Elsewhere in the Philippines, it is welcome mat. In the second largest urban area, Cebu City, a coordinating office and assistance unit was created in 2017 (Cebu City, 2017) and revived in 2023 (Librea, J.M. 2023). Several of its Councilors openly bat for recognition of this mode of public transport. The Regional Director of LTO also took public a position in favor of MC-Tx (Palaubsanon, M.2021). It is a sentiment echoed in the 3rd largest city, Davao City, where its City Council enacted a local ordinance legalizing MC-Taxi (Llemit, R.L., 2021). It was not the first LGUs in the country to do so. That honor belongs to Maribojoc, a small municipality of 22 thousand in Bohol, which enacted an ordinance in 2005 (Ordinance#6,

2005) - 17 years ahead of Davao City and the national government! It is the kind of “velvet glove” regulation that should become a model for other LGUs. The Bangsa Moro Autonomous Region of Mindanao is also on the same wavelength as other LGUs. It awarded a research project conducted by its own officials to legalize *habal-habal* in the region (BIO, 2021), thereby signaling its recognition of MC-Tx as a legitimate mode of public transport – regardless of what its national counterparts would say.

5. RHA RISING

5.1 Habal-habal in Luxe Garb

The emergence of RHAs or TNCs disturbed the quiet existence of *habal-habal* in the provinces. Suddenly, they captured the attention of policy makers cocooned in the urban capital – when Angkas dared to enter the market via the front door. As the law was always behind innovation, the government was at a lost on how to deal with the ‘new kid on the block.’ Hardliners dusted off a law (RA#4136) that implied MC-taxis as an illegal mode. A city mayor in Cebu saw otherwise, and allowed Angkas to test the urban market. Then the capital city followed suit – on the pretext of a pilot run that has already stretched for 5 years. If illegal per se, can a pilot test violate the law?

A study on the operations of Angkas (Golingco, BE and Mamuyac, N.,2020) showed customers’ overall satisfaction with its service and safety quality, and identified main areas of concerns (and direction of improvement) - driver skills and observance of speed limit. Latter are outside the scope of franchising.

At least, the economic regulation of RHAs – whether MC-based or car-based – has one leg to stand on: preventing the accumulation of and use of market power by a monopolistic provider. By their very nature, RHAs has the potential, or risk, of becoming monopolies. The larger the fleet (i.e., more vehicles under its umbrella), the lower its unit cost and the faster it could respond to passenger bookings across a geographic space. Such is not the case for individually-owned-and-operated *habal-habal*.

However, if monopoly power is the only excuse to regulate RHAs, then it is superfluous. The Philippine Competition Law (R.A.#10667) already covers it. Except that another law (RA#4136) clouds the horizon: issuance of yellow-plated registration classification requires a franchise to engage in the business. Therein lies the rub. There being no MC- Tx category - whether franchised or not - LTO could not issue that special class of plates. Neither is the law on economic regulation of transport empowers LTFRB to franchise MC-Tx. Lawyers could argue that the rule of lenity (Cornell LII,2022) would then apply; such that apprehension of MC-Tx (as what Metro Manila does) has no legal foundation. Besides, if LTO could lift the yellow-plate for new vehicles under the PUVM program, it could not treat MC-Tx differently. The pot cannot call the kettle black.

A temporary policy adopted by the transport agency is to insist that a car (and MC) under a TNC needs a franchise on their own, before they can join a RHAs/TNCs. This became the rationale for LTRFB to pre-select its own sets of eligible vehicles from which any TNC can cast its net. Akin to a general allowed to form an army, but all the recruits must be screened by another agency. Ironically, the filters applied by the public agency are more lenient than those

BOX 2

What RHAs Do?

- Has algorithm to offer alternative best paths/routes;
- Perform criminal and driving background checks;
- Ensure drivers have valid licenses;
- Lay out basic safety standards for vehicles;
- Require that drivers are adequately insured;
- Real-time monitoring quality by tracking drivers using GPS;
- Users are able to communicate complaints more easily and rapidly, and vice-versa;
- Drivers and Passengers can rate each other after every ride, which allow companies to block low-rated drivers or avoid matching drivers & passengers who have rated one another poorly in the past

of RHAs/TNCs. See Box 2. If public welfare is the real criterion, then it behooves the government to allow the RHAs to recruit its own fleet of vehicles- drivers.

