



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-368

89th Regular Session

ORDINANCE NO. SP-3343, S-2024

AN ORDINANCE GRANTING ADDITIONAL FRANCHISES TO 13 PETITIONERS FROM FOREST HILL 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., Charm M. Ferrer, 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 III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Alfred Vargas, MPA, Shaira "Shay" L. Liban, 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

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" (hereinafter referred to as the Moratorium Ordinance). 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;

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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). 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 and Communication [now 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 Office [now City Planning and Development Department], in coordination with the Committee on Transportation and Communication [now 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 of view of effectively managing these vehicles for basic services;

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

WHEREAS, under 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 (LGUs). 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:

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- (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, 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, as a result thereof, the 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 legitimate franchise;

WHEREAS, pursuant to Ordinance No. SP-387, S-96 entitled “An Ordinance Instituting Tricycle Zones/Routes in Quezon City, Designating Their Numbering Scheme and Fixing the Respective Route Measured Capacities (RMC) thereof,” for the Forest Hills Tricycle Operators and Drivers Association, Inc. (FH TODA) to operate 37 motorized tricycles-for-hire to fly the route from Forest Hill Drive of Barangay Gulod to Santiago Drive, Dumalay Street, Arguadiente Street of Barangay Sta. Monica and vice versa, District V, Quezon City, there is a need for an authorization from the City Council;

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WHEREAS, the first update of the existing RMCs of FH TODA was under Quezon City Tricycle Franchising Board (QCTFB) Case No. 99-243 entitled "Petition for Additional Route Measured Capacity (RMC) and fixing the same for the next three (3) years from January 01, 2000 to December 31, 2002," for the additional 20 motorized tricycles-for-hire from 37 to 57 units to operate for the aforesaid TODA;

WHEREAS, the second update of the existing RMCs of FH TODA was under Resolution No. SP-2314, S-2003 entitled "A Resolution Granting Additional Thirty (30) RMC for the Operation of Motorized Tricycles For Hire within the Route Covered by Forest Hills Tricycle Operators and Driver's Association (FH TODA), District II-A, this City," for the additional 30 motorized tricycles-for-hire to operate for the aforesaid TODA;

WHEREAS, upon perusal of the Petition for said accreditation, it was revealed that the FH 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, FH TODA Board Resolution No. 969, Series of 2022, adopted by the Board of Directors on April 5, 2022, sought the legalization of its existing 13 colorums;

WHEREAS, the Sangguniang Barangay of Barangay Sta. Monica endorsed to the Tricycle Franchising Board (TFB) the accreditation of additional 13 units of the FH TODA for the granting of regular franchises, and TODA officers and members 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 the TFB the request for additional 13 tricycle units of the FH TODA for regular franchises in support of the application for issuance of franchises for certain Tricycle Operators and Drivers Association (TODA) in District V, Quezon City;

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WHEREAS, the Tricycle Regulation Division (TRD) of the Traffic and Transport Management Department (TTMD), in coordination with Barangay Sta. Monica transmitted the attached list of operators/members of FH TODA for the physical inventory of 13 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 TODA in Quezon City for the RMC Recommendation dated July 31, 2024. The TTMD 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 RMC recommendation of various TODA in Quezon City dated August 22, 2024. The TTMD 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 Forest Hills Tricycle Operators and Drivers Association, Inc. (FH TODA) and respective Route Measured Capacity (RMC) are hereby approved and granted additional franchises, to wit:

ZONES/ROUTES	RMC	Additional RMC
From Forest Hill Drive of Barangay Gulod to Santiago Drive, Dumalay Street, Arguadiante Street of Barangay Sta. Monica and vice versa.	87	13

SECTION 2. The partial lifting of the Moratorium is hereby granted to the following 13 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:

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Additional 13 petitioners for FH 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 tricycle franchises 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, PARTIALLY LIFTED. – Quezon City Ordinance No. SP-1479, S-2005 (hereinafter referred to as the Moratorium Ordinance) is hereby partially lifted only for these 13 petitioners. However, any request for additional franchise and RMC of any existing Tricycle Operators and Drivers Association (TODA) in Quezon City shall undergo tricycle study to be conducted by the TRD, the TFB and the City Planning and Development Department (CPDD).

A 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. PENALTY CLAUSE. – All 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 7. 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 8. 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.

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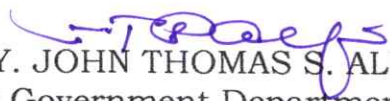
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SECTION 9. EFFECTIVITY CLAUSE. – This Ordinance shall take effect immediately upon its approval.

ENACTED: October 7, 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: NOV 26 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 October 7, 2024 and was PASSED on Third/Final Reading on October 14, 2024.


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



