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

PO20CC-370

73rd Regular Session

ORDINANCE NO. SP-2763, S-2018

AN ORDINANCE AMENDING ARTICLE VI, SECTION 1, ARTICLE X, SECTION 2, ARTICLE XX, SECTION 1(5), SECTIONS 3 AND 4 AND ADDITIONAL SECTION OF BOOK IV, BOOK V (Article I and III) OF ORDINANCE NO. SP-2337, S-2014, ENTITLED "AN ORDINANCE ADOPTING THE QUEZON CITY TRICYCLE MANAGEMENT CODE OF 2014."

Introduced by Councilors OLIVIERE T. BELMONTE, JOSE MARIO DON S. DE LEON and RAQUEL S. MALAÑGEN.

Co-Introduced by Councilors Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Kate Abigael G. Coseteng, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, Karl Edgar C. Castelo, 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, Diorella Maria G. Sotto, Donato C. Matias, Eric Z. Medina, Alfredo S. Roxas and Noe Lorenzo B. Dela Fuente III.

WHEREAS, during the Legislative-Executive Development Advisory Council (LEDAC) held last 8th of August 2018, the City Mayor, Honorable Herbert M. Bautista, in one of his many visions for the City, has initiated the proposal for the modernization of mass transportation in Quezon City, particularly the Motorized Tricycles being used by the public for transportation along barangay roads and avenues;

WHEREAS, Section 458 (a)(3)(vi) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", provides that subject to the guidelines prescribed by the Department of Transportation and Communications (currently Department of Transportation), the Sangguniang Panlungsod shall regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city;

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH

WHEREAS, Sections 3 and 4 of 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" expressly provide that the Committee on Transportation of the City Council and the City Planning and Development Office shall conduct a study on the present state of public utility tricycles with the end view of coming up with an appropriate Ordinance and Comprehensive Transportation/Traffic Plan for Quezon City;

WHEREAS, the Department of Transportation (DOT) has issued Department Order No. 2017-001, in said order, modernization of existing transport services, brand new and environmental-friendly units shall be promoted, and be given priority for the allocation of Certificate of Public Convenience and deployment based on route categories;

WHEREAS, Sections 5 and 6 of the Joint Memorandum Circular (JMC) No. 001 Series of 2017 issued by the Department of the Interior and Local Government (DILG) and the Department of Transportation (DOT), has enjoined all the Sangguniang Panlungsod concerned to amend, review, revise, repeal, or otherwise modify all issued ordinances, orders, rules and regulations which are in conflict with the policies, standards, and limitations set forth in the said JMC;

WHEREAS, it is just and proper to provide adequate amendments of the old Tricycle Management Code since the number of Tricycles operating in Quezon City continue to increase exponentially without being sufficiently regulated and controlled, thus, the proliferation of Colorum operators and/or drivers. Further, safeguarding the interest of the riding populace within the jurisdiction of this city in accordance with the existing laws and statutes must be taken with utmost regard.

NOW, THEREFORE,

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

SECTION 1. The title of Ordinance No. SP-2337, S-2014 is hereby amended to be read as follows:

> *"AN ORDINANCE AMENDING ARTICLE VI, SECTION 1, ARTICLE X, SECTION 2, ARTICLE XX, SECTION 1(5), SECTIONS 3 AND 4 AND ADDITIONAL SECTION OF BOOK IV, BOOK V (Article I and III) OF ORDINANCE NO. SP-2337, S-2014, ENTITLED "AN ORDINANCE ADOPTING THE QUEZON CITY TRICYCLE MANAGEMENT CODE OF 2014."*

QUEZON CITY PUBLIC LIBRARY
LA

SECTION 2. Article VI, Section 1 of Book IV entitled COLOR CODING AND TRICYCLE BODY NUMBERING SPECIFICATION, an additional item shall be inserted, to wit:

