



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

PO20CC-412

76th Regular Session

ORDINANCE NO. SP- **2768**, S-2018

AN ORDINANCE MANDATING THE TRICYCLE OPERATOR/S OPERATING IN THE CITY TO PROVIDE A PERSONAL ACCIDENT INSURANCE COVERAGE PROGRAM FOR THE PROTECTION OF TRICYCLE DRIVER/S AND PASSENGER/S AND PROVIDING FUNDS THEREFOR.

Introduced by Councilors RAMON P. MEDALLA and OLIVIERE T. BELMONTE.

Co-Introduced by Councilors Alexis R. Herrera, Anthony Peter D. Crisolago, Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ranulfo Z. Ludovica, Estrella C. Valmocina, Roderick M. Paulate, Gian Carlo G. Sotto, Jose Mario Don S. De Leon, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, 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, Donato C. Matias, Eric Z. Medina, Alfredo S. Roxas and Noe Lorenzo B. Dela Fuente III.

WHEREAS, Section 374 of Presidential Decree No. 1460, as amended by Presidential Decree No. 1814, also known as the Insurance Code, states that: "It shall be unlawful for any land-transportation operator or owner of a motor vehicle to operate the same in public highways, unless there is in force, in relation thereto, a policy of insurance or guaranty in cash or surety bond issued in accordance with the provisions of this chapter to indemnify the death, bodily injury and or damage to property of a third party or passenger, as the case maybe, arising from the use thereof.";

WHEREAS, likewise, Section 5(b) of Commonwealth Act No. 146, as amended by Executive Order No. 202, empowers the Land Transportation Franchising Regulatory Board (LTFRB), "to issue, amend, revise, suspend or cancel Certificate of Public Convenience or permits authorizing the operation of public land transportation services that are provided by motorized vehicles, and to prescribe the appropriate terms and conditions thereof.";

[Handwritten mark]

[Handwritten mark]

[Handwritten mark]

[Handwritten mark]

WHEREAS, tricycle drivers and passengers are not covered by the above stated laws, instead the Local Government Unit (LGU) has the power to regulate the operation of tricycle and grant franchises for the operation thereof within the territorial jurisdiction of the city as stated in Section 458 (3)(vi) of Republic Act No. 7160;

WHEREAS, there are around 600,000 registered tricycle units found in the different parts of the Philippines, twenty-four thousand, seven hundred thirteen (24,713) of which is found in Quezon City;

WHEREAS, over the years, the tricycle sector have become a major social concern due to the worsening traffic, proliferation of colorum, accidents involving tricycles and an increasing number of families that are dependent on tricycle operation for livelihood;

WHEREAS, tricycle drivers and passengers are the most vulnerable when an accident happens and without personal insurance coverage to protect them;

WHEREAS, countless number of accidents involving tricycles colliding or bumping with other vehicles are bannered in the front pages of different newspapers of local, national and international circulation;

WHEREAS, the lack of "Personal Accident Insurance Coverage Program" is one of the major concern of the city and was the main reason for the crafting of this ordinance, to protect the drivers and passengers of tricycle.

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 the "Personal Accident Insurance Coverage Program for Drivers and Passengers of Tricycle."

SECTION 2. DECLARATION OF POLICY – The Tricycle Management Code of Quezon City comprehensively addressed all aspects of operation, regulation and social protection for the tricycle sector and as a matter of the city's intensified effort, providing Personal Accident Insurance Coverage Program for Drivers and Passengers shall be an integral part of this policy prior to the issuance, renewal and updating of tricycle franchise.

SECTION 3. PERSONAL ACCIDENT INSURANCE COVERAGE – This Ordinance shall cover drivers and passengers of tricycle plying within the territorial jurisdiction of the city with a valid license and franchise.

[Handwritten signatures and initials]

SECTION 4. ENROLLMENT OF DRIVERS AND PASSENGERS – All owners/operators are the one responsible for securing a personal accident insurance policy as mandated by this Ordinance for the protection of the drivers and passengers.