When economic regulation is being performed better and more efficiently by TNCs in a private-taxi regime – do we need the State to intrude and upset the appcart? Thus, if *habal-habal* can operate under RHAs, both producers and consumers benefit alike. Maybe, in the future, technology diffusion would allow such a possibility outside urbanized areas. Where RHAs operate, users can easily find an available MC and vice- versa. Without RHAs, the *habal-habal* needs a terminal or common hub for users to find them; thus, the observed proliferation of MC-terminals

notwithstanding their alleged illegalities.

When it comes to RHAs, the two theories of regulation (public interest and public choice) intersect.

5.2 Towards a Governance Framework for RHAs

The preponderance of evidence is stacked against imposition of franchising regulation for MC-Tx. For the sake of argument that it can be justified, then the legal framework should be evaluated on 7 principles (Beales, et.al., 2017) or tests, to guide ‘government’s intervention’. This is shown in Table 3 below.

Table 3. Principles for State Action on MC-Taxi

| Guiding Principle | Remarks | Determination |
|---|--|---|
| Respect market forces | Is there market failure? This is the <i>raison d’etre</i> for government regulation. | No. There are nearly 7 million MCs without sidecar. A big portion engage in the business, fully or partly. |
| Do more good than harm (Benefit-Cost or Hippocratic Code) | Will the proposed regulation – if impose - do more good than harm? | No benefit-cost analysis has been performed. The regulatory cost is unaffordable |
| Base decisions on best available information & transparency | Are there data that impels intervention of ‘big brother’ government? | More than 51% of households that own MCs use them for livelihood. Local research are limited; Beneficial effects of MC-taxis are overwhelming, especially in countryside with bad roads |
| Gather better feedback | Best feedback are from users of MC-taxis | If users/riders are dissatisfied, they would avoid the service. Market acceptance is high (and growing), even in late comers like large cities |

| Guiding Principle | Remarks | Determination |
|--------------------------------------|---|---|
| Encourage experimentation & learning | Operation of MC-taxis throughout the Philippines provide more than 2 decades of experiments | Decades of market experience (with no government regulation) favor continuation of the status quo |
| Regulatory humility | Government cannot substitute for the market. Competition is the most efficient form of regulation | LTFRB has failed in regulation of public transport under its jurisdiction. It will be stamped by sheer number of MCs & lack of presence in most LGUs |
| Address regulatory accumulation | Economic regulations has over-emphasized control of players and prices – leading to poor mobility and low level service | Subjecting MC-taxis to regulations will only choke their vibrancy and lead to unintended consequences: expansion of bureaucracy & reduced mobility options for the public |

In 2008, the Philippines Congress enacted HB#3726 on third reading (GMA News, 2008) that grants LGUs the power to regulate *habal-habal*. That would’ve been the lesser evil. However, it failed to hurdle the legislative gauntlet – perhaps, the “centralists” felt threatened by devolution. On the other hand, an inconsequential Vintage Vehicle Act (RA#11698) breezed through and took effect in April 2023. One would benefit the many who are poor, the other is for the few rich who can afford it.

To remove the legal ambiguity, Congress needs to pass a law on *habal-habal* – along what Maribojoc and Cebu City have blazed. However, it is not the same as a law on RHAs/TNCs – which are also in a legal no-man’s land. The former is on 2-wheelers, while the latter is about a digital platform that encompasses other vehicles – for passengers or freight. This distinction is illustrated in Figure 9.

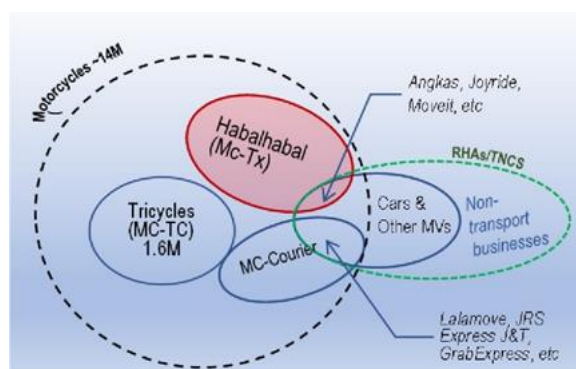


Figure 9 – MC-Tx and RHAs

6. CONCLUSIONS and RECOMMENDATIONS

6.1 Salient Findings

Motorcycles has dethroned the jeepneys as the king of the road in the Philippines, accounting for more than 2/3 of total motor vehicle population in 2022. With higher-than-average growth rates expected to continue, MCs will be the “bike of burden” for decades to come – especially in rural areas and less urbanized towns. The MC-Tx will continue to thrive with a large pool to dip from (from 10M to 14M) - whether the government declares war against this mode, regulate, or tolerate its existence.