> *"SECTION 1. PUBLIC MOTORIZED TRICYCLE FOR HIRE- The existing color scheme assigned by the TRU shall be adopted to identify the areas of operation of the different tricycle associations. The sidecar must be painted totally and uniformly with only designated color scheme. The tricycle shall bear a body number assigned by the TRU beginning '001' to be painted in front, back, top, and inside the sidecar. Xxx xxx xxx"*

SECTION 3. Article X, Section 2 of Book IV entitled TRICYCLE CONFIGURATION AND TYPE, an additional item shall be inserted:

"Section 1. CONFIGURATION

a. *Three-Wheeled Vehicle (TWV) excludes those that are not motorized or propelled by other means like the use of pump boat or other motors not originally designed and manufactured for "motor vehicles." Examples of TWV are:*

   1. *Type I - three-wheeled vehicle similar to urban delivery tricycle, most often of the tadpole configuration, with cargo box (platform, etc.) permanently mounted between symmetrically arranged rear wheels and is primarily used for the carriage of goods, cargo, freight; (For UTILITY MOTORIZED TRICYCLE)*

      a. *Description: Diesel / 435cc / 36km/l*
         Base Body for all customized units,
         With 5ft x 5ft flatbed
         Emission – Euro IV Compliant

      b. *Description: Diesel / 435cc / 36km/l*
         Basic model for carrying cargo
         with 3-side cargo deck opening
         Emission – Euro IV Compliant

      c. *Description: Diesel / 435cc / 36km/l*
         customized variant for closed cargo
         delivery with 1-door opening
         Emission – Euro IV Compliant

   2. *Type II – three-wheeled vehicle mounted with an enclosed cabin with seats for the carriage of more than 3 passengers to a maximum six (6) passengers (excluding the driver) depending on the number of seats provision; and (For PUBLIC MOTORIZED TRICYCLE FOR HIRE)*

QUEZON CITY PUBLIC LIBRARY
RESEARCH

a. *Description: Gasoline/ 200cc/ Fuel Injected 28km/ liter*
Transport variant that can carry 3 to 5 passengers
And 1 driver. Has soft canvas roof.
Emission – Euro IV Compliant

b. *Description: Diesel/ 435cc/ 36km/ l*
Transport model that can Carry 4 passengers and 1 driver with cargo space at the back.
Has soft canvas roof.
Emission – Euro IV Compliant

c. *Description: Diesel/ 435cc/ 36km/ l*
customized jeepney-type Variant which can carry up to 8 passengers and 1 driver Emission – Euro IV Compliant

d. *Description: Diesel/ 435cc/ 36km/ l*
Transport model that can carry up to 10 passengers and 1 driver.
Has soft canvas roof.
Emission – Euro IV Compliant

3. *Type III – Three-wheeled vehicle, relatively similar to the size of a conventional motorcycle with sidecar, mounted with a small cabin for the driver in the front and seating for three in relative comfort in the rear. (For PUBLIC MOTORIZED TRICYCLE FOR HIRE and UTILITY MOTORIZED TRICYCLE)*

a. *Tricycle : Gasoline/ motorcycle with not more than two (2) cylinders or 500cc engine capacity fitted with a single-wheel sidecar.*

b. *Classification of Three-Wheeled Vehicles (TWV) – Three-wheeled vehicle (TWV) shall be classified under the "non-conventional MC (motorcycle)".*

c. *Inspection – Three-wheeled vehicle or TWV is subject to Roadworthiness inspection by the Motor Vehicle Inspection Station (MVIS) of the Land Transportation Office (LTO) and shall be subject to gaseous emission testing for spark ignited (SI) engine and smoke emission testing for compression ignited (CI) based on existing emission standards prior to registration. TWV which is run solely by electricity (fuel cell or battery) is however, exempted from smoke emission test until such time that standards for smoke emission, if any, for electric motor vehicles are available.*

