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

PO21CC-490

85th Regular Session

ORDINANCE NO. SP- 3087 *, S-2021*

AN ORDINANCE GRANTING FRANCHISE TO THE FORTY (40) PETITIONERS FROM BARANGAY BUNGAD TRICYCLE OPERATORS AND DRIVERS ASSOCIATION, 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 RAMON P. MEDALLA, BERNARD R. HERRERA, LENA MARIE P. JUICO, DOROTHY A. DELARMENTE, M.D., TANY JOE "TJ" L. CALALAY and VICTOR V. FERRER, JR.

Co-Introduced by Councilors Winston "Winnie" T. Castelo, Atty. Bong Liban, 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, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

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 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, that are left with pending applications for franchise before the Tricycle Franchising Board (TFB). Yet, they are still existing and operating 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 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 in view of effectively managing these vehicles for basic services;

WHEREAS, under this Code, in order to address the proliferation of colorum or illegal units, the city government implemented a "One-Strike Policy" against apprehended colorum tricycles;

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

x - x - x

(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, 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, on February 18, 2019, then City Planning and Development Office (CPDO) submitted the final report 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 legitimate franchise;

WHEREAS, that upon perusal for accreditation reveals that Barangay Bungad Tricycle Operators and Drivers Association 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, the Sangguniang Barangay of Bungad favorably endorsed to the Tricycle Franchising Board (TFB) the accreditation of forty (40) units of the Barangay Bungad TODA for the granting of regular franchise and the Road A Tricycle Operators and Drivers Association, Veteran's Village Tricycle Operators and Drivers Association, West Baler Tricycle Operators and Drivers Association officers and members/homeowners and the riding public as a whole through tricycles, expressed their support on the application for the issuance of additional franchises through a resolution;

WHEREAS, the applicants had complied with the necessary requirements prescribed by law, ordinance or 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 Bungad Tricycle Operators and Drivers Association (Barangay Bungad TODA) and its respective Route Measured Capacity (RMC) are hereby granted and approved, to wit:

ZONES/ROUTES	*RMC*
Within territorial jurisdiction of Barangay Bungad	*40*

SECTION 2. The partial lifting of moratorium are hereby granted to the following forty (40) petitioners, subject to the 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:

BARANGAY BUNGAD TRICYCLE OPERATORS AND DRIVERS ASSOCIATION, INC. (Barangay Bungad 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 LIFTING. - 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 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.

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

ENACTED: December 13, 2021.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: JAN 2 1 2022

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 13, 2021 and was PASSED on Third/Final Reading under Suspended Rules on the same date.

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