



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

PR21CC-1264

85th Regular Session

RESOLUTION NO. SP- **8800**, S-2021

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN EXEMPTION TO LOYOLA HEIGHTS, OLD BALARA CAPITOL HILLS AND LOYOLA-PANSOL TRICYCLE OPERATORS AND DRIVERS ASSOCIATION BY WAY OF ALLOWING IT TO TRAVERSE ALONG THE STRETCH OF KATIPUNAN AVENUE BETWEEN AURORA BOULEVARD AND PANSOL ROAD AND TO INCLUDE IT IN ITS MAIN ROUTE IN THE ABSENCE OF ALTERNATIVE ROAD AND BY VIRTUE OF THIS RESOLUTION.

Introduced by Councilors RAMON P. MEDALLA, FRANZ S. PUMAREN, KATE GALANG-COSETENG, WENCEROM BENEDICT C. LAGUMBAY, JORGE L. BANAL, SR. and PEACHY V. DE LEON.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Eden Delilah "Candy" A. Medina, Mikey F. Belmonte, Estrella C. Valmocina, Matias John T. Defensor, 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, 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;

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WHEREAS, the Metro Manila Council passed Ordinance No. 6, S-90, entitled "Prohibiting pedicabs and tricycle from operating along highways and major thoroughfares within Metro Manila and limiting their operations to tertiary roads and within subdivisions;

WHEREAS, the strict implementation of Metro Manila Council Ordinance No. 06, S-90 and MMDA Resolution No. 16-08, Series of 2016 has adversely affected the Tricycle Operators and Drivers Association which includes in its main route traversing through national road;

WHEREAS, Section 5 of Metro Manila Council Ordinance No. 06, S-90, provides for an exemption from the implementation of the ordinance, to wit:

"Any exemption in the implementation of this Ordinance shall be covered by the corresponding Municipal/City Council Resolution and duly approved by the Metro Manila Council, Metro Manila Development Authority"

WHEREAS, the Department of the Interior and Local Government (DILG) issued Memorandum Circular No. 2020-036, entitled: "Prohibiting tricycles, pedicabs, and motorized pedicabs from operating on National Highways";

WHEREAS, the Quezon City Council Ordinance No. SP-387, S-96, entitled an "Ordinance Instituting tricycle zones/routes in Quezon City, Designating their numbering scheme and fixing their respective Route Measured Capacity (RMC) thereof." Section 1 provides for its respective Route Measured Capacities (RMC), to wit:

DISTRICT II

ROUTE NUMBER	ZONE/ROUTE	SERVICING TODA
DIII-080	Within Barangay Matandang Balara via Tandang Sora Avenue, Katipunan Avenue, Greenhills Drive to Capitol Hills Subdivision, Alpha Subdivision, Pentagon Subdivision, Balara Infiltration and vice-versa	Old Balara Capitol Hills (OBCH)
DIII-082	Within Barangay Pansol via E. Abada Street, Xavierville Street, Gonzales Street, Katipunan Avenue, Service Road, Pansol Road, and vice-versa	Loyola Pansol

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DIII-088

Within the territorial limits of Loyola Heights

Loyola
Heights

WHEREAS, tricycles within the purview of common carriers are likewise bound to comply with the diligence required in providing transport services to the public. Thus, the New Civil Code of the Philippines is crystal clear in stating that: "A common carrier is bound to carry the passenger safely as far as human care and foresight can provide, using the utmost diligence of a very cautious persons, with a due regard for all circumstances." (Article 1755 of the New Civil Code of the Philippines);

WHEREAS, the construction of national roads in Quezon City, as a sign of economic progress, caused inconvenience to the tricycle commuters of the area who wish to pass across the said national roads to go to their place of destination;

WHEREAS, the MMDA Resolution No. 16-08, S-16, entitled: "Resolution declaring a total ban on tricycles, pedicabs, "kuligligs" and pushcarts in the circumferential and radial roads in Metro Manila", affects the income of the tricycle drivers or TODA members of the city, as it shorten their franchise route, thereby decreasing the commuters' opportunity to avail adequate transport service;

WHEREAS, the operations of MMDA in apprehending the members of BATODA involving in traversing IBP Road (Batasan Hills Road) pending the result of the study of the Technical Working Group (TWG) to conduct a thorough study the routes of the BATODA of Quezon City and look for possible alternative routes. But all other traffic violations committed by the said TODA, except the above-cited violations, shall be dealt with accordingly;

WHEREAS, the DILG corollarily issued Memorandum Circular No. 2020-004 entitled: "Guidelines in the review or revisiting the City or Municipal tricycle and pedicab franchise and regulatory Ordinance or Code and Barangay Ordinance on the use of public roads, pathways and alleys";

WHEREAS, some lawmakers urged that the government should conduct studies and public consultation with the people, stakeholders and local government units (LGUs) before initiating a ban on tricycles and pedicabs on highways and major thoroughfares to prevent road accidents;

WHEREAS, tricycle operation should only be confined along city or municipal roads, not along national roads and is limited only to routes not traversed by higher modes of public transport. However, the local Sanggunian may allow it if there is no other alternative route.

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NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED, to authorize, as it does hereby authorize, the issuance of an exemption to Loyola Heights, Old Balara Capitol Hills and Loyola-Pansol Tricycle Operators and Drivers Association by way of allowing it to traverse along the stretch of Katipunan Avenue between Aurora Boulevard and Pansol Road and to include it in its main route in the absence of alternative road and by virtue of this Resolution.

RESOLVED FURTHER, that a copy of this Resolution be furnished to the Metropolitan Manila Development Authority (MMDA) for their information.

ADOPTED: December 13, 2021.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:


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

CERTIFICATION

This is to certify that this Resolution was APPROVED by the City Council on Second Reading on December 13, 2021 and was CONFIRMED under Suspended Rules on the same date.


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

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