

Republic of the Philippines

Province of Pampanga

Municipality of Mexico

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF MEXICO, PROVINCE OF PAMPANGA HELD ON JUNE 13, 2006 AT THE SANGGUNIANG BAYAN SESSION HALL.

PRESENT:

- Hon. Roy D. Manalastas-Municipal Vice-Mayor / Presiding Officer
- Hon. Merly E. Manalo - S. B.Member
- Hon. Emmanuel R. Manalo -"
- Hon. Rex DL. Calma - "
- Hon. Nestor C. Sotto -"
- Hon. Lourdes G. Sicat -"
- Hon. Renato G. Colis -"
- Hon. Marcelino T. Reyes - A.B.C.President
- Hon. Bryan T. David - S.K.M.F.President

ABSENT:

- Hon. Trina T. Dizon - S. B.Member
- Hon. Jonathan R. Pangan -"

MUNICIPAL ORDINANCE NO. 007-2006

TRICYCLE FRANCHISING ORDINANCE OF THE MUNICIPALITY OF MEXICO, PROVINCE OF PAMPANGA

ARTICLE I. TITLE, SCOPE AND OBJECTIVE

Section 1. Title. This Municipal Ordinance shall be known as the **Tricycle Franchising Ordinance** of the Municipality of Mexico, Province of Pampanga.

Section 2.Scope.The provisions of this Ordinance shall govern, as far as they apply, the franchising and operation of motorbikes-for-hire and tricycles-for-hire and such other similar matters.

Section 3.Objective.To regulate the franchising and operation oftricycles-for-hire in order to avoid proliferation and at the same time to ensure public safety for the common good of tricycle commuters and pedestrians.

ARTICLE II. DEFINITION OF TERMS

Section 4. Words and Phrases. As used in this ordinance, the words and / or phrases indicated herein below shall mean, apply and be construed as follows:

4.1. *Motorbike-for-hire* refers to a two-wheeled motorcycle offered as means of transportation to the general public for a fee;

4.2. *Tricycle-for-hire*is a motor vehicle, composed of a motorcycle fitted with a single-wheeled side car to render transport services to the general public for a fee;

4.3. *Motorized Tricycle Operator's Permit (MTOP)*is a document granting franchise or license issued to a person, natural or juridical allowing him / her to operate tricycle-for-hire over areas specified therein;

4.4. *Provisional Permit* refers to a temporary permit to operate a tricycle-for-hire;

4.5. *Service Area* is a contiguous land area or block, like a subdivision or barangay where a tricycle-for-hire may operate without a fixed origin and destination;

4.6. *Color Coding* refers to the assigned color to a particular group of tricycle operators that identifies their designated service area of operation;

4.7. *Franchise Fee* is the amount collected from MTOP holder payable once a year on / or before the anniversary date of the franchise or license;

4.8. *Filing Fee* is the amount collected from MTOP applicants payable upon application;

4.9. Fare Adjustment Fee is the amount collectible from MTOP holders upon approval of fare increase, together with the annual franchise fee;

4.10. Filing Fee for Amendment is the amount collectible upon application for effecting changes of the MTOP;

4.11. Special Trip - a motorcycle-for-hire trip originating (dispatch) from its loading zone with special arrangement or usually with single passenger;

4.12. Odd and Even Scheme is a scheme where tricycles are allowed to operate on a given day base on the last digit of their tricycle plate numbers;

4.13. Remuneration refers to a fee granted a Punong Barangay for overseeing the implementation of the Tricycle Franchising Ordinance;

4.14. Board refers to the Municipal Franchising and Regulatory Board;

4.15. Municipality refers to the Municipality of Mexico; and

4.16. Colorum refers to tricycle operator / driver who operates clandestinely without permit within the Municipality.

ARTICLE III. INSTITUTIONAL MECHANISM

Section 5. Creation of the Municipal Franchising and Regulatory Board.

There is hereby created the Municipal Franchising and Regulatory Board herein after referred to as the "BOARD".

Section 6. Composition. The Board shall be composed of three (3), as follows:

6.1. Chairman: Vice-Mayor;

6.2. Members: Chairman, Committee on Transportation Chairman, Committee on Barangay Affairs

Section 7. Powers and Functions of the Municipal Franchising and Regulatory Board. The Board shall have the following powers and functions:

7.1. To prescribe and regulate routes of service of tricycles-for-hire;

7.2. To issue, amend, revise, suspend and / or cancel Motorized Tricycle Operator's Permit; and to prescribe appropriate terms and conditions therefore;

7.3. To determine, prescribe and approve and periodically review and adjust tricycle fares and other related charges in relation to the operation of tricycles-for-hire;

7.4. To summon through subpoena witnesses to appear in any proceedings of the Board;

7.5. To conduct investigation and hearings of complaint for violation of the Board's rules and regulations and other existing laws on land public transport service; and to impose penalties for violation therefore;

7.6. To promulgate and enforce rules and regulations on the standards of measurements and / or design of motorized tricycles-for-hire operating within the Municipality; and

7.7. To perform such other functions and duties inherent or incidental to the purposes of existing laws governing land transportation.

