



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-435

100th Regular Session

ORDINANCE NO. SP- **3357**, S-2024

AN ORDINANCE GRANTING ADDITIONAL FRANCHISE TO ONE (1) PETITIONER FROM BALARA FILTERS TRICYCLE OPERATORS AND DRIVERS ASSOCIATIONS, INC. (BAFTODA) TO OPERATE A MOTORIZED TRICYCLE-FOR-HIRE WITHIN THEIR DESIGNATED ZONES/ROUTES AND AUTHORIZING THEIR SPECIFIED ROUTE MEASURED CAPACITIES (RMCs) THEREBY PARTIALLY LIFTING QUEZON CITY 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, KATE GALANG-COSETENG, ALBERT ALVIN "Chuckie" L. ANTONIO III, WENCEROM BENEDICT C. LAGUMBAY, GELEEN "Dok G" G. LUMBAD and DON S. DE LEON

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, RN, 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 Quezon 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, for brevity). 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 on the roads, streets and thoroughfares in Quezon City;

WHEREAS, Section 4 of the said 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 Quezon 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, 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 Quezon 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 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, as a result thereto, 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 Quezon City 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 Capacities (RMC) thereof,” for the Balara Filters Tricycle Operators and Drivers Associations, Inc. (BAFTODA) to operate Sixty-Five (65) motorized tricycles-for-hire to fly the route within Barangay Matandang Balara via Tandang Sora Avenue, Katipunan Avenue, Greenhills Drive to Capitol Hills Subdivision, Alpha Subdivision, Pentagon Subdivision, Balara Filter and vice versa there is a need for an authorization from the City Council;

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WHEREAS, upon perusal of the Petition for accreditation, it was revealed that BAFTODA 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, Board Resolution No. 02, Series of 2024 of BAFTODA sought the legalization of their existing one (1) colorum;

WHEREAS, the District III TODA Presidents Federation, Inc. endorsed to the Tricycle Franchising Board (TFB) the request for additional one (1) tricycle unit of the BAFTODA for regular franchise in support of the application for issuance of franchise for certain Tricycle Operators and Drivers Association, Inc. (TODA) in District III, Quezon City;

WHEREAS, the Traffic and Transport Management Department (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 TODAs in Quezon City for the RMC Recommendation dated September 10, 2024. The TTMD recommended 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 TODAs in Quezon City dated October 11, 2024. The CPDD recommended the following RMC Revalidation to be updated including its maximum required number of units;

WHEREAS, the applicant has 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 Balara Filters Tricycle Operators and Drivers Association, Inc. (BAFTODA) and the additional Route Measured Capacities (RMCs) are hereby approved, to wit:

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ZONES/ROUTES	RMCs	Additional RMC
<i>From H. Ventura Street, at Balara Filters to Kaingin I and Kaingin II, Barangay Pansol and vice versa</i>	65	1

SECTION 2. The partial lifting of the Moratorium is hereby granted to the additional one (1) petitioner, subject to existing laws, rules and regulations that are now and may hereinafter be promulgated, with its routes and body number and other motor vehicle specifications, to wit:

Additional one (1) petitioner for BAFTODA (see attached).

SECTION 3. The individual application for franchise should be filed and approved by the Tricycle Franchising Board (TFB) and Tricycle Regulation Division (TRD).

SECTION 4. All tricycle zones/routes and additional RMC herein approved and granted 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.

SECTION 5. MORATORIUM ORDINANCE, PARTIALLY LIFTED. – Quezon City Ordinance No. SP-1479, S-2005, otherwise known as the Moratorium Ordinance, is hereby partially lifted only for said one (1) petitioner. 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).

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. – Any TODA violating this Ordinance and the guidelines that shall be implemented subsequently shall be penalized under Quezon City Ordinance No. SP-2337, S-2014, as amended.

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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.


SECTION 9. EFFECTIVITY CLAUSE. – This Ordinance shall take effect after its publication in a newspaper of general circulation, and after posting of copies in conspicuous locations within Quezon City.

ENACTED: December 9, 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: JAN 27 2025



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 9, 2024 and was PASSED on Third/Final Reading under Suspended Rules on the same date.


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