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH

d. Motor Vehicle User's Change- The collectible motor vehicle user's change (MVUC) for three-wheeled vehicle shall be:

1. For TWV whose design and configuration fall under type I, an MVUC equivalent to the rate for trucks shall be collected; and

2. For TWV whose configuration falls under either type II or III, an MVUC equivalent to the rate for utility vehicles shall be collected.

e. Coverage and Restriction of Operation - The operation of TWV, like motorcycle with sidecar or locally known as "tricycle," shall be limited within or along barangay roads only. It can only pass the main thoroughfares, highways or national road for purposes of crossing and traverse only when the barangay road is divided by a highway, main thoroughfares, or the national road; Provided, however, that TWV shall yield the right of way to all incoming traffic that constitute an immediate hazard, or if the main thoroughfares, highways, or national road has been designated and posted as for travel by TWV by concerned government agencies.

SECTION 2. STANDARD MEASUREMENT

b. The standard measurement and specification of the Three Wheel Vehicle:

Type I – Three Wheel Vehicle for UTILITY MOTORIZED TRICYCLE
Standard Technical Specification

Engine	: Single cylinder, air cooled, direct injection, 4-stroke
Displacement	: 400 up to 450 cc
Torque	: 21nm @2400-2200 rpm
Transmission	: with Reverse
Horsepower	: 6kw @ 3600 rpm
Max climb	: 24 - 26% gradient
Payload with driver	: Drive-away Chassis 400 - 600 kgs.

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH

		Pickup – 400 - 600 kgs. Passenger – 300 kgs.
Fuel Consumption	:	30 – 36 kms per liter
Cooling	:	Forced air cooling
Clutch	:	wet type
Transmission	:	4 speed Constant mesh gear box
Max Speed	:	max 60 kph
Max Gross vehicle weight	:	975 kgs.
Kerb weight	:	395 - 450 kgs. Passenger – 395-450 kgs.
Length	:	2940 mm
Width	:	1465 mm
Height	:	1750 mm cab only
Cargo Bed	:	max length 1700mm x max width 1450mm x max height 285mm
Chassis	:	Stamped welded with central beam
Suspension	:	Front-Helical Spring with dampner Rear-Rubber spring with dampner
Brakes	:	Drum self adjusting on all wheels Hydraulically controlled
Parking	:	On rear wheels hand lever controlled

Type II –Three Wheel Vehicle for PUBLIC MOTORIZED TRICYCLE FOR HIRE

1. *Standard Technical Specification:* *Euro IV*

Engine	: Type	: Single Cylinder
	Fuel	: Petrol
	Fuel Intake System	: Fuel Injection
	Cooling System	: Air Cooled
	Displacement	: 197 up to 200 cc
	Power	: 7.03 kw @4750 rpm at Crankshaft or 7.3kW @ 5000rpm

QUEZON CITY PUBLIC LIBRARY

Torque	: 15.7 Nm @2500 rpm at Crankshaft or 17.1Nm @ 3500rpm
Seats	: Passenger + Driver : 3 + 1
Clutch	: Type: Multi Disc, Oil Bath (Wet Type)
Gear Box	: Type: Constant Mesh
Gear Ratio – Overall	: 1st – 29.1:1 up to 30.86:1 2nd – 16.32:1 up to 17.05:1 3rd – 9.29:1 up to 10.72:1 4th – 6.216:1 up to 7.49:1
Suspension	: Front – Helical Spring with dampner or Offset column with hydraulic shock absorbers and helical springs Rear - Rubber Spring with dampner or Independently spring rear wheels by trailing arms with helical springs and hydraulic shock absorber
Brakes	: Type – Drum / Front & Rear Brake: Hydraulic expanding shoe, Leading trailing type
Steering	: Type- Handler Bar Type
Wheel & Tyres	: Tyre Size – 4.0 – 8 70 E, 8PR
Electrical System	: System Voltage – 12 V Battery Rating (Ah) - 32 up to 50AH
Fuel Tank Capacity	: Ltr – 6.5 Lts up to 9L
Dimensions (mm)	: Wheel Base (mm) – 1910 up to 1930 Overall Width (mm) – 1290 up to1425 Overall Length (mm) – 2625 up to 2710 Overall Height (mm) - 1694 up to 1735
Weight	: GVW (kgs.) – 665 up to 678 Kerb Weight (kgs.) – 348 up to 375 kgs. Rated Payload (kgs.) – 300
Performance	: Grade ability – 18% up to 23%
Exhaust	: Emission norms – Euro IV, wmtc stage II Catalytic converter type – Three way, Metallic Cylinder Dia. X length: first cat 35x120 & second cat 50X120mm
Description	: Gasoline/ 197 up to 200cc / Fuel Injected/ 28km/ liter Transport variant that can carry 3 to 5 passengers and driver. Has soft canvas roof.