ARTICLE IV. RULE OF ENTRY AND GRANT OF TRICYCLE PERMIT

Section 8. Rule of Entry. Only Filipino citizens who are actually residing in the municipality and other juridical parties doing business in the municipality and whose capitalization is Sixty Percent (60%) owned by Filipino are qualified to operate and maintain tricycles-for-hire and motorbikes-for-hire.

Section 9. Application. Only the parties mentioned in the preceding section hereof may apply from the Board permit to operate motorbike-for-hire and motorized tricycle-for-hire whose applications shall be accompanied with the following documents:

9.1. Photocopy of the **Certificate of Registration** of the tricycle unit including a copy of the official receipt for registration;

9.2. **Letter of reference** from the concerned tricycle operators / drivers associations that services / covers a particular route, for which such associations are formed under existing laws;

9.3. **Barangay clearance** indicating actual residency;

9.4. **Passenger insurance coverage** to answer liability that may be incurred in case of an accident; and

9.5. Two (2) copies of **2x2 colored picture** of the applicant.

The application form may be secured from the Office of the Franchising and Regulatory Board and thereafter, the application shall be filed and be entertained and calendared for hearing by the Board only **after payment of the administrative fee and other charges** imposed in the following section hereof.

Section 10. Grant of MTOP. After the filing of the application and the payment of the required fees, the application shall be docketed, and after the initial evaluation of the case, the Board may include the same in its order of business for consideration in its meeting en banc.

The Board may act favorably or unfavorably depending on the merit of the application. Should the Board finds the application meritorious, then the Board shall grant the applicant permit to operate and maintain a tricycle-for-hire as public transport service, otherwise it will deny such grant.

The Board's decision or ruling on such cases including such other related matters as well as those arising from complaints against erring tricycle operators and drivers, shall carry the signatures of at least two (2) members from the three (3) composite members of the Board.

Provided, however, such decision / ruling may be appealed to the Sangguniang Bayan within thirty (30) days after promulgation. After the expiration of the prescriptive period, no motion for reconsideration or appeal shall be entertained.

Provided, further, the Board may, at its sound discretion, grant applicant whose unit is for private use, provisional permit to operate tricycle-for-hire which shall be valid for a period not exceeding three (3) months, under which, the same may be renewed every three (3) months upon application and discretion of the Board, but in no case, the provisional permit shall be renewed in excess of four (4) times.

Section 11. Validity of the MTOP. The Motorized Tricycle Operator's Permit shall be valid for a period of three (3) years which is renewable every three years.

Provided, however, the MTOP issued for the Calendar Year 2005 and 2006 to concerned tricycle operators shall be valid for a period of three (3) years commencing from the date of issuance, they shall, however, pay the regulatory fee imposed herein.

The applicant for the provisional permit shall pay the following charges:

1. Filling Fee P50.00
2. Inspection Fee P20.00
3. Provisional Permit Fee P75.00

TOTAL AMOUNT OF FEES P 145.00

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Section 12. Adoption of the Rules of Practice and Procedure Governing Land Public Transport Service. In the exercise of its functions, the Board, at its sound discretion, may adopt the rules of practice and procedure governing land public transport service of the Department of Transportation and Communication in resolving cases of applications for motorbike-for-hire and tricycle-for-hire and amendment of service route as well as such other matters relative thereto, including complaints against erring tricycle operators and drivers.

ARTICLE V. COLOR CODING

Section 13. Color Coding. A common color coding for tricycles-for-hire operating within the municipality shall be imposed, in which case, the side cars shall be painted with the prescribed color assigned every TODA, indicated as follows:

No.	NAME OF TODA	TRANSPORTATION ROUTE	PRESCRIBED COLOR
1	Parian TODA	Within the Poblacion Area	Yellow with white
2	SVTODA	San Vicente-Poblacion	Red with white
3	SMTODA	San Miguel-Poblacion	Dark blue with white
4	NVTODA	Nueva Victoria-Poblacion	<i>Light blue with orange</i>
5	DITODA	Divisoria-Lakeshore-Poblacion	Yellow with black
6	LaTODA	Laug-Sto.Domingo	Maroon with yellow
7	SDTODA	Sta.Maria-San Luis via Sto. Domingo	Red with yellow
8	Piring TODA	Piring-Sto. Domingo	Green with yellow and with border
9	SRND TODA	San Roque-San Nicolas-Sto. Domingo	<i>Black with yellow</i>
10	SRTODA	Sto. Rosario-San Carlos-Poblacion	Orange with black
11	SaPaTODA	San Patricio-Poblacion	Light blue with red
12	SASLTODA (Palengke)	San Antonio-San Lorenzo-Poblacion	White with red
13	SASLTODA (Caltex)	San Antonio-San Lorenzo-Poblacion	White with blue
14	Balas TODA	Balas-Poblacion	Light blue with black
15	SCTODA	San Carlos-Poblacion	Black with orange

16	CTODA	Concepcion-Poblacion	<i>Violet with white</i>
17	LaTODA	Laput-Poblacion	White with orange
18	Sta. Cruz TODA	Sta. Cruz-Poblacion	Orange with white
19	San Juan TODA	San Juan-Anao-Poblacion	Maroon with black
20	MASALA TODA	Sabanilla-Masamat-Lagundi	White with dark yellow
21	LATODA	Lagundi-SM-Robinson	White with black (No.) and red (TODA)
22	SJM TODA	San Jose Matulid-SM / Robinson-Masamat-Sabanilla	Yellow with green
23	AnTODA	Anao	<i>Brown with white</i>
24	PTBT TODA	Pandacaqui-Telapayong-Buenavista-Tangle-NHA	<i>Green with orange</i>
25	PaTODA	Pandacaqui-NHA-San Jose-Magalang	<i>Dark blue with yellow</i>
26	POTDA	Arenas-Magalang-Pandacaqui-Angeles	<i>Yellow with blue</i>
27	SCSM TODA	Sta. Clara-Sapang Maisac	<i>Violet with yellow</i>
28	SJMPTODA	Sindalan-Malino-Pangatlan	Green with yellow
29	SPCOE TODA	San Pedro Camuning-Overpass Exit-Poblacion	Pink with black

Aside from its LTO plate number, each unit shall bear the prescribed color (minimum of 14”) as mentioned above including an identification body number (minimum of 8”) and the name of the tricycle association (minimum of 3”) shall be printed at the rear portion of the side car.

ARTICLE VI. FEES AND FARES

Section 14.Fees.Notwithstanding provisions to the contrary mentioned in the Mexico Revenue Code and other existing Municipal Ordinances, the rates of fee for the grant of tricycle operator's permit and other regulatory fees are hereby imposed as follows:

Nature of Fee	Amount
1.Franchise Fee	P 300.00 every three (3) years
2.Filing Fee	P50.00 every three (3) years
3.Inspection Fee	P20.00 annually
4.Fare Adjustment Fee	P50.00 upon filing
5.Filing Fee for MTOP Amendment	P50.00 upon filing
6.Filing Fee for opposition and/or petitions	P50.00 upon filing
7.Regulatory Fee	P 100.00 annually
8.Provisional Permit Fee	P75.00 every three (3) months

Subject, however, to future adjustment should the rates of fees fixed herein appear no longer realistic or reasonable. All fees are non-refundable.

Section 15. Time and Mode of Payment. The fees under items 2, 3, 4 and 5 shall be paid to the Office of the Municipal Treasurer upon filing of application or petitions for such purposes. The franchise fee shall be paid to the Office of the Municipal Treasurer before the release of the MTOP once every three (3) years. The regulatory fee which covers the operation of the tricycle-for-hire and / or motorbike-for-hire for the year shall be paid through the Board for proper posting on or before January 31.

The Presidents of the various tricycle associations from the different service areas are hereby enjoined to see to it that the regulatory fees imposed on tricycles-for-hire are paid promptly, otherwise, such tricycle operators who failed to pay his due for the required period shall be barred from operating his unit.

Section 16. Fares. A uniformed tricycle fare is hereby prescribed at the rate of **EIGHT (P 8.00) PESOS for the first kilometer (or less) per passenger and additional one peso for every succeeding kilometer.**

Provided, however, the tricycle operator or driver **may charge one or two passengers the amount of FIFTEEN (P 15.00) PESOS for the first kilometer or less and / or the amount agreed upon by and between the tricycle driver and passenger/s** in which case the arrangement is considered special trip.

Provided, further, the rates of tricycles prescribed herein are subject to future adjustment upon proper petition should the same appear no longer just and reasonable.

