



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-138

21st Regular Session

2575

ORDINANCE NO. SP-_____, S-2017

AN ORDINANCE PROVIDING FOR THE CONDUCT OF RANDOM DRUG TESTS TO PUBLIC MOTORIZED TRICYCLE, UTILITY MOTORIZED TRICYCLE AND PEDICAB DRIVERS AND APPROPRIATING FUNDS FOR THE PURPOSE THEREOF.

Introduced by Councilor OLIVIERE T. BELMONTE.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Estrella C. Valmocina, Roderick M. Paulate, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Jose Mario Don S. De Leon, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Marra C. Suntay, Jose A. Visaya, Karl Edgar C. Castelo, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto, Donato C. Matias, Eric Z. Medina and Ricardo B. Corpuz.

WHEREAS, pursuant to section 15 Republic Act No. 10586, otherwise known as the "Anti-Drunk and Drugged Driving Act of 2013", Land Transportation Office (LTO) shall conduct a quick random drug tests of public utility drivers. The cost of such tests shall be defrayed by the LTO;

WHEREAS, Section 458 (a)(3)(vi) of Republic Act No. 7160 otherwise known as the Local Government Code provides that subject to the guidelines prescribed by the Department of Transportation and Communications, the Sangguniang Panlungsod shall regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city;

WHEREAS, tricycles are the primary mode of transportation in many areas of the City, servicing secondary roads and subdivisions, their operation greatly affects not only the mobility of the riding populace but also the peace and order, safety and harmony of various areas where these tricycle operate; X

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WHEREAS, pedicabs are sustainable means of transportation, categorized under the Non-Motorized Mode of Transportation which do not need fuel nor emit carbon emissions, hence improve air quality, noise free and feasible transport in the level of subdivisions and barangays that have 2-kilometer radius;

WHEREAS, consistent with our national policy, the Quezon City Government has implemented programs to deter the use of dangerous drugs by all Tricycle Operator Driver Association (TODA) and Pedicab drivers in Quezon City and institute preventive measures against drug use which causes significant physical, mental and social dysfunction that affect not only the driver but also the passengers and the people around him;

WHEREAS, it is also provided in Section 458 (a)(1)(v) of Republic Act No. 7160 that the Sangguniang Panlungsod has the power and authority to enact ordinance to prevent, suppress and impose appropriate penalties for... drug addiction, maintenance of drug dens, drug pushing,... and such other activities inimical to the welfare and morals of the inhabitants of the city.

NOW, THEREFORE,

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. TITLE - This Ordinance shall be known as "Drugged Driving Ordinance in Quezon City".

SECTION 2. DECLARATION OF POLICY - It is the declared policy of the Quezon City Government:

- a. To recognize the protection of life and property and the promotion of the general welfare as essential for the enjoyment of the blessings of democracy.
- b. To ensure road safety through the observance by the citizenry of responsible and ethical driving standards.



- c. To penalize the acts of driving under the influence of dangerous drugs and other intoxicating substances and shall inculcate the standards of safe driving and the benefits that may be derived from it through institutional programs and appropriate public information strategies.

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance the following terms shall be defined as follows:

- a. *Dangerous drugs and other similar substances* – refer to drugs listed in the schedules annexed to the 1961 Single Convention on Narcotics Drugs, as amended by the 1972 Protocol and in the schedules annexed to the 1971 Single Convention of Psychotropic Substances as enumerated in its attachment which is an integral part of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002"
- b. *Driving under the influence of dangerous drugs and other similar substances* – refers to the act of operating a motor vehicle or non motorized mode of transportation while the driver, after being subjected to a confirmatory test as mandated under Republic Act No. 9165, is found to be positive for use of any dangerous drugs.
- c. *Public Motorized Tricycle* – is a motor vehicle duly registered with the Land Transportation Office (LTO) rendering transport services to the general public, composed of motorcycle fitted with a single wheeled side car or two wheeled cab, close van or open cart whether powered by gasoline or electricity;
- d. *Pedicab or Padyak* – is another means of transportation in the city, is synonymous to cycle ricksaw, bikecab, cyclo, becak, trishaw and rickshaw which generally refers to a human powered tricycle designed to carry passengers and goods. Some called "Padyak" simply because it is powered by foot in the pedal. ✓

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- e. *Utility Motorized Tricycle* – is a tricycle rendering transport services for legitimate and registered business entity.




