



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-163

46th Regular Session

ORDINANCE NO. SP- **3227** , S-2023

AN ORDINANCE GRANTING ADDITIONAL FRANCHISE TO THIRTEEN (13) PETITIONERS FROM BARANGAY BAGUMBAYAN TRICYCLE OPERATORS AND DRIVERS ASSOCIATIONS, INC. TO OPERATE A MOTORIZED TRICYCLE-FOR-HIRE WITHIN THEIR DESIGNATED ZONES/ROUTES AND AUTHORIZING THEIR SPECIFIED ROUTE MEASURED CAPACITIES (RMCs), THEREBY PARTIALLY LIFTING ORDINANCE NO. SP-1479, S-2005, OTHERWISE KNOWN AS THE "ORDINANCE DECLARING MORATORIUM IN THE FRANCHISE OF PUBLIC UTILITY TRICYCLES IN QUEZON CITY", AND FOR OTHER PURPOSES

Introduced by Councilors RAM V. MEDALLA, KATE GALANG-COSETENG, ALBERT ALVIN "Chuckie" L. ANTONIO III, WENCEROM BENEDICT C. LAGUMBAY, GELEEN "Dok G" G. LUMBAD, DON S. DE LEON and ATTY. ANTON L. REYES

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, 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

WHEREAS, in 2005, the Quezon City Council passed City Ordinance No. SP-1479, S-2005, otherwise known as "An Ordinance declaring a Moratorium in the Franchise of Public Utility Tricycles in Quezon City and for other purposes"; the passage of the said moratorium was due to the proliferation of tricycles in practically all streets and roads of Quezon City, encroaching even the main thoroughfares, congesting the road network and complicating further the already complex traffic situation of the City;

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WHEREAS, even after the passage of the aforementioned moratorium ordinance, there are still some tricycle associations, such as the herein applicants, left with pending applications for franchise before the Tricycle Franchising Board (TFB). With that, they still exist and operate for the main reason that their existence and operation are very much necessary in their respective areas; otherwise, transportation would be paralyzed;

WHEREAS, Section 3 of City Ordinance No. SP-1479, S-2005, otherwise known as the Moratorium Ordinance, states that “the Committee on Transportation of the City Council shall conduct a study on the present state of operation of public utility tricycles in the City in aid of legislation with the end in view of coming up with an ordinance that will rationalize the authorization and deployment of tricycles in the roads, streets and thoroughfares in Quezon City”;

WHEREAS, Section 4 of the Moratorium Ordinance further states that “the City Planning and Development Department (CPDD), in coordination with the Committee on Transportation, shall likewise conduct a study on the operation of tricycles and other transportation modes, the City’s transport corridors and road networks, traffic demands and projections and other relevant economic and transport matters, in view of coming up with a comprehensive transportation/traffic plan for Quezon City;

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;

WHEREAS, under the Quezon City Tricycle Management Code of 2014, in order to address the proliferation of colorum or illegal units, it implemented “One-Strike Policy” against apprehended colorum tricycles;

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WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that certain functions of the Department of Transportation and Communications (DOTC) were transferred 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:

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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" 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 outdated, thus the need to update the said Ordinance;

WHEREAS, pursuant to the mandates provided for by the Moratorium Ordinance, the City Planning and Development Department (CPDD) and the Committee on Transportation of the Quezon City Council conducted a tricycle study using an on-board passenger origin-destination (O-D) and tricycle mapping survey using an on-board data collection device equipped with sensor and Global Positioning System (GPS) capable of recording passenger boarding and alighting times and locations;

WHEREAS, as result thereto, the City Planning and Development Department (CPDD) submitted the final report to the Phase 2 program of the Tricycle Route Measured Capacity (RMC) Study for Unserved Routes in Quezon City;

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WHEREAS, it is the primordial concern of the Quezon City Government to update the existing Routes/Zones of tricycles in Quezon City and uphold the livelihood of the tricycle sector by granting herein tricycle associations legitimate franchise;

WHEREAS, initially, pursuant to Ordinance No. SP-387, S-96 entitled, "An Ordinance Instituting Tricycle Zone/Route in Quezon City, Designating Their Numbering Scheme and Fixing their respective Route Measured Capacities (RMC) thereof", to operate twenty-six (26) motorized tricycles-for-hire to fly the route from Economia Street to Calle Industria, San Roque Street, San Jose Street, Obrero Street, Barangay Bagumbayan and vice versa, District III, This City" for the aforesaid TODA which will be issued only upon authorization by the City Council;

WHEREAS, the first update of the existing RMC's of Bagumbayan TODA was under QCTFB Case No. 97 - 079 entitled, "Petition to increase by one (1) unit the Route Measured Capacity (RMC) of that tricycle route traversing any point within Barangay Bagumbayan, District III, Quezon City", for the additional one (1) motorized tricycles-for-hire to operate for the aforesaid TODA;

