



Republic of the Philippines
CITY OF VALENZUELA
Metropolitan Manila

SANGGUNIANG PANLUNGSOD

** Excerpts from the minutes of the 58th Regular Session of the Second City Council of Valenzuela held on October 16, 2002 at 9:25 A.M. at the Kalayaan Hall, City Hall Building, Valenzuela, Metropolitan Manila*

ORDINANCE NO. 17
Series of 2002

**AN ORDINANCE TO BE KNOWN AS "THE LOCAL
MOTORIZED TRICYCLE REGULATORY AND
FRANCHISING ORDINANCE OF VALENZUELA CITY, 2002"
AMENDING APPROVED ORDINANCE NO. 92-003
AND ORDINANCE NO. 96-25 AND THE CREATION OF
THE "VALENZUELA CITY MOTORIZED TRICYCLE
FRANCHISING BOARD" UNDER THE SANGGUNIANG
PANLUNGSOD OF VALENZUELA.**

*Authored by Councilor IGNACIO G. SANTIAGO, JR.
Co-Authors: Councilor ROBERTO B. DARILAG, Councilor REYNALDO S. CUADRA,
Councilor ELIZABETH A. CHONGCO and Councilor PABLO D. MARCELO.*

WHEREAS, Provided in Section 458, Art. 3, Title 3 of Book III of R.A. No.7160 states, to wit:

(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:

(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, subject to the guidelines to implement the devolution of LTFRB's franchising tricycles-for-hire to local government units pursuant to the local government code (R.A. 7160);

WHEREAS, Section 454, paragraph C, sub-paragraph 2, Art. 3, Chap. 2 Title 3, Book III of R.A. 7160 provides:

"(C) The Sangguniang Panlungsod may:



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- (2) Create such other offices as may be necessary to carry out the purposes of the Government; "

WHEREAS, amendments on the existing ordinance is necessary to add all necessary provisions that would help improve tricycle operations and franchising in the city;

WHEREAS, the integrated and coordinated action between the executive and legislative departments of the city government in granting franchise and regulating tricycles-for-hire will result to an effective supervision of this public transportation system.

NOW, THEREFORE, be it **ORDAINED** as it is hereby **ORDAINED** by the City Council of Valenzuela in session duly assembled that:

SECTION 1. TITLE - This ordinance shall be known as "**THE LOCAL MOTORIZED TRICYCLE REGULATORY AND FRANCHISING ORDINANCE OF VALENZUELA CITY, 2002**" and the creation of the "**VALENZUELA CITY TRICYCLE FRANCHISING BOARD**".

SECTION 2. SCOPE AND APPLICATIONS - This shall apply to all motorized tricycles-for-hire operating within the territorial jurisdiction of the City of Valenzuela.

SECTION 3. DEFINITION OF TERMS - When used in this ordinance, the following terms shall have the meanings respectively assigned to them.

1. **FRANCHISE** - is a right or privilege, affected with public interest which is conferred upon the private persons or corporations, under such terms and conditions as the government and its political subdivisions may impose in the interest of public welfare, security and safety.
2. **FRANCHISEE** - is the operator granted with a franchise.
3. **OPERATOR** - includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of a business establishment or undertaking;
4. **OWNER** - shall mean the actual legal owner of a tricycle-for-hire in whose name such vehicle is duly registered with the LTO.
5. **DRIVER** - shall mean any licensed and authorized operator of a motor vehicle.
6. **TRICYCLE -FOR -HIRE** - is a motor vehicle composed of a motorcycle fitted with a single-wheeled side car or a motorcycle with a two-wheel cab operated to render transport services to the general public for a fee.