The Philippines have four things in common with countries of the global South. *One*, the dominance of the MC class. *Two*, scarcity of employment opportunities that enlarges the supply of MC-Tx drivers. *Three*, the inadequacy – if not total absence - of alternative modes of public transport in many areas which, in turn, fuels demand. The sorry state of public transport is not the fault of citizens. The MC-Tx gave them the opportunity to be mobile – literally and figuratively. *Four*, a government torn between regulating MC-Tx and doing nothing, conflated by the fact that their interventions would end up as harmful, if not futile. And because Moto-taxi is “so third world”, the views of authorities split along an urban- rural divide. There is near unanimous embrace of the mode in the countryside, but a love-hate relationship in the capital region. The calls for government restrictions are strident in the urban

center, but barely a whisper in the periphery where *habal-habal* has been a better-than-nothing savior for more than three decades. It is a ‘wicked problem’ in policy and planning (Villarete, P. 2018) – difficult or impossible to resolve because of wrong assumptions, contradictory impulses, social complexity and complex interdependencies.

From a theoretical standpoint, there is no basis to impose State-franchising regulation on MC-Tx-or *habal-habal*, or RHAs. They are not monopolies. Administering such a regulation fails the cost-benefit test and the seven principles for State action. Government hand in a amorphous market would be ineffectual, as to spawn a cat-and- mouse game where the cat is certain to lose. It is likely to do more harm than good. The harm is obvious: loss of income to the drivers, reduced mobility options for the users, and expanded extortion opportunities. On the other hand, the alleged good – safer rides and protecting the consumers - is imaginary.

6.2 Recommendations

If you can’t beat them, join them. It is an adage that governments in the Global South should heed. The best option is for a velvet-glove policy of tolerance combined with intensified road safety education of MC riders and drivers, as well as other motorists. After all, MCs are not the only moving objects that could trigger accidents on the roads. Many of Philippine roads are unsafe to begin with, and pose hazards to all users. In terms of Table 2, maintain the course for a Q3 or Q4 non-State regulatory regime.

Maribojoc in 2005 and Cebu City in 2017, are two LGUs that adopted an enlightened policy towards *habal-habal*; two pilot-tests that predated the national government’s putative efforts by several years.

A complementary measure is for *habal-habal* associations and LGUs to promote the wearing of distinctive vests for MC-drivers, as this would obviate necessity of terminals/pick up hubs; mandatory use of safety helmets by drivers and riders (which is already required by law); asking riders to verify validity of the driver’s license and the up-to-date vehicle registration papers (*caveat emptor*), and posting of a suggested fare level. With consumer’s help, the phantom number of MCs (~3M unregistered) may just vanish and increase government revenues.

RHAs promises a more efficient private-taxi regulation, but currently limited to highly-urbanized areas. Sooner or later, the RHAs will get the *habal-habal* or vice-versa. Already, a start-up (Habal Transport, 2023) is knocking at the door.

For the benefit of MC-Tx providers, the Philippines (and other countries of the global South) should remove ambiguities in existing laws and allow moto-taxis (and its upscale version RHAs/TNCs) to rise in peaceful co-existence with other modes and with minimum government interventions.

6.3 Further Research

Instead of agonizing on well-traveled roads (i.e., the operational characteristics of MC- Tx), it would be more productive for young researchers in the transport field to examine the accident data and find out if MC in general, and MC-Tx in particular, are more guilty than the other modes. And since tricycles is only a hair-step away from MC-Tx, they ought to be substitutes; why then do passengers choose MC-Tx over MC-TC? What are the tipping points or factors? If the supply is driven by lack of income opportunities, will the supply dwindle with growth in employment and GDP?

It is also a paradox why transport development literature is heavily laced with “Statism”, where the government is presumed to be the best agent to address transport problems, rather than the cause of the problem.

And for futurists, a fertile ground for research is the evolution of RHAs as a platform to achieve inter-modal, intra-modal, and seamless transport system. Extrapolating from the progress in military warfare, can AI-enabled swarms of MC-Tx (or paratransit) be far behind?

6.4 The Outlook for Habal-habal

Finally, whatever the ‘Gods of Olympus’ choose to do, the *habal-habal* will continue to ride (like the tale of Zorro) on Philippine roads. As a chaptGPT would put it:

*“But still, the habal-habal perseveres
A symbol of hope and resilience
A reminder that even in the most difficult of times
There is always a way forward
As long as there are poor people
So long as there are roads to travel
The Habalhabal will be there
A lifeline, a hope, a dream”*

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