



PAMAHALAANG BAYAN NG TAYTAY

TANGGAPAN NG SANGGUNIANG BAYAN

**EXCERPT FROM THE MINUTES OF THE REGULAR
SESSION OF THE SANGGUNIANG BAYAN, TAYTAY, RIZAL,
HELD ON SEPTEMBER 25, 2008, AT THE SESSION HALL
OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL**

PRESENT:

Hon. Janet DL. Mercado	- Vice Mayor/Presiding Officer
Hon. Sharon DL. Macabebe	- Councilor
Hon. Arturo R. Valle	- "
Hon. Reggie Lynn G. Mascardo	- "
Hon. Trece S. Cayton	- "
Hon. Anastacio V. Alcantara	- "
Hon. Dianne Eliza G. Esguerra	- "
Hon. Glenviano G. Valera	- "
Hon. Chito J. Esguerra	- ABC President
Hon. Jean Antonette M. Bermillo	- SK President

ABSENT:

Hon. Joselito T. Calderon	- Councilor (Sick Leave)
---------------------------	--------------------------

Sponsored by: Coun. Reggie Lynn G. Mascardo
Co-Sponsored by: Vice Mayor Janet DL. Mercado
All SB Members

ORDINANCE NO. 14

**REVISING THE FRANCHISING AND REGULATING
THE OPERATION OF MOTORIZED TRICYCLES AND PEDICAB IN THE
MUNICIPALITY OF TAYTAY, RIZAL TO BE KNOWN AS THE "TAYTAY
MUNICIPAL TRICYCLE AND PEDICAB CODE OF 2008"**

WHEREAS, the operation of tricycles are the primary mode of transportation in many areas in this municipality, servicing the secondary roads and subdivisions and their operation greatly affect not only the mobility of the riding populace but also the peace, order, safety and harmony of the various area wherein these tricycles operate;

WHEREAS, there are areas that uses pedicabs and has been a good source of livelihood and income to our constituents;

WHEREAS, the failure to rationalize the mushrooming of operation of said conveyances could lead to undesirable outcomes such as cut throat completion that would adversely affect the operators and drivers of tricycles and pedicabs whose main source of income depends on said occupation;

WHEREAS, the regulation and operation of tricycles and pedicabs is therefore to the best interest of those engaged in its operation and to the riding public;

WHEREAS, the guidelines and standards have to be established and implemented to ensure the safety, comfort and convenience of all inhabitants most specifically the public sector affected;

WHEREAS, pursuant to Section 447, paragraph 3 (vi) and Section 458, paragraph 3 (vi) of the Local Government Code of 1991 conferred unto the Municipal Government, through the Sangguniang Bayan the power to regulate and grant franchise;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF TAYTAY, RIZAL IN SESSION ASSEMBLED:

SECTION 1. Title.

The Ordinance shall be known as "TAYTAY MUNICIPAL TRICYCLE AND PEDICAB CODE OF 2008"

SECTION 2. Scope and Application.

This Ordinance shall apply to all motorized tricycles and pedicabs operating within the territorial jurisdiction of the Municipality of Taytay, Rizal.

SECTION 3. Definition of Terms.

1. Tricycle - a motor vehicle composed of tricycle fitted with a single wheel sidecar or a motorcycle with a two-wheel cab operated to render transport services to the general public.
2. Pedicab - a non-motorized vehicle composed of a bicycle fitted with a single-wheel side car or a bicycle with a two-wheel sidecar operated to render transport services to the general public for a fee.
3. Motorized Pedicab- originally, a pedicab but is mounted with a converted motorized engine operated to render transport services to the general public for a fee.
4. Zone - a contiguous land area or block, say a subdivision or a barangay where a tricycle-for-hire, pedicab or motorized-pedicab may operate without a fixed origin and destination.
5. Motorized Tricycle Operator's Permit/Pedicab Operator's Permit - the document granting franchise or licenses to operate issued to a person, natural or juridical, allowing him/it to operate tricycle for hire/pedicab-for-hire over zones specified therein.
6. Route Measured Capacity - is the number of tricycle-for-hire units allowed in each route as set by the Sangguniang Bayan.
 - A. Public Motorized tricycle-for-hire - is a tricycle for hire rendering transport services to the general public.
 - B. Utility Motorized Tricycle - tricycles rendering transport services to a specific passengers and/or goods.
7. T.O.D.A. - Tricycle Operators and Driver Association

SECTION 4. Organization for Implementation.

The Tricycle Franchising