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7. **MOTORIZED TRICYCLE OPERATOR'S PERMIT OR MTOP** - is the document granting permit or license to an individual person allowing him or her to operate tricycle-for-hire over zone/s specified therein for a certain period of time.
8. **FRANCHISE FEE** - to be collected once on or before the anniversary date of the certificate of franchise unless the Sangguniang Panlungsod decides upon another schedule.
9. **ZONE** - is a contiguous land area or block, where a tricycle-for-hire may operate with specific route and terminal/s.
10. **ROUTE MEASURED CAPACITY (RMC)** - is the basis of the number of units of tricycles-for-hire allowed to operate in a given zone as approved by the Sangguniang Panlungsod.
11. **TERMINAL/S** - is/are the area/s specified in the route map or zone as parking spaces for tricycles-for-hire where said public conveyances could load and unload passengers.
12. **OUT OF LINE** - when a tricycle-for-hire is found travelling outside of their designated zones as specified in their franchise.
13. **TRICYCLE REGULATORY UNIT (TRU)** - is the present administering and implementing body for tricycles-for-hire and pedicabs operating within the City of Valenzuela.

SECTION 4. IMPLEMENTATION - The Tricycle Regulatory Unit (TRU) under the Community Affairs Office (CAO) is hereby tasked to implement the provisions of this ordinance.

1. The present Head of the TRU shall continue to discharge the functions of the office until replaced, retires, resigns or is promoted in accordance with law.
2. The existing functions and duties of the office shall continue to be discharged.

SECTION 5. VALENZUELA CITY TRICYCLE FRANCHISING BOARD (VCTFB)

1. The Valenzuela City Tricycle Franchising Board (VCTFB) under the Sangguniang Panlungsod is hereby created to be composed of the following :

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- a. Chairman, Committee on Public Utilities and Facilities - Chairman
 - b. Co-Chairman, Comm. on Public Utilities and Facilities - Co-Chairman
 - c. Chairman, Committee on Appropriations - Member
 - d. Chairman, Committee on Ordinances and Legal Matters - Member
 - e. Chairman, Committee on Barangay Affairs - Member
 - f. Head, Tricycle Regulatory Unit - Member
 - g. Head, City Legal Office - Member
2. The Sangguniang Panlungsod of Valenzuela may grant franchise to operators of tricycles-for-hire **upon the recommendation** of the VCTFB.
 3. The Sanggunian Secretariat shall assist VCTFB whenever it has a meeting.

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SECTION 6. ESTABLISHMENT OF ZONES AND ROUTE MEASURED CAPACITY

1. The Sangguniang Panlungsod may establish or open new zones or areas with its corresponding Route Measured Capacity (RMC) through the recommendation of the VCTFB and the TRU.
2. The number of tricycle units that can operate in a certain zone shall not exceed the established RMC of the zone.

SECTION 7. REGISTRATION

1. All motorized tricycles-for-hire operating within the territorial jurisdiction of the City of Valenzuela shall register with the TRU and apply for a franchise with the Sangguniang Panlungsod through the Valenzuela City Tricycle Franchising Board (VCTFB) created for the purpose, to operate a motorized tricycle-for-hire.
2. All applicants for franchise should submit the following documents:
 - a. Accomplished Form of Application for Franchise To Operate Motorized Tricycle For Hire (See Annex A)
 - b. Barangay Clearance
 - c. LTO Certificate of Registration (CR) and latest Official Receipt (OR) of payment issued in the name of the applicant.

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- d. Copy of insurance policy covering for any liability it may incur to passengers and third parties in case of accident.
- e. Latest Community Tax Certificate

SECTION 8. RULES AND REGULATIONS IN APPLYING FOR A FRANCHISE

1. An applicant shall apply at the Valenzuela City Tricycle Franchising Board (VCTFB) through the Tricycle Regulatory Unit (TRU).
2. A certificate of franchise shall be issued to an operator after complying with all the requirements needed in applying for a franchise to operate motorized tricycle-for-hire.
3. A franchise to operate tricycle-for-hire shall only be granted to operators who already have motorized tricycle unit with valid registration papers from the Land Transportation Office.
4. An operator can only be granted one (1) franchise to cover one tricycle unit.
5. All applicants for tricycle-for-hire shall pay all the necessary fees to the City Treasurer's Office.