ARTICLE II
GUIDELINES IN THE CONDUCT OF THE
RANDOM DRUG TEST

SECTION 4. GUIDELINES IN GENERAL – *The following guidelines shall be observed upon the conduct of random drug testing:*

- a. *The random drug testing shall be implemented as a collaborative undertaking of the city government, TODA Federation and TODA Officers and Members.*
- b. *Random drug testing shall be implemented in adherence to a "Drug-Free TODA/PODA".*
- c. *The drug testing program shall guarantee and respect the personal privacy and dignity of the drivers/operators.*
- d. *The random drug testing may be set as a condition for the granting of franchise to TODA and PODA respectively.*
- e. *Failure to comply with the random drug testing shall be prima facie presumption that the driver/operator is positive for the use of illegal drugs, and shall be subject to Section 8 (c).*

SECTION 5. NON-COMPLIANCE WITH THE PRECEDING SECTION – *Non-compliance with Section 4 shall be a prima facie presumption of irregularity. Thus, Article II Section 4 (d) herein stated shall be imposed.*

SECTION 6. IMPLEMENTING AGENCY – *The Department of Public Order and Safety (DPOS) and Tricycle Regulatory Unit (TRU) in coordination with the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) shall jointly conduct a random drug test to all public motorized tricycle, utility motorized tricycle and Pedicab drivers. The expenses for the said drug test shall be at the expense of the city government.* †

SECTION 7. ACTION ON NEGATIVE RESULTS - In case the driver is found with a negative result in his drug test, no further action is needed other than the issuance of a Drug Test Certificate. The Drug Test Certificate is good for twelve (12) months and could be used for any relevant purpose.

SECTION 8. PROCEDURE IN HANDLING A POSITIVE RESULT AFTER CONFIRMATORY TEST - Should the drug test yield a positive result for the driver/operator tested, the following procedures must be observed:

- a. Upon discovery that a urine sample tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the President of the TODA or PODA as the case may be, and to the Chief of the Tricycle Regulation Unit or his duly authorized representative;
- b. After receipt of such information, the same shall be made known to the concerned driver/operator;
- c. The President of the TODA or PODA as the case may be, shall prohibit the driver from driving the tricycle/pedicab until such time that the driver has completed his rehabilitation. In case the driver is also the operator/owner of the tricycle/pedicab he is driving, his franchise shall be suspended until such time the operator/owner has completed his rehabilitation.
- d. The President of the TODA or PODA and the Chief of the Tricycle Regulation Unit shall then refer the said confirmatory test to the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) who shall then refer the same to the Department of Health (DOH) accredited physician/s for drug dependency evaluation to determine the level of severity of drug dependency and administrative interventions that can be extended to the concerned driver/operator.
- e. All records must strictly be held confidential in accordance with Republic Act No. 9165. ✓

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SECTION 9. IMPLEMENTING RULES AND REGULATIONS – The Department of Public Order and Safety (DPOS), Tricycle Franchising Board (TFB) and Quezon City Anti-Drug Abuse Council (QCADAC) are hereby tasked to formulate the implementing rules and regulations for this Ordinance.

SECTION 10. PENALTY CLAUSE – Any driver/owner/operator who will be found positive for the use of prohibited drugs after confirmatory test shall be meted with the following penalties, to wit:

Driver of Tricycle/Pedicab: Prohibition to drive the tricycle/pedicab until such time that the driver has completed his rehabilitation and treatment program.

Owner/Operator: Suspension of franchise until such time that the owner/operator has completed his rehabilitation and treatment program.

Without prejudice to any criminal or civil case that maybe filed, a fine of Five Thousand Pesos (P5,000.00) shall be meted to the TODA/PODA President or Operator in case of failure to implement the procedure provided under Section 8 of this Ordinance.

SECTION 11. APPROPRIATION OF FUNDS – The amount of Seven Million Five Hundred Thousand (P7,500,000.00) is hereby appropriated to be taken from any available funds of the city; the said fund shall then be appropriated in the 2018 budget of the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) and every year thereafter.

SECTION 12. SEPARABILITY CLAUSE – If, for any reason or reasons, any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remaining parts thereof not affected thereby shall continue to be in full force and effect.

SECTION 13. REPEALING CLAUSE – All previous issuances, ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with the provisions to this Ordinance are hereby repealed or modified accordingly. ✓

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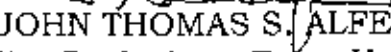
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SECTION 14. EFFECTIVITY CLAUSE – This Ordinance shall take effect Fifteen (15) days following its complete publication in a newspaper of general circulation.

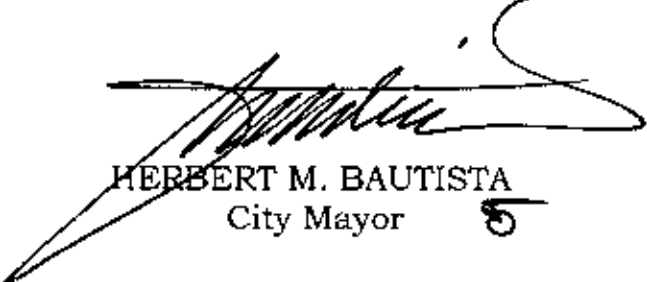
ENACTED: February 13, 2017.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 23 MAR 2017


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on February 13, 2017 was reverted back for Second Reading on February 27, 2017 and was finally PASSED on Third/Final Reading on March 6, 2017.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

