

ORDINANCE NO. 7790

AN ORDINANCE CREATING THE TRICYCLE FRANCHISING ADVISORY COUNCIL (TFAC) AND PROMULGATING REGULATIONS REGARDING TRICYCLE OPERATION IN THE CITY OF MANILA AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, THAT:



SECTION 1. Pursuant to paragraph 3, Sub-Section VI, Section 458 of the New Local Government Code, which grants local governments through the City or Municipal Council the power to issue franchise to tricycle for hire, there is hereby created a Tricycle Franchising Advisory Council (TFAC) to be composed of the Chairman of the Committee on Utility and Franchise, as its Chairman; the Chairman of the Committee on Transportation and Parking, as its Vice Chairman; the Chairman of the Committee on Police, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader and the Assistant Minority Floor Leader as members. The Council shall have the power to accept, screen, evaluate and recommend to the City Council the grant of franchise to qualified tricycle owners or operator-applicants including the determination of the optimum number of tricycle units that should be allowed to operate in any area of the City of Manila.

SEC. 2. Definition of Terms:

1. Tricycle for hire - A motor vehicle composed of a motorcycle fitted with a single-wheel side car or a motorcycle with a two-wheel cab operated to render transport service to the general public for a fee. It shall be known as tricycle for brevity.
2. Motorized Tricycle Operator's Permit (MTO) - A document granting franchise or license to operate, issued to a person, natural or juridical, allowing him/it to operate tricycle for hire over specified zones.

SEC. 3. All tricycle operators are hereby required, before operating their units as public transport, to secure a Mayor's permit and a franchise from the City Council through the Tricycle Franchising Advisory Council. The franchise shall be granted only to operators or owners actually residing in the City of Manila.

SEC. 4. The application for franchise shall carry with it the following documentary requirements:

- a) Copy of Certificate of Registration and Official Receipt.
 - b) Document attesting or establishing that applicant is a Filipino citizen, such as Voter's ID or Voter's Certificate.
 - c) Certificate of good moral character and Certificate of residency from the barangay council where the operator resides.
 - d) Copy of insurance coverage.
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SEC. 5. The TFAC shall, within 30 days after receipt of application for franchise, recommend to the City Council the appropriate action to be taken thereon.

SEC. 6. The applicant for the franchise shall be required to pay the following fees:

- Franchise Application Fee ₱ 50.00
- Auxiliary Fees to be paid on or before
January 20 of each year
 - 1. Mayor's Permit ₱200.00 per
operator annually
 - 2. License Fee ₱ 50.00 per
tricycle annually
(per unit)

SEC. 7. Transitory Provision. Within the first three (3) months after approval of this ordinance, the TFAC is hereby granted the power to issue provisional non-extendible authority, valid up to 3 months, to existing tricycle owners or operators to enable them to continue operating their units so as not to disrupt essential public service.

SEC. 8. The Office of the Mayor, through the City Department or office concerned, shall take steps to encourage the organization of tricycle drivers and operators association with the end in view of getting their active support and participation in the regulation of the tricycle business. Likewise, the City Government will encourage the formation of tricycle cooperatives with the end in view of allowing the tricycle drivers to eventually own the units they are operating.

SEC. 9. Regulatory Conditions:

A. Fare -

- a.1. The fare shall be established at a level that will provide the operator a reasonable return or profit and still be affordable to the general public;
- a.2. Until such time that the Sangguniang Panlungsod shall have prescribed the fare structure for the Zone, the official fare to be initially adopted shall be a maximum fare of ₱2.00 plus ₱0.50 per km. in excess of 1.0 km. distance. This prescribed rate shall be conspicuously posted inside the tricycle facing the passengers.

B. Operation

- b.1. For safety reasons, no tricycle shall operate on national highways utilized by 4-wheel vehicles greater than 4 tons and where the minimum speed is 40 kms./hr. The City Council may, however, provide exceptions if there is no other alternative route;

- b.2. Zones must be within the boundaries of the City. Existing zones within more than one city shall, however, be maintained, provided that operators serving said zones shall secure franchise from each of the cities having jurisdiction over the areas covered by the zone;
- b.3. A common color for tricycle-for-hire operating in the same zone may be imposed. Each unit shall be assigned and bear an identification number including the identification card of the driver and photo or xerox copy of the franchise of the tricycle which shall be displayed aside from the LTO license plate number;
- b.4. Operators shall employ only drivers duly licensed by the LTO for tricycle-for-hire;
- b.5. No tricycle-for-hire shall be allowed to carry passengers and/or goods that can't be seated/loaded properly and conveniently.

SEC. 10. The Bureau of Permit shall provide the TFAC with the necessary secretariat, technical and administrative support services. The temporary office of the TFAC shall be at the Office of the Bureau of Permits.


SEC. 11. Penalty Clause - Any person violating this ordinance shall be punished with imprisonment of not less than six (6) months or a fine of not less than ₱1,000.00. This is without prejudice to the revocation of the franchise granted.


SEC. 12. Effectivity Clause - This ordinance shall take effect upon approval.

Enacted by the City Council of Manila at its regular session today, April 13, 1993.

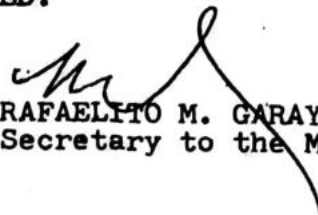
Approved by His Honor, the Mayor on May 11, 1993.

APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


JOSE L. ATIENZA, JR.
Vice Mayor and Presiding Officer
City Council, Manila

ATTESTED:


RAFAELITO M. GARAYBLAS
Secretary to the Mayor


EMMANUEL R. SISON
Secretary to the City Council

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Vice Mayor and Presiding Officer, Hon.
JOSE L. ATIENZA, JR.

HCM/vpc.