SECTION 9. FEES – The following fees shall be paid to the City Treasurer's Office:

1. Filing Fee	-	P 20.00
2. Legal Research Fund	-	20.00
3. Franchise Fee	-	200.00
4. Mayor's Permit	-	100.00
5. Annual Sticker	-	20.00

SECTION 10. VALIDITY OF THE FRANCHISE

1. The franchise for tricycles-for-hire is valid for five (5) years, renewable for the same period.
2. An operator wishing to stop service completely, or to suspend service for more than 60 days, should report in writing such termination or suspension to the VCTFB through the TRU which originally granted the franchise.
3. Transfer to another zone shall require the approval of the VCTFB.

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SECTION 11. RENEWAL OF FRANCHISE

1. The applicant shall accomplish the application form for renewal. (See Annex A).
2. The applicant shall submit the following additional documents to the TRU:
 - a) Original and photocopy of the old MTOP
 - b) Original and photocopy of the current LTO registration papers
 - c) Certificate of Roadworthiness (See Annex B).
 - d) Barangay Clearance
 - e) Community Tax certificate
 - f) Certificate of Franchise
3. The TRU shall certify the compliance by the applicant of all the documentary requirements needed when applying for renewal to the Valenzuela City Tricycle Franchising Board (VCTFB).
4. Failure to renew the franchise on time shall have a surcharge of 25 % of the franchise fee.

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SECTION 12. SALE OF FRANCHISE

1. Sale or transfer of franchise is strictly prohibited.
2. Any operator found using a franchise not in his name shall be disqualified from applying for a franchise.
3. Any operator violating this provision shall not be granted a franchise to operate at any future time.

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SECTION 13. CANCELLATION AND/OR REVOCATION OF FRANCHISE

1. A franchise can be revoked or cancelled anytime by the TRU when any of the provisions herein provided or of any existing law or city ordinance is violated.
2. The cancellation or revocation of the franchise shall not hinder the proper authorities from prosecuting the franchisee of other violation/s that have been committed.

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SECTION 14. ACQUIRING TRICYCLES-FOR-HIRE WITH VALID FRANCHISE

1. A buyer of a tricycle-for-hire with valid franchise shall apply for a new franchise in his name prior to his operation of his unit.
2. The old franchise shall be surrendered by the franchisee to the TRU for cancellation together with the copy of the deed of sale within sixty (60) days from the date of sale.
3. Failure to do so would constitute a violation of this provision and can be a ground for disqualification to apply for a new franchise.

SECTION 15. SECURING A REPLACEMENT FRANCHISE DUE TO CHANGE OF MOTORCYCLE UNIT OR LOSS OF TRICYCLE DUE TO THEFT OR ROBBERY.

1. A replacement franchise may be granted by the VCTFB to the franchisee upon submission of the following documents:
 - a) If loss due to theft or robbery – Police Report & Affidavit of Loss
 - b) Affidavit of Change of Motorcycle Unit
 - c) Old and new LTO registration papers
 - d) Certificate of Franchise
 - e) MTOP
2. An applicant for a replacement franchise due to change of motorcycle unit or loss of unit due to theft or robbery shall fill-up a form for this purpose (See Annex C).
3. Applicant shall pay the corresponding franchise fee based on the remaining years of the franchise.

SECTION 16. CERTIFICATE OF FRANCHISE AND MOTORIZED TRICYCLE OPERATORS PERMIT (MTO)

1. The Certificate of Franchise (See Annex D) shall be issued by the Sangguniang Panlungsod to an operator after compliance of all the requirements by the TRU through the VCTFB.
2. The Motorized Tricycle Operators Permit (MTO) (See Annex E) shall be issued to the tricycle operator by the TRU only after the issuance of the Certificate of Franchise by the VCTFB.

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3. The TRU is the agency authorized by the Sangguniang Panlungsod to issue MTOP.

SECTION 17. ZONING, BODY COLOR CODING AND NUMBERING

1. The existing zoning of areas of operation and presently assigned body color to tricycles-for-hire shall be adopted to easily identify areas of operation of the different tricycle operators as stipulated in their franchise.
2. Likewise, the present body number scheme shall be adopted for easy identification. Said assigned body number shall be included in the franchise and will not be changed for as long as the tricycle unit is operational.
3. No terminal can be located at any national road or highway.

