Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-345

49th Regular Session

ORDINANCE NO. SP-3001, S-2020

AN ORDINANCE GRANTING ALL TRICYCLE OPERATORS AND DRIVERS ASSOCIATIONS (TODAs) TO OPERATE PERSON WITH DISABILITY (PWD) FRIENDLY MOTORIZED TRICYCLE-FOR-HIRE WITHIN THEIR DESIGNATED ZONE/ROUTE, AUTHORIZING THEIR SPECIFIED ROUTE MEASURED CAPACITIES (RMCs) AND GRANTING FRANCHISES TO THEIR RESPECTIVE PETITIONERS, AND FOR OTHER PURPOSES.

Introduced by Councilor RAMON P. MEDALLA.
Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Eden Delilah "Candy" A. Medina, Mikey F. Belmonte, Estrella C. Valmocina, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, to support the fundamental law of the land, the Philippine Congress enacted Republic Act No. 7277, entitled "An Act Providing For The Rehabilitation, Self-Development And Self-Reliance Of Disabled Person And Their Integration Into The Mainstream Of Society And For Other Purposes";

WHEREAS, Section 4, Article XV of the 1987 Philippine Constitution states that it is the declared policy of the State to promote a just and dynamic social order for the improvement of the well-being of the elderly and their full participation in society, considering that senior citizens are integral members of Philippine society;

WHEREAS, to further support the fundamental law of the Philippines, the Congress enacted Republic Act No. 9442, entitled An Act Amending Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons and For Other Purposes", and Republic Act No. 10754, An Act Expanding the Benefits and Privileges of Persons with Disability (PWD);

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, certain functions of the Department of Transportation and Communications (DOTC) were devolved to the LGUs. Thus, Section 458. Powers, Duties, Functions and Compensation, states that:

xxx xxx xxx

(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:

xxx xxx xxx

(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 199[illegible]". However, due to the dramatic change contributed by the operation, regulation and demographic aspects of the city through time, the said Ordinance may be considered as outdated, thus, the need to update the said Ordinance;

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, the City aims to give full support to the improvement of well-being and integration into mainstream society of the senior citizens, pregnant women and persons with disability. As such, many business establishments and government buildings in the Philippines have become PWD-friendly, Quezon City is extending this kindness further down the road quite literally.

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 Granting All Tricycle Operators And Drivers Associations (TODAs) To Operate Person with Disability (PWD) Friendly Motorized Tricycle-For-Hire Within Their Designated Zone/Route, Authorizing Their Specified Route Measured Capacities (RMCs) And Granting Franchises To Their Respective Petitioners, And For Other Purposes."

SECTION 2. DECLARATION OF PRINCIPLES. -

What does it take to overcome discrimination against Persons with Disabilities (PWDs)? The threshold challenge is to correct wrong attitudes that in turn are based on ignorance. It is also worth noting that most people do not know that the PWD claim to equality and non-discrimination is already embodied in law, and in fact gives rise to legally protected rights that can be invoked by the PWDs and their families. This Ordinance gives PWD equal duties and obligations as a basic legal framework for the protection of PWD rights.

Commuting is not just hard in Metro Manila, often as a PWD, it is not even an option, especially for wheelchair users, wherein it is difficult for them to even get into a public transportation vehicle. The PWD-friendly Tricycle enables PWD commuters to become mobile in a safer and more accessible manner for the PWD community. It is time to break down the barriers which segregate and force PWDs into the margins of society. Quezon City people campaign for recognition of PWDs beyond their disabilities and aim to connect them with opportunities. Improved transportation management on public transport which is one of the major concerns of the present administration.

The present Committee on Transportation is in the process of gathering the much needed information from the tricycle sector to determine the actual demand level needed by a certain service route/zone which will be the basis for the study to be conducted by the city in aid of legislation and for lifting Ordinance No. SP-1479, S-2005, otherwise known as the "Tricycle Moratorium Ordinance", to finally grant the privileges to deserving members of the TODA whether said TODA is accredited or non-accredited by the city.