SECTION 5. PERSONAL ACCIDENT INSURANCE POLICY – When the injury incurred in any of the following losses stipulated in the insurance policy coverage, the victim shall be indemnified by the Insurance Company for the corresponding compensation based on the principal sum.

SECTION 6. THE TRICYCLE FRANCHISING BOARD (TFB) OF QUEZON CITY –The Tricycle Franchising Board (TFB) is hereby tasked by this Ordinance:

- a) To make an inventory of all passenger tricycle and tricycle-for-hire operating in the city with existing franchise to determine their actual present numbers.
- b) To facilitate and supervise the implementation of the Personal Accident Insurance Coverage Program for Tricycle Drivers and Passengers.
- c) No Personal Accident Insurance Coverage Program for Drivers and Passengers mean No Issuance, Renewal or Updating of their existing Tricycle Franchise.
- d) Non-Compliance to this Ordinance is subject for the cancellation of their franchise.

SECTION. 7. SUBSIDY – For the first year of the implementation of this Ordinance, the city shall subsidize the total amount of the Personal Accident Insurance Coverage Program due from the tricycle operators.

SECTION 8. BUDGET ALLOCATION – The city shall allocate Twenty Million Pesos (P20,000,000.00) for this purpose.

SECTION 9. APPLICATION FOR SUBSIDY – The tricycle operators shall apply directly to the City's Tricycle Franchising Board (TFB) to avail of the subsidy.

SECTION 10. ONE YEAR GRACE COVERAGE PERIOD TO COMPLY – The tricycle operators are given a grace period of one (1) year after the passage of this Ordinance to avail of the city's subsidy and to comply with the mandate of this Ordinance of insuring the driver/s and passenger/s of the tricycle/s after which they shall be penalized accordingly for non-compliance. In short, within one year after the approval of this Ordinance, all tricycle operators must avail of the subsidy being offered by the city.

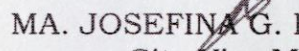
SECTION 11. PENALTY CLAUSE - The penalty for defying the mandate of this Ordinance shall be the suspension or cancellation of Certificate of Public Convenience or permit authorizing the operation of their tricycle/s as public transportation.

SECTION 12. REPEALING CLAUSE - All local legislations and executive directives inconsistent or are in conflict with this Ordinance are hereby repealed or modified accordingly.

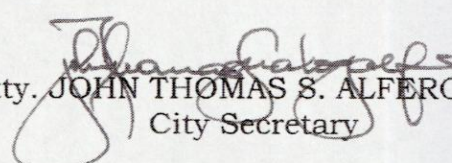
SECTION 13. SEPARABILITY CLAUSE - The provisions of this Ordinance are separable. If for any reason, any section of this Ordinance shall be declared to be unconstitutional or invalid, the validity of the other provisions shall not be affected and shall continue to be in full force and effect.

SECTION 14. EFFECTIVITY - This Ordinance shall take effect on the day following its full publication for two (2) consecutive weeks in a newspaper of general circulation.

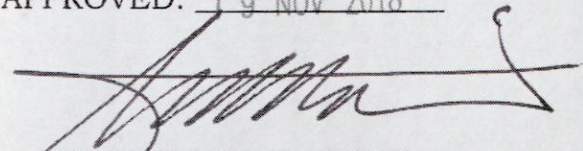
ENACTED: October 8, 2018.


MA. JOSEFINA G. BELMONTE
City Vice Mayor
Presiding Officer

ATTESTED:

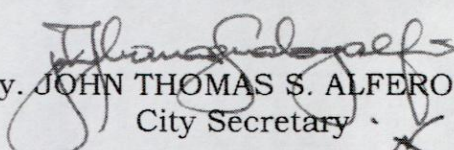

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

APPROVED: 19 NOV 2018


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on October 8, 2018 and was PASSED on Third/Final Reading on October 15, 2018 under Suspended Rules.


Atty. JOHN THOMAS S. ALFEROS III
City Secretary