ARTICLE VII. REGULATORY MEASURES

Section 17.Imposition of Regulatory Measures. To ensure public safety, the following regulatory measures are hereby prescribed for strict compliance, enumerated as follows:

17.1. Tricycle operators are enjoined to keep and maintain the road worthiness of their units;

17.2. Tricycle operators shall only employ drivers duly licensed by the Land Transportation Office;

17.3. Tricycle-for-hire shall operate like a taxi to render public transport service upon request or demand within a transportation service route;

17.4. Tricycle operators serving existing routes located in more than one (1) municipality shall secure MTOP from the concerned municipality and in like manner, tricycle operators from nearby municipality serving existing routes within the territory of the Municipality shall also secure the necessary MTOP therefrom;

17.5. Where public interest so demands, odd and even scheme shall be employed to reduce the number of units operating daily in order to ease out traffic congestion occurring on the various services areas, particularly on the poblacion area;

17.6. Provide the unit trash can; and

17.7. Tricycle operators / drivers shall, at all times wear the prescribed ID for proper identification.

ARTICLE VIII. PROHIBITED ACTS

Section 18. Prohibited Acts. The following acts are strictly prohibited:

18.1. No tricycle-for-hire should operate on national highway utilized by 4-wheeled or more vehicles and where the speed limit exceeds FORTY (40) KPH. However, exemption appears in order, should there be no available alternative route or service road;

18.2. No tricycle operator and / or driver shall operate within the Municipality without the required Motorized Tricycle Operator's Permit;

18.3. Driving without license or under the influence of intoxicating beverages or prohibited drugs;

18.4. No tricycle operator and / or driver shall operate outside his designated service area, unless he was hired for special trip, but, in no case, shall he engage on a pick and drop activities;

18.5. No colorum operation;

18.6. No tricycle operator / driver shall cover his face while operating his unit; and

18.7. No tricycle operator / driver shall carry more than three (3) passengers, otherwise he shall be held liable for overloading.

ARTICLE IX. MISCELLANEOUS PROVISIONS

Section 19. Deputation. The Punong Barangays of the different barangays of the municipality are hereby deputized to oversee the efficient and effective implementation of the purposes of the Tricycle Franchising Ordinance under which, they are so authorized to apprehend and impound tricycle units operating without permit within their respective territories.

Section 20. Remuneration. The proceeds from fine imposed and collected from tricycle operators without permit in a given barangay shall accordingly accrue to its fund which shall be made available as remuneration to the concerned Punong Barangay.

Section 21. Submission of List of Tricycle Operators by TODAs. The presidents of the various tricycle associations are hereby enjoined to furnish the Board the names of their association including a list of their members which shall include therein the plate number of their respective tricycle unit for proper accreditation of their association as called for in R.A. 7160.

The lists of members so submitted shall bear the signature of the association secretary and president.

ARTICLE X. PENAL PROVISIONS

Section 22. Imposition of Penalties. Tricycle operators / drivers and / or parties for that matter found violating this municipal ordinance shall be penalized by a fine of TWO HUNDRED FIFTY (P 250.00) PESOS or two (2) days of community service or both upon the discretion of the Board.

Provided, however, tricycle operators / drivers who allowed his unit to be driven by a person without a license or by person under the influence of intoxicating beverages or prohibited drugs, both the tricycle operator and driver including the other party shall be penalized by a fine of THREE HUNDRED FIFTY (P 350.00) PESOS each.

Provided, further, colorum operator shall be penalized by a fine of FIVE HUNDRED (P 500.00) PESOS or one (1) week of community service or both upon the discretion of the Board.

ARTICLE XI. FINAL PROVISIONS

Section 23. Separability Clause. If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

Section 24. Applicability Clause. All other matters relating to the imposition in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.

Section 25. Repealing Clause. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

Section 26. Effectivity. This Tricycle Franchising Ordinance shall take effect ten (10) days after publication in a local newspaper of general circulation and / or after posting in the bulletin board of barangay halls and tricycle-for-hire terminals in various places.

UNANIMOUSLY ENACTED.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.

ADONIS L. COSIO

Secretary to the Sanggunian

ATTESTED:

MERLY E. MANALO – SB Member

EMMANUEL R. MANALO – SB Member

REX DL. CALMA – SB Member

NESTOR C. SOTTO – SB Member

LOURDES G. SICAT – SB Member

RENATO G. COLIS – SB Member

MARCELINO T. REYES – ABC President

BRYAN T. DAVID – SKMF President

ROY D. MANALASTAS

Municipal Vice-Mayor / Presiding Officer

APPROVED:

TEDDY C. TUMANG

Municipal Mayor