Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
22nd City Council

PO22CC-336

81st Regular Session

ORDINANCE NO. SP-3309, S-2024

AN ORDINANCE GRANTING ADDITIONAL FRANCHISE TO 3 PETITIONERS FROM NORTH OLYMPUS HILLCREST 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 and JOSEPH JOE VISAYA

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, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Nanette Castelo-Daza, Marra C. Suntay, 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, Jose Maria M. Rodriguez and Jhon Angelli "Sami" C. Neri

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WHEREAS, in 2005, the Quezon City Council passed City Ordinance No. SP-1479, S-2005 entitled "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 Ordinance 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;

WHEREAS, after the passage of the aforementioned Moratorium Ordinance, there are some tricycle associations, such as the herein applicants, who are 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 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, to recognize 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 of view of effectively managing these vehicles for basic services;

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

WHEREAS, through Republic Act No. 7160, otherwise known as the Local Government Code of 1991, certain functions of the Department of Transportation and Communications (DOTC) were transferred to the local government units. Thus, Section 458 of the Local Government Code of 1991 provides for the corporate powers of the City, which include:

> *"(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:*

(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 as outdated, thus the need to update the same;

WHEREAS, pursuant to the mandates provided for by the Moratorium Ordinance, 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 a result thereof, CPDD submitted the final report to the Phase 2 Program of the Tricycle Route Measured Capacity (RMC) Study for Unserved Routes in Quezon City;

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, a legitimate franchise;

WHEREAS, initially, the aforesaid TODA instituted Quezon City Tricycle Franchising Board (QCTFB) Case No. 99-189 entitled "Petition for the Approval of 79 units Route Measured Capacity (RMC) of North Olympus Tricycle Operators and Drivers Association within the Tricycle route of Barangay Kaligayahan, North Olympus Subdivision, District II, Quezon City" for additional RMC which will be issued only upon authorization by the City Council;

WHEREAS, the first update of the existing RMCs of North Olympus Hillcrest Tricycle Operators and Drivers Association, Inc. (NOHILL TODA) was under Resolution No. 026, S-2005 entitled "Petition for Accreditation of NOHILL TODA, a merger of Two previously approved TODA, namely Barangay Kaligayahan North Olympus (BKNO TODA) and North Olympus TODA (NOL TODA)" seeking accreditation of the newly-formed NOHILL TODA, a merger of 2 previously approved TODA, namely: BKNO and NOL TODA within North Olympus II, III, and IV in Barangay Kaligayahan, District II, Quezon City to operate 120 Motorized tricycles-for-hire for the aforesaid TODA;

WHEREAS, upon perusal of the said Petition for Accreditation, it was revealed that NOHILL 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, NOHILL TODA Board Resolution 2021, adopted by the Board of Directors on September 23, 2021, sought the legalization of their existing 3 colorums;

WHEREAS, the Barangay Council of Barangay Kaligayahan interposed no objection and endorsed to TFB the accreditation of additional 3 units of the NOHILL TODA for the granting of regular franchise, and members/homeowners and the riding public, as a whole, through tricycles, support the application for issuance of franchises through a resolution/certification;

WHEREAS, the District V TODA Presidents Federation, Inc. endorsed to TFB the request for additional 3 tricycle units of the NOHILL TODA for regular franchise in support of the application for issuance of franchise for certain Tricycle Operators and Drivers Association, Inc. (TODA) in District V, Quezon City;

WHEREAS, the Tricycle Regulation Division (TRD), Traffic and Transport Management Department (TTMD), in coordination with Barangay Kaligayahan, transmitted the attached list of operators/members of NOHILL TODA for physical inventory of 3 units to operate additional RMC to underserved areas in this City;

WHEREAS, the TTMD, in coordination with the Committee on Transportation of the Quezon City Council and City Administrator for Operations, transmitted the Tricycle RMC Revalidation and Survey Result of various Tricycle Operators and Drivers Association (TODA) in Quezon City for the RMC Recommendation dated September 7, 2023. The said Department recommends the following underserved TODA including its maximum required number of units;

WHEREAS, the CPDD, with the TTMD, in coordination with the Committee on Transportation of the Quezon City Council, transmitted the Tricycle RMC Revalidation and Survey Result conducted on April to May 2023 to some TODA routes, in order to recommend updated RMC dated June 7, 2024. The said Department recommends the following RMC Revalidation to be updated including its maximum required number of units;

WHEREAS, the applicants have 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 North Olympus Hillcrest Tricycle Operators and Drivers Association, Inc. (NOHILL TODA) and respective Route Measured Capacity (RMC) are hereby approved and granted additional franchise, to wit:

ZONES/ROUTES	***RMC***	***Additional RMC***
From Mozart Street to Olympus Subdivision Phase I, II, and Hillcrest Phase I of Barangay Kaligayahan and vice versa.	*120*	*3*

SECTION 2. The partial lifting of Moratorium is hereby granted to the following 3 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 3 petitioners for North Olympus Hillcrest Tricycle Operators and Drivers Association, Inc. (NOHILL TODA) (see attached).

SECTION 3. The individual applications 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 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, PARTIALLY LIFTED. – City Ordinance No. SP-1479, S-2005, otherwise known as the Moratorium Ordinance, is hereby partially lifted only for these 3 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. TRICYCLE BODY NUMBER CODING SCHEME. – Implementation of the Tricycle Body Number Coding Scheme in NOHILL TODA is hereby adopted in the following manner:

Body Numbers	***No Operation***
001-061	*Monday*
062-123	*Tuesday*
001-061	*Wednesday*
062-123	*Thursday*
001-061	*Friday*
062-123	*Saturday*

SECTION 7. THE QUEZON CITY LOCAL PUBLIC TRANSPORT ROUTE PLAN (LPTRP). – In situations where the tricycle route is impacted by the implementation of LPTRP, it is important to prioritize the development and maintenance of the public transport system over the tricycle routes. In such a case, the livelihood of the affected or displaced tricycle drivers due to the implementation of the LPTRP shall be given preferential attention.

SECTION 8. PENALTY CLAUSE. – All Tricycle Operator Drivers Association (TODA) violating this Ordinance and the guidelines that shall be implemented subsequently shall be penalized under Ordinance No. SP-2337, S-2014, as amended.

SECTION 9. 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 10. 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 11. EFFECTIVITY CLAUSE. – This Ordinance shall take effect immediately upon its approval.

ENACTED: September 9, 2024.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: OCT 08 2024

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 9, 2024 and was PASSED on Third/Final Reading on September 16, 2024.

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

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PHYSICAL INVENTORY OF COLORUM UNITS OF NORTH OLYMPUS HILLCREST (NO HILL) TODA

	NAME	ADDRESS	BODY NUMBER	MAKE	YEAR MODEL	ENGINE NUMBER	CHASSIS NUMBER
1	CABANILLA, NELIA D.	NORTH OLYMPUS SUBD., KALIGAYAHAN, Q.C.	121	HONDA	2012	KB509E322723	KB509322705
2	BANGUILAN, RICHARD B.	NORTH OLYMPUS SUBD., KALIGAYAHAN, Q.C.	122	HONDA	2011	KB509E288164	KB509288161
3	JOSUE, JON RONALD M.	NORTH OLYMPUS SUBD., KALIGAYAHAN, Q.C.	123	HONDA	2004	KB50604X003032E	KB506-04X-003032