



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
21st City Council

PO21CC-492

85th Regular Session

ORDINANCE NO. SP- **3091**, S-2021

AN ORDINANCE REVOKING THE PUBLIC MOTORIZED TRICYCLE FOR-HIRE FRANCHISES OF TRICYCLE OPERATORS WHOSE UNITS HAVE BEEN SOLD WITHOUT PRIOR NOTICE WITH THE TRICYCLE FRANCHISING BOARD (TFB) AND WITH OTHER INFRACTIONS IN VIOLATION OF THE PROVISION OF TRICYCLE MANAGEMENT CODE OF 2014 AND DECLARING THEM OPEN FOR APPLICATION TO QUALIFIED MEMBERS OF THE TRICYCLE OPERATORS AND DRIVERS ASSOCIATION (TODA) COVERED UNDER THE EXISTING ROUTE MEASURED CAPACITY.

Introduced by Councilors RAMON P. MEDALLA, VICTOR V. FERRER, JR., FRANZ S. PUMAREN, RESTY B. MALAÑGEN, RAM V. MEDALLA and ERIC Z. MEDINA.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Winston "Winnie" T. Castelo, Atty. Bong Liban, Eden Delilah "Candy" A. Medina, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Patrick Michael Vargas, Shaira L. Liban, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, mandates every Local Government Unit (LGU) to exercise powers essential to the promotion of the general welfare, and within their territorial jurisdiction ensure safety, maintain peace and order, and preserve the comfort and convenience of the inhabitants;

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WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, devolved certain functions of the Department of Transportation and Communications (DOTC) to the LGUs. Thus, Section 458. Powers, Duties, Functions and Compensation, states that:

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(3) Subject to the provisions of Book II of this Code, enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city and pursuant to this legislative authority shall:

x - x - x

(VI) Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city;

WHEREAS, in 1992, the Quezon City Council passed City Ordinance No. SP-15, S-1992, entitled "An Ordinance Franchising and Regulating the Operation of Motorized Tricycles in Quezon City", otherwise known as the "Quezon City Tricycle Ordinance of 1992", but due to the dramatic change contributed by the operation, regulation and demographic aspects of the city through time, the said ordinance was therefore considered as outdated, thus the need to update the same;

WHEREAS, in 2014, the Quezon City Council enacted City Ordinance No. SP-2337, S-2014, otherwise known as the Quezon City Tricycle Management Code of 2014, recognizing the vital role of tricycles in the public transport system of the city and the Metropolis as a whole. The franchising and operation of tricycles shall be controlled and regulated with the end in view of effectively managing these vehicles for basic services;

WHEREAS, Section 1, Article III, Book IV of Ordinance No. SP-2337, S-2014, as amended, stated that franchises for public motorized tricycle for-hire shall be valid for three (3) years, renewable for the same period and the Certificate of Public Convenience (CPC) issued by the Tricycle Franchising Board (TFB) shall be submitted to the Tricycle Regulation Division (TRD) for the corresponding issuance of Motorized Tricycle Operators Permit (MTO). The MTO shall be registered yearly with the TRD and shall be confirmed yearly by the Land Transportation Office (LTO);

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WHEREAS, Article XIX, Book IV of City Ordinance No. SP-2337, S-2014 states that the franchise issued to public motorized tricycle for-hire operators which had expired for more than six (6) months shall be automatically dropped from the service without a need for the notice of demand for its renewal;

WHEREAS, the tricycle sector has become a major social policy concern due to the increasing number of traffic accidents involving tricycles, proliferation of colorum or illegal units, and an ever-increasing number of families that are dependent on tricycle operations for livelihood. The number of tricycles operating in Quezon City continues to increase exponentially without being sufficiently regulated and controlled and large majorities of the riding public continue to patronize tricycle as a public transport.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. - This Ordinance shall be known as "AN ORDINANCE REVOKING THE PUBLIC MOTORIZED TRICYCLE FOR-HIRE FRANCHISES OF TRICYCLE OPERATORS WHOSE UNITS HAVE BEEN SOLD WITHOUT PRIOR NOTICE WITH THE TRICYCLE FRANCHISING BOARD (TFB) AND WITH OTHER INFRACTIONS IN VIOLATION OF THE PROVISION OF TRICYCLE MANAGEMENT CODE OF 2014 AND DECLARING THEM OPEN FOR APPLICATION TO QUALIFIED MEMBERS OF THE TRICYCLE OPERATORS AND DRIVERS ASSOCIATION (TODA) COVERED UNDER EXISTING ROUTE MEASURED CAPACITY."