WELCUN CITY PUBLIC LIBRARY
LAW RESEARCH

2. Standard Technical Specification (for Diesel type)

Engine	: Single cylinder, air cooled, direct injection, 4-stroke
Displacement	: 400 up to 450 cc
Torque	: 21nm @2400 - 2200 rpm
Transmission	: with Reverse
Horsepower	: 6kw @ 3600 rpm
Max climb	: 24 - 26% gradient
Payload with driver	: Drive-away Chassis 400 - 600 kgs. Pickup – 400 - 600 kgs. Passenger – 300 kgs.
Fuel Consumption	: 30 – 36kms per liter
Cooling	: Forced air cooling
Clutch	: wet type
Transmission	: 4 speed Constant mesh gear box
Max Speed	: max 60 kph
Max Gross vehicle weight	: 975 kgs.
Kerb weight	: 395 - 450 kgs. Passenger – 395 - 450 kgs.
Length	: 2940 mm
Width	: 1465 mm
Height	: 1750 mm cab only
Cargo Bed	: max length 1700mm x max width 1450mm x max height 285mm
Chassis	: Stamped welded with central beam
Suspension	: Front-Helical Spring with dampner Rear-Rubber spring with Dampner
Brakes	: Drum self adjusting on all wheels Hydraulically controlled
Parking	: On rear wheels hand lever controlled

SUBIC CITY PUBLIC LIBRARY

c. *Three-Wheeled Vehicle is prohibited from being operated with its load extended beyond its registered and/or authorized width and height of its cargo box/platform/carriage tray and or over its allowable maximum load. Modification of its cargo box/platform/carriage tray/cabin in order to allow heavier or bigger load shall in no case be allowed unless such is authorized and/certified safe by its manufacturer, Bureau of Product Standards – Department of Trade and Industry, and the Land Transportation Office – Department of Transportation and Communications (DOTC) and covered with a new Certificate of Conformity for emission issued by the Department of Environment and Natural Resources (DENR).*

d. *In case of other specification/type of three-wheel vehicle duly approved by the LTO, the applicant Operator shall seek endorsement from the Committee on Transportation of the City Council for the approval of the same."*

SECTION 4. Article XX, Section 1(5) of Book IV relating to Violations and Penalties is hereby amended to read as follows:

"5. Driving tricycle without the required CPC, MTOP/Franchise (COLORUM OPERATION)"	*₱1,500.00*

SECTION 5. Section 3 Article XX, of Book IV relating to Mandatory Removal of Sidecar is hereby amended to read as follows:

"Section 3. CONFISCATION OF SIDECAR – to discourage the proliferation of colorum tricycle units operating in city streets and major thoroughfares in Quezon City and to safeguard the interest of the legitimate franchise holders, mandatory confiscation of tricycle sidecar in favor of the City shall be implemented. In no case that the said confiscated sidecar shall be recovered by the owner. In such a case, the confiscated sidecars shall be disposed by the city through public auction as provided in the following section.