SECTION 18. ROUTES, TERMINALS AND AREAS OF OPERATIONS

1. Only motorized tricycle-for-hire units duly registered with the TRU shall be allowed to operate within the routes and terminals allocated for tricycle operations as determined and authorized by the Sangguniang Panlungsod in coordination with the TRU and VCTFB, the Barangay Council and other appropriate government agencies.
2. Terminals for tricycles-for-hire must be located at least ten (10) meters away from the street corners and/or intersections.
3. No terminal can be located at any national road or highway.
4. No tricycle-for-hire is allowed to traverse in any national road or highway.

SECTION 19. RULES FOR THE OPERATION OF TRICYCLES-FOR-HIRE

1. Only Filipino citizens and residents of the city are qualified to be operators of tricycle-for-hire. However, no MTOP shall be issued unless the applicant is already in possession of a certificate of franchise.
2. Grantees of MTOP must carry a common carrier's insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents.

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3. No tricycle-for-hire shall be allowed to operate within the territorial jurisdiction of the City of Valenzuela without having first complied with the following:
 1. Issuance of Certificate of Franchise
 2. Issuance of MTOP
 3. Registration with the TRU for the current year.
 4. Submission of motor registration with LTO for the current year.
 5. Certificate of Road Worthiness.
 6. Submission of Driver's Information Sheet (See Annex F).
4. No tricycle-for-hire shall be allowed to traverse along national roads and highways. However, upon given authorization by the VCTFB, only then can a tricycle cross or traverse national road.
5. No tricycle unit shall be allowed to operate beyond their designated or area of operation (out-of-line).
6. No motorized tricycle shall be allowed to carry more than four (4) passengers including driver and/or goods in excess to what the unit was designed for (over-loading).
7. Zones must be within the boundaries of the city. However, existing zones within more than one city shall be maintained, provided that operators serving said zone shall secure permits to operate from each of the cities having jurisdiction over the areas covered by the zone.
8. A common body color/s for tricycles-for-hire operating in the same zone shall be imposed and each unit shall be assigned a body number aside from its LTO license plate.
9. No driver of tricycles-for-hire shall refuse to convey passengers to their destination within their designated route or area of operation.
10. Operators shall employ only drivers with valid professional driver's license to operate tricycles-for-hire from the LTO.

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SECTION 20. RESPONSIBILITY OF OWNERS OR OPERATORS OF TRICYCLES-FOR-HIRE

1. Operators of tricycles-for-hire shall at all times ensure that their vehicles comply with the exhaust emission standard set forth in the Implementing Rules and Regulations of Presidential Decree No. 1181, entitled, "Providing for the Prevention, Control and Abatement of Air Pollution from Motor Vehicles".
2. Operators must submit duly accomplished driver's information sheet to TRU.
3. Operators must meet the following conditions required from their drivers:
 - a. Must have valid license to operate motorized tricycle-for-hire
 - b. Must be physically fit to drive
 - c. Must wear proper attire:
 - Shirt with sleeves
 - Long pants
 - Closed footwear
 - d. Must not be under the influence of alcohol or any prohibited drugs when driving.

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SECTION 21. PENALTIES AND FINES

1. Penalties and fines shall be imposed on any operator and/or driver violating any of the following:

Violations/Offense	Fines
1. Driving a tricycle-for-hire without MTOP/Certificate of Franchise	P 500.00
2. Driving a tricycle-for-hire with expired franchise and/or MTOP	200.00
3. Driving a tricycle-for-hire without the required body number and body color	200.00
4. Overcharging of fare	200.00

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2. Non-payment or refusal to pay the fines shall be a ground for the impounding of the tricycle unit.
3. The Valenzuela PNP Traffic Enforcement Unit (PNP TEU), VALTAF and other deputized traffic enforcers shall be in-charge for the implementation of this provision.