SECTION 2. DECLARATION OF PRINCIPLES. - The state affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare. Subject to reasonable conditions prescribed by law, the state adopts and implements a policy of full public disclosure of all its transactions involving public interest.

The Government of Quezon City recognizes the vital role of tricycles in the public transport system of the city and the Metropolis as a whole. The franchising and operation of tricycles shall be controlled and regulated with the end in view of effectively managing these vehicles for basic services.

It is the policy of the city government to ensure the safety of all road users within the territorial jurisdiction of Quezon City and to promote public health, safety and convenience.

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SECTION 3. DEFINITION OF TERMS. -

Certificate of Public Convenience (CPC) - is an authorization issued by the Tricycle Franchising Board (TFB) for the operation of tricycle for public use as required by law.

Colorum - is a motorized tricycle, whether for hire or utility operating without the appropriate franchise issued by the City.

Franchise - is defined to be a special privilege to do certain things conferred by government on an individual or corporation, and which does not belong to citizens generally of common right.

Motorized Tricycle - is a motor vehicle duly registered with the LTO composed of motorcycle fitted with a single wheeled side car or three-wheel-vehicles.

Motorized Tricycle Operators Permit - is a document granting permit or licenses to operate issued to a person, natural or juridical, allowing him/her to operate a tricycle over zones specified therein.

Owner/Operator - is the registered owner of tricycle as shown by the Certificate of Registration or other document.

Public Motorized Tricycle-For-Hire - is a tricycle for hire or three-wheel-vehicle rendering transport services to the general public.

Route Measured Capacity (RMC) - is the number of tricycle-for-hire units allowed in each route as set by the Sangguniang Panlungsod.

TODA - refers to the Tricycle Operators and Drivers Association.

Tricycle Regulatory Unit (TRU) - a unit created pursuant to Executive Order No. 31, Series of 1984 and whose mandate was subsequently transferred to the Department of Public Order and Safety (DPOS) pursuant to City Ordinance No. SP-1700, S-2006. TRU is tasked to regulate the operation of tricycles, pedicab and is in charge of enforcing the implementation of this Code.

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SECTION 4. COVERAGE. - This Ordinance shall cover all tricycles-for-hire and three wheel vehicles operating in Quezon City, the TFB will recommend to the City Council for the cancellation/revocation of the following violations and other infractions, to wit:

a. Violation of Section 7, Article XIX, Book IV of the TMC 2014

- Failure on the part of the franchise holder/ vendor to notify and appear before the Tricycle Franchising Board in writing within ten (10) days prior to the intended sale of the tricycle unit with franchise stating therein the reason/s.*
- Failure on the part of the vendee/ applicant/ petitioner to apply for the Transfer of Privilege under his/her name within the period of thirty (30) days from the date of sale.*

b. Violation of Section 8, Article XIX, Book IV of the TMC 2014

- Failure on the part of the franchise holder to renew/revalidate his/her privilege and for failing to avail the six (6) months grace period to renew/revalidate the same privilege.*

c. Violation of Section 9, Article XIX, Book IV of the TMC 2014

- Failure on the part of the immediate family member who is qualified to apply before the TFB for the transfer of privilege under his/her name, within thirty (30) days after the death of the franchise, on or before the expiration of the franchise.*

d. Tricycle Unit bought with expired franchise

e. Applicant/petitioner is in possession of multiple deed of sale

f. Other violation under Article XIX, Book IV of the TMC 2014

The objective of the Tricycle Franchising Board to resolve all infractions caused by the said violation and reconcile records of all approved tricycle franchises based on the RMC.