WHEREAS, the second update of the existing RMC's of Bagumbayan TODA was under Resolution No. 99 - 243 entitled, "Petition for Additional Route Measured Capacity RMC) and fixing the same for the next three (3) years from January 1, 2000 to December 31, 2002", for the additional ten (10) motorized tricycles-for-hire to operate for the aforesaid TODA;

WHEREAS, the third update of existing RMC's of Bagumbayan TODA was under Resolution No. SP-2345, S-2003 entitled, "A Resolution Granting the Increase of the Route Measure Capacity (RMC) of Bagumbayan in the 3rd District of Quezon City, from the original number of thirty-seven (37) to seventy-seven (77) units, thus providing for an additional forty (40) units to be registered", for the additional forty (40) motorized tricycles-for-hire to operate for the aforesaid TODA;

WHEREAS, that upon perusal for accreditation reveals that Barangay Bagumbayan Tricycle Operators and Drivers Association, Inc. (Bagumbayan TODA) is registered with the Securities and Exchange Commission (SEC) and is a Civil Society Organization accredited by the Quezon City Council and the Barangay and Community Relations Department (BCRD);

WHEREAS, TODA Resolution No. 002 – S-2022 of Bagumbayan TODA, adopted by the Board of Directors, sought the legalization of their existing thirteen (13) colorums;

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WHEREAS, the Barangay Council of Barangay Bagumbayan endorsed to the Tricycle Franchising Board (TFB) the accreditation of thirteen (13) units of the Barangay Bagumbayan Tricycle Operators and Drivers Association, Inc. (Bagumbayan TODA) for the granting of regular franchise and the riding public as a whole through tricycles, in support of the application for issuance of franchises through a resolution/certification;

WHEREAS, the District III TODA Presidents Federation, Inc. endorsed to the Tricycle Franchising Board (TFB) the request for additional thirteen (13) tricycle units of the Bagumbayan TODA for regular franchise in support of the application for issuance of franchise for certain Tricycle Operators and Drivers Association, Inc. (TODA) in District III, Quezon City;

WHEREAS, the Tricycle Regulation Division (TRD), Traffic and Transport Management Department (TTMD), in coordination of Barangay Bagumbayan, transmitted the attached list of operators/members of Bagumbayan TODA thirteen (13) units for physical inventory to operate additional Route Measured Capacity (RMC) to underserved areas in this city;

WHEREAS, the City Planning and Development Department (CPDD), in coordination with the Committee on Transportation of the Quezon City Council transmitted the RMC Recommendation of various TODA in Quezon City dated January 30, 2023. The said Department recommends the following underserved TODA including its maximum required number of units;

WHEREAS, the applicant has complied with all the necessary requirements prescribed by law, ordinance and administrative issuances.

NOW, THEREFORE,

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

SECTION 1. The tricycle zones/routes of hereunder Barangay Bagumbayan Tricycle Operators and Drivers Association, Inc. (Bagumbayan TODA) and respective Route Measured Capacity (RMC) are hereby granted additional and approved, to wit:

ZONES/ROUTES	RMC	Additional RMC
From Economia Street to Calle Industria, San Roque Street, San Jose Street, Obrero Street, Barangay Bagumbayan and vice versa	77	13

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SECTION 2. The partial lifting of moratorium is hereby granted to the following thirteen (13) additional petitioners, subject to existing laws, rules and regulations that are now and may hereinafter be promulgated, with their respective routes and body number and other motor vehicles specification, to wit:

Additional thirteen (13) petitioners for Barangay Bagumbayan Tricycle Operators and Drivers Association, Inc. (Bagumbayan Toda) (see attached)

SECTION 3. The individual applicants for franchise should be filed and approved by the Tricycle Franchising Board (TFB) and Tricycle Regulation Division (TRD).

SECTION 4. 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.

SECTION 5. MORATORIUM ORDINANCE, PARTIAL LIFTED. – City Ordinance No. SP-1479, S-2005, otherwise known as the Moratorium Ordinance is hereby partially lifted only for these thirteen (13) petitioners. However, any request for additional franchise and Route Measured Capacity (RMC) of any existing TODAs in Quezon City shall undergo tricycle study to be conducted by the Tricycle Regulation Division (TRD), the Tricycle Franchising Board (TFB) and the City Planning and Development Department (CPDD).

Tricycle study includes using an on-board passenger origin-destination (O-D) and tricycle mapping survey using an on-board data collection device equipped with sensor and Global Positioning System (GPS) capable of recording passenger boarding and alighting times and locations.

SECTION 6. 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 7. 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.

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SECTION 8. EFFECTIVITY CLAUSE. – This Ordinance shall take effect immediately upon its approval.

ENACTED: October 9, 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: NOV 16 2023


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on October 9, 2023 and was PASSED on Third/Final Reading on October 16, 2023.


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


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