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH

With respect to the motorcycle of the apprehended colorum tricycle, the owner upon presenting the necessary documents, may recover his/her motorcycle by paying the fine of ONE THOUSAND FIVE HUNDRED PESOS (₱1,500.00) plus TWO HUNDRED PESOS (₱200.00) impounding fee and FIFTY PESOS (₱50.00) storage fee per day respectively. The owner of the motorcycle may redeem his/her motorcycle within one (1) year from the date of impounding, otherwise, the same shall be forfeited in favor of the City and disposed of through public auction. Provided, a final notice shall be given to all owners of impounded and abandoned motorcycles left unclaimed."

SECTION 6. Article XX, Section 4 of Book IV relating to Public Auction is hereby amended to read as follows:

"Section 4. PUBLIC AUCTION – All sidecars of tricycles removed by the City Government in accordance with the preceding section shall be subject to public auction. The rules promulgated by the City Government in public auctions shall apply. Authority to dispose of unclaimed motorcycle to wit;

a. The Head of Tricycle Regulatory Unit is hereby authorized to recommend to the City General Services Department (CGSD) the disposal of a motorcycle and sidecar of tricycle that has been taken into custody. Such disposition shall be at public auction under such procedure, as the City General Services Department (CGSD) shall establish with the approval of the City Mayor. Written notice of such auction shall be sent to the last known registered owner by registered mail at least ten (10) days prior to the date of auction, and said auction shall be held not earlier than (60) days after the date upon such tricycle shall have been taken custody. Any person entitled to such tricycle may claim the same at any time prior to such auction upon payment of all costs and expenses relating to the towing and storage of such tricycle, as determined by said officer or his authorized subordinates."

SECTION 7. Article XX of Book IV relating to Penal Provisions shall include additional sections to be read as follows:

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH

"Section 7. COLORUM TRICYCLE OPERATORS- Any person who own and operates a motorized tricycle, whether for hire or utility service, operating without appropriate franchise issued by the City are guilty of being a Colorum Tricycle Operator. The penalty of THREE THOUSAND PESOS (₱3,000.00) to FIVE THOUSAND PESOS (₱5,000.00) shall be imposed on the colorum tricycle operator or 15 to 30 days imprisonment or both at the discretion of the courts. Additionally, the side car shall be removed and forfeited in favor of the City."

SECTION 8. Book V relating to Social Protection is hereby amended to read as follows:

"Article I – LIVELIHOOD PROMOTIONS

"The Colorum Tricycle drivers who surrendered voluntarily to our public officials shall not be punished. Said persons shall instead be included under the Quezon City Small Business Development and Promotions Office for alternative livelihood options arrangements;

Article III – SSS, PHILHEALTH and PAG-IBIG

"All TODA are hereby encouraged and also assisted by the City to:

1. Enroll and register with the Social Security System (SSS) and avail of the SSS "AlkanSSSya Program;

2. Enroll and register with the Philhealth; and

3. Extend coverage and services to the TODA member, are given access to PAG-IBIG FUND's provident saving program, the loan instruments such as the housing and multi-purpose loans."

SECTION 9. SEPARABILITY CLAUSE – If for any reason, any part, section or provision of this Ordinance shall be held invalid or unconstitutional, other provisions or parts thereof not affected thereby shall remain in full force and effect.

QUEZON CITY PUBLIC LIBRARY

SECTION 10. REPEALING CLAUSE – All other Ordinances, Executive Orders, Rules and Regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY CLAUSE – This Ordinance shall take effect fifteen (15) days after completion of its publication once a week for two (2) consecutive weeks in the local news paper in Quezon City.

ENACTED: September 17, 2018.

MA. JOSEFINA G. BELMONTE
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

APPROVED: 05 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 September 17, 2018 and was PASSED on Third/Final Reading on October 1, 2018.

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

QUEZON CITY PUBLIC LIBRARY
LAW RESEARCH