SECTION 5. GENERAL GUIDELINES/PROTOCOLS UNDER INFRACTION PROGRAM. - Route Measured Capacity (RMC), both open and vacated slots, shall be filled-up in the following manner and criteria:

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1. *Only tricycle operators possessing LTO Certificate of Registration and Official Receipt (OR/CR) of their units and an active member of the TODA shall be eligible to apply for replacement of the cancelled/revoked franchise.*
2. *A former franchise holder who has already sold his/her unit with franchise shall not be allowed to apply for the vacant/open slot and also barred from applying another franchise. The franchise covering the slot number is automatically cancelled upon sale of the unit pursuant to City Ordinance No. SP-1256, S-2003.*
3. *A prospective applicant to the open slot shall not be allowed to be granted a franchise under his/her name having more than two (2) existing tricycle franchises under City Ordinance No. SP-2514, S-2016.*
4. *A buyer of a tricycle unit with TFB-cancelled franchise will be given an opportunity to apply for the said slot number, provided he/she is an active member of the TODA and a bonafide resident of the barangay where the unit is actually operating and has been endorsed by the TODA through a Board Resolution.*
5. *Family member, who failed to apply for the transfer of privilege within the grace period after the death of the franchisee, may hereafter apply for the TFB-cancelled franchise, provided the relative/petitioner is an active member of the TODA and a bonafide resident of the barangay where the unit is actually operating and has been endorsed by the TODA through a Board Resolution.*
6. *The Tricycle Franchising Board (TFB) shall process the application on a first come-first served basis according to the date of receipt and upon evaluation/completion of requirements and satisfying the criteria. Acceptance of complete requirements shall also be based on the recommendation of the TODA through a Board Resolution.*
7. *Grantees of privileges for the open slot are governed by the Tricycle Management Code of 2014 and therefore shall maintain the franchise under their names within the validity period of three (3) years which is renewable for the same period. Grantees shall also register the tricycle unit yearly with the Tricycle Regulatory Division (TRD) and the Land Transportation Office (LTO) under "For-Hire" classification pursuant to Article III, Book IV of City Ordinance No. SP-2337, S-2014.*

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8. *The TFB shall have the sole authority to resolve any issue that will arise in the implementation of the preceding paragraphs based on the merits of documents presented and application submitted and shall resolve the same upon the concurrence of the majority of the members of the Board pursuant to City Ordinance No. SP-2514, S-2016.*

SECTION 6. The individual applicants for open slots franchise should be filed and approved by the Tricycle Franchising Board (TFB) and Tricycle Regulation Division (TRD) and additional requirement will be prescribed by TFB.

SECTION 7. GRANT OF AMNESTY. - Amnesty is hereby granted to the public motorized of the qualified operators who have violated Article XIX, Book IV of the Tricycle Management Code of 2014 for reapplication to attain legitimate status in accordance with the existing Route Measured Capacity.

SECTION 8. AVAILMENT PERIOD. - Herein grantee may avail of the Route Measured Capacity (RMC), both open and vacated slots, which shall be filled-up beginning January 1, 2022 up to March 30, 2022. During this period, the processing of the application shall be made upon evaluation/completion of the requirements and satisfying the criteria.

SECTION 9. All tricycles herein granted and approved shall be governed by the Quezon City Ordinance No. SP-2337, S-2014, otherwise known as the Quezon City Tricycle Management Code of 2014, and its corresponding amendments. The city supports the Clean Air Act Law in compliance with City Ordinance No. SP-2763, S-2018 stating the required Standard Measurement and Technical Specification for EURO IV, and its corresponding amendments.

SECTION 10. All TODA are hereby directed to inform their respective officers and members (operator and drivers) on the implementation of this Ordinance upon official announcement of the TFB.

SECTION 11. IMPLEMENTING RULES AND REGULATIONS (IRR). - The Tricycle Franchising Board Head, within ten (10) days upon approval of this measure, shall promulgate an effective implementing rules and regulation in order to efficiently enforce the mandate of this Ordinance. The same shall bear the approval of the City Mayor to have the full force and effect of the law.

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SECTION 12. REPEALING CLAUSE. - All Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE. - If for any reason, any section or provision of this Ordinance is declared illegal or unconstitutional other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 14. EFFECTIVITY CLAUSE. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED: December 13, 2021.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

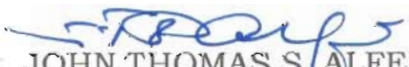
APPROVED: JAN 21 2022



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 13, 2021 and was PASSED on Third/Final Reading under Suspended Rules on the same date.



Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

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