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SECTION 22. TRICYCLE OPERATORS AND DRIVERS ASSOCIATION (TODA)

1. The Sangguniang Panlungsod shall encourage the operators and drivers to form their own associations that will assist the local government put order and discipline in their operation of tricycles-for-hire.
2. The Sangguniang Panlungsod shall recognize registered Tricycle Operators and Drivers Association (TODA).
3. Each area shall have only one (1) recognized Tricycle Operators and Drivers Association (TODA).

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SECTION 23. TRANSITORY PROVISIONS

1. All ordinances existing at the time of the approval of this ordinance shall continue to be enforced within the city of Valenzuela unless the Sangguniang Panlungsod shall, by an ordinance provide otherwise.
2. All tricycle franchise issued by the TRU are hereby deemed revoked upon the effectivity of this ordinance.
3. All tricycles for hire with revoked franchise are automatically granted a temporary permit to operate in their respective designated route. Expiration will be based on the anniversary date from the date of issuance of the revoked franchise or when the new franchise has been granted by the VCTFB wherein a new MTOP has been issued by the TRU or whichever comes earlier.
4. Immediately after the effectivity of this ordinance, all tricycle for hire operators are required to apply for a new franchise to the Sangguniang Panlungsod thru the VCTFB at the TRU.

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SECTION 24. OTHER PROVISIONS

1. The TRU shall furnish the Sangguniang Panlungsod through the VCTFB listings and information of the tricycles-for-hire and its operators as well as the routes and designated terminals at the end of every quarter (Annex G).
2. Forms (See Annexes) corresponding to specific transactions are hereby provided.
3. The annual sticker shall contain only the following details:
 - a) The Name "Sangguniang Panlungsod" with its official seal
 - b) The Valenzuela City Tricycle Franchising Board
 - c) The Official Seal of the City of Valenzuela
 - d) Tricycle Regulatory Unit
 - e) The word VALENZUELA CITY
 - f) The covered YEAR
 - g) The Sticker Number
 - h) The background color according to the body color coding
 - i) The name of the BARANGAY

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SECTION 25. SEPARABILITY CLAUSE

If any part or section of this ordinance is declared invalid for any reason whatsoever, such declaration shall not in any way affect the other parts or section of this Ordinance.

SECTION 26. REPEALING CLAUSE

All ordinances, orders, rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby amended or modified accordingly.

SECTION 27. EFFECTIVITY CLAUSE

This Ordinance shall take effect thirty (30) days after the publication in a newspaper of general circulation and be posted in three (3) conspicuous places within the territorial jurisdiction of Valenzuela City.

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ENACTED.

OCTOBER 16, 2002

CITY OF VALENZUELA, METROPOLITAN MANILA

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HON. ROMEO P. BULARAN
Councilor
Majority Floor Leader

HON. CARLITOS B. TIQUIA
Councilor
Minority Floor Leader

[Signature]

HON. CORAZON A. CORTEZ
Councilor

[Signature]

HON. MA. CECILIA V. MAYO
Councilor

[Signature]

HON. REYNALDO S. CUADRA
Councilor

[Signature]

HON. LORENA C. NATIVIDAD
Councilor

[Signature]

HON. IGNACIO G. SANTIAGO, JR.
Councilor

HON. ERIC M. MARTINEZ
Councilor

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HON. ELIZABETH A. CHONGCO
Councilor

[Signature]

HON. PABLO D. MARCELO
Councilor

[Signature]

HON. MARCELINO G. MORELOS
Councilor

HON. ROSALIE S. ESTEBAN
Councilor

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HON. ROBERTO B. DARILAG
Councilor
(President, League of Barangay)

HON. MYLENE T. DIZOR
Councilor
(President, Federation of
Sangguniang Kabataan)

ATTESTED:

FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

HON. ANTONIO R. ESPIRITU
City Vice Mayor
Presiding Officer

APPROVED:

