



Republic of the Philippines  
**QUEZON CITY COUNCIL**  
Quezon City  
22<sup>nd</sup> City Council

PO22CC-143

28<sup>th</sup> Regular Session

ORDINANCE NO. SP- 3187, S-2023

AN ORDINANCE REVOKING PUBLIC MOTORIZED TRICYCLE-FOR-HIRE FRANCHISES OF TRICYCLE OPERATORS, WHOSE UNITS HAVE BEEN DELINQUENT WITH LAST PAYMENT MADE IN THE YEAR 2017 AND BELOW AT THE TRICYCLE REGULATION DIVISION (TRD) AND OTHER INFRACTIONS WHICH IS IN VIOLATION OF THE PROVISIONS OF THE 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

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*Introduced by Councilor RAM V. MEDALLA*

*Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Julian Marcus D. Trono*

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*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, under the said Code, certain functions of the Department of Transportation and Communications (DOTC) were transferred or devolved to the LGUs. Thus, Section 458(3)(vi) of the Local Government Code of 1991 states that:

“ (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:

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(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 said Ordinance;

WHEREAS, the Traffic and Transport Management Department submitted a list of operators and franchisees, including a summary of Motorized Tricycle Operators Permit (MTO) per Tricycle Operators and Drivers Association (TODA) with last payment made in year 2017 and below;

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 integral 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 view of effectively managing these vehicles for basic services;

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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 Regulations Division (TRD) for the corresponding issuance of MTOP. The MTOP shall be registered yearly with the TRD and confirmed yearly by the Land Transportation Office (LTO);

WHEREAS, Article XIX, Book IV of City Ordinance No. SP-2337, S-2014 states that, the franchise, issued to operators of public motorized tricycle-for-hire, which had expired for more than six (6) months, shall be automatically dropped from the service without a need of 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 PUBLIC MOTORIZED TRICYCLE-FOR-HIRE FRANCHISES OF TRICYCLE OPERATORS, WHOSE UNITS HAVE BEEN DELINQUENT WITH LAST PAYMENT MADE IN THE YEAR 2017 AND BELOW AT THE TRICYCLE REGULATION DIVISION (TRD) AND OTHER INFRACTIONS WHICH IS IN VIOLATION OF THE PROVISIONS OF THE 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".

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**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 integral 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 view of effectively managing these vehicles for basic services.*

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

**SECTION 3. DEFINITION OF TERMS. –**

- a. *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.*
- b. *Colorum - is a motorized tricycle, whether for hire or utility, operating without the appropriate franchise issued by the City.*
- c. *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.*
- d. *Motorized Tricycle - is a motor vehicle duly registered with the LTO composed of motorcycle fitted with a single-wheeled sidecar or three-wheeled vehicle.*
- e. *Motorized Tricycle Operators Permit (MTO) - is a document granting permit or license to operate; issued to a person, natural or juridical; and allowing him/her to operate a tricycle over zones specified therein.*
- f. *Owner/Operator - is the registered owner of tricycle as shown by the Certificate of Registration or other document.*
- g. *Public Motorized Tricycle-For-Hire - is a tricycle for hire or three-wheeled vehicle rendering transport services to the general public.*

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- h. *Route Measured Capacity (RMC) - is the number of tricycle-for-hire units allowed in each route as set by the Sangguniang Panlungsod.*
- i. *TODA - refers to the Tricycle Operators and Drivers' Association.*
- j. *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 and pedicab, and is in charge of enforcing the implementation of this Code.*

*SECTION 4. COVERAGE. – This Ordinance shall cover all tricycles for hire and three-wheeled vehicles operating in Quezon City. The TFB will recommend to the City Council the cancellation/revocation of franchises based on the following violations and infractions:*