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. Toward this end, the City Government of Quezon City recognizes the following principles:

The RACES of Public Road Transportation

1. Reliability - Public transport must be predictable in terms of travel time, waiting time, and schedule. Commuters will benefit from a fixed dispatch time and short intervals between vehicles during peak demand periods, as they need not wait long for the tricycle/pedicab to arrive. Operating hours for a route shall also be responsive to the needs of visitors, night students, and workers.

2. Accessibility - Public transport must be available in every community, with accessibility for all segments of society, including senior citizens, and persons with disabilities. Access shall include walkways and bikeways to provide connectivity with other modes of transportation. Designated location of stops, pick-up, and drop-off points with adequate facilities shall be provided to facilitate convenient boarding and alighting of passengers.

3. Comfort - the vehicle design is fitted with comfortable seats where persons with disability, pregnant woman and senior citizen passengers are able to relax and be productive during the journey.

4. Environment - implement and enforce Republic Act No. 8749, otherwise known as the Clean and Air Act of 1999, as EURO 4 Compliant.

5. *Safety - All vehicles and services shall comply with national standards and international vehicle safety conventions. All relevant vehicle parts shall be compliant with Philippine National Standards (PNS).*

SECTION 3. DEFINITION OF TERMS. -

1. *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.*

2. *Person with Disability (PWD) - the condition of being unable to perform a task or function because of physical or mental impairment, something that disables; handicap, lack of necessary intelligence, strength, etc.*

3. *Route Measured Capacity (RMC) - is the number of tricycle-for-hire units allowed in each route as set by the Sangguniang Panlungsod.*

4. *Senior citizen or elderly - refers to any resident citizen of the Philippines at least sixty (60) years old.*

5. *TODA - as used herein refers to the Tricycle Operators and Drivers Association operating within Quezon City.*

SECTION 4. The PWD-friendly tricycle zones/routes of hereunder Tricycle Operators and Drivers Association, Inc. (TODA) and respective Route Measured Capacity (RMC) is hereby granted and approved, person with disability (PWD) friendly motorized tricycle-for-hire within their designated zone/route.

SECTION 5. The individual applicants for franchise should be filed and approved by the Tricycle Franchising Board (TFB) and Tricycle Regulation Division (TRD).

SECTION 6. The PWD-friendly tricycle is granting a privilege on tricycle sector, the unit is a priority in the terminal for PWD, pregnant women, Senior Citizen and marginalized sectors in able that they have access to technology and connectivity, so that they have the opportunity to grow their business.

SECTION 7. All rights 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. The City supports the Clean Air Act Law in compliance with City Ordinance No. SP-2763, S-2018 that stated required Standard Measurement and Technical Specification for EURO IV; including the stated Ordinance's amendments.

SECTION 8. MORATORIUM ORDINANCE, PARTIALLY LIFTED. - City Ordinance No. SP-1479, S-2005, otherwise known as the Moratorium Ordinance, is hereby partially lifted. 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 9. IMPLEMENTING RULES AND REGULATIONS (IRR). - The Tricycle Franchising Board Head and Tricycle Regulation Division (TRD), within 10 days upon approval of this measure, shall promulgate 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 10. PENALTY CLAUSE. - All Tricycle Operators and Drivers Association (TODA) violating this ordinance and the guidelines that shall be implemented subsequently shall be penalized in the following manner:

a. First Offense - A fine of Two Thousand Pesos (Php2,000.00)

b. Second Offense - A fine of Three Thousand Pesos (Php3,000.00)

c. Third Offense - A fine of Five Thousand Pesos (Php5,000.00)

SECTION 11. REPEALING CLAUSE. - All Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

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. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED: December 1, 2020.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: JAN 2 2 2021

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 1, 2020 and was PASSED on Third/Final Reading on December 7, 2020

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III