HON. JOSE EMMANUEL L. CARLOS, M.D.
City Mayor



Republika ng Pilipinas
LUNGSOD NG VALENZUELA
Kalakhang Maynila

SANGGUNIANG PANLUNGSOD

25 November 2002

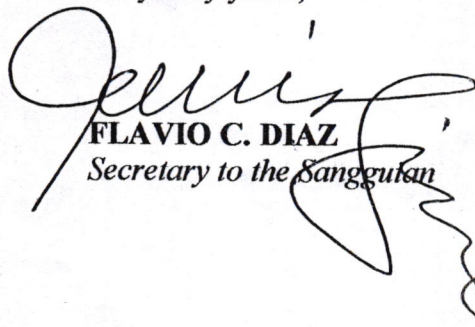
Hon. ANTONIO R. ESPIRITU
Vice Mayor
Valenzuela City, Metropolitan Manila


Dear Vice Mayor:

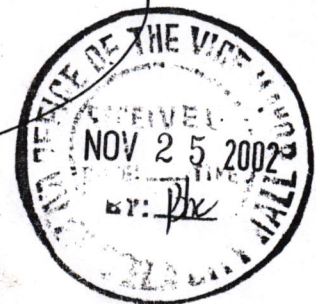
I am respectfully requesting that **Ordinance No. 17, Series of 2002** entitled "**AN ORDINANCE TO BE KNOWN AS 'THE LOCAL MOTORIZED TRICYCLE REGULATORY AND FRANCHISING ORDINANCE OF VALENZUELA, 2002' AMENDING APPROVED ORDINANCE NO 92-003 AND ORDINANCE NO. 96-25 AND THE CREATION OF THE 'VALENZUELA CITY MOTORIZED TRICYCLE FRANCHISING BOARD' UNDER THE SANGGUNIANG PANLUNGSOD OF VALENZUELA**" be published in a newspaper of general circulation. This is in compliance with the mandate of Republic Act 7160, otherwise known as the Local Government Code of 1991.

Thank you and hoping for your kind consideration.

Very truly yours,


FLAVIO C. DIAZ
Secretary to the Sanggunian


12-5-02 3:00 P.M.



11/27/02
Lomera

Republic of the Philippines
CITY OF DAVAO DEL NORTE
METROPOLITAN COUNCIL

OFFICE OF THE MAYOR

RECEIVED	
OFFICE OF THE SECRETARY SANGGUNIANG PANLUNGSOD	
DATE :	11/20/02
TIME :	10:20 AM
BY :	<i>[Signature]</i>

November 14, 2002

The Honorable Vice-Mayor
And Members of City Council,

I have read the amended version of Ordinance No. 17 with the additional provision, specifically Section 5, No. 2, which states,

“The Sangguniang Panglungsod may grant franchise to operators of tricycles for hire upon the recommendation of the VCTFB.”

While this amendment may be sufficient to nullify the principle of *“delegatus non potest delegare”* which was my previous reason for vetoing this ordinance, I feel that the amendment needs a stronger phraseology to emphasize the fact that it will still be the Sangguniang Panglungsod as a whole and in formal session, that will grant franchises to would be operators of tricycles for hire.

Perhaps this specific provision will be better worded in the following manner,

“The Sangguniang Panglungsod may only grant franchises to operators of tricycles for hire that have been recommended by VCTFB.”

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METROPOLITAN MANILA

OFFICE OF THE MAYOR

In another matter, Section 8, No. 4 states to wit:

“An operator can only be granted one (1) franchise to cover one (1) tricycle unit.”

This provision may be misinterpreted in the future that an operator can only be granted a franchise once. Perhaps it will be better worded in the following manner,

“An operator must apply for a separate franchise for each tricycle unit that he wishes to operate for public transportation.”

On a final note, I wish to state for the record that this is not a veto message, I am merely pointing out several provisions of this Ordinance to the City Council that may be open for future misinterpretations by the public which we all serve. I will be glad to sign an amended version of this ordinance if the council chooses to heed my suggestions. In any case, I commend you for your efforts.


JOSE EMMANUEL L. CARLOS, MD
City Mayor

Dcs/stp