- a. *Violation of Section 8, Article XIX, Book IV of the Quezon City Tricycle Management Code of 2014 (TMC 2014).*
  - *Failure on the part of the franchise holder to renew/revalidate his/her privilege and for failing to avail the six (6)-month grace period to renew/revalidate the same privilege.*
- b. *Violation under existing laws, rules and regulations, such as, but not limited to, the following:*
  - 1. *Violation of the condition provided under the CPC granted to Franchise Holder;*
  - 2. *Violation under Article XIX, Book IV of the TMC 2014;*
  - 3. *Violation under Ordinance No. SP-1444, S-2004, otherwise known as "An Ordinance Creating the Traffic and Management Code of Quezon City"; and*
  - 4. *Violation under Ordinance No. SP-3052, S-2021, otherwise known as "An Ordinance Amending City Ordinance No. SP-2785, S-2018, otherwise known as the Quezon City Revised Traffic Management Code of 2018".*

*The objective of the TFB is to resolve all infractions caused by the aforementioned violations and reconcile records of all approved tricycle franchises based on the RMC.*

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**SECTION 5. GENERAL GUIDELINES/PROTOCOLS UNDER INFRACTION PROGRAM.** – *Open and vacated slots of RMC shall be filled-up in the following manner and criteria:*

1. *Only tricycle operators possessing LTO Certificate of Registration and Official Receipt (OR/CR) of their units and active members of the TODA shall be eligible to apply as replacement for 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 sold 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 granted a franchise under his/her name when said applicant already has 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 said slot number, provided he/she is an active member of the TODA, 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 delinquent franchise in accordance with the provisions of Ordinance No. SP-2337, S-2014, otherwise known as the Tricycle Management Code of 2014, may hereafter apply for the TFB-cancelled franchise, provided the relative/petitioner is an active member of the TODA, 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 TFB shall process the application on a first-come, first-served basis according to the date of receipt, 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.*

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7. Grantees of privileges for the open slot are governed by the TMC 2014 and therefore shall maintain the franchise under their name 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 LTO as "For-Hire" classification under Article III, Book IV of City Ordinance No. SP-2337, S-2014.
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 resolved 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-slot franchise should be filed to and approved by the TFB and TRD, and additional requirement will be prescribed by TFB.

SECTION 7. AVAILMENT PERIOD. – Herein grantee may avail of RMC, both open and vacated slots, which shall be filled-up beginning April 1, 2023 up to June 30, 2023. During this period, the processing of the application shall be made upon evaluation/completion of the requirements and satisfaction of the criteria.

SECTION 8. All tricycles herein granted and approved shall be governed by TMC 2014, and its corresponding amendments. The City supports the Clean Air Act Law, in compliance with the City Ordinance No. SP-2763, S-2018 which states the required Standard Measurement and Technical Specification for EURO IV, and its corresponding amendments.

SECTION 9. All TODA are hereby directed to inform their respective officers and members (operators and drivers) on the implementation of this Ordinance, upon official announcement of TFB.

SECTION 10. IMPLEMENTING RULES AND REGULATIONS (IRR). – The TFB Head, within ten (10) days upon approval of this measure, shall promulgate an effective implementing rules and regulations 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.

SECTION 11. 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.

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*SECTION 12. 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 13. EFFECTIVITY CLAUSE. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.*

ENACTED: March 27, 2023.




GIAN G. SOTTO  
City Vice Mayor  
Presiding Officer

ATTESTED:


  
ATTY. JOHN THOMAS S. ALFEROS, III  
City Government Department Head III  
(City Council Secretary)

APPROVED: MAY 19 2023

  
MA. JOSEFINA G. BELMONTE  
City Mayor

CERTIFICATION

*This is to certify that this Ordinance was APPROVED on Second Reading on March 27, 2023, was Reverted Back to Second Reading on April 3, 2023, was APPROVED by the City Council on Second Reading and was PASSED on Third/Final Reading on the same date under Suspended Rules.*

  
ATTY. JOHN THOMAS S. ALFEROS, III  
City Government Department Head III  
(City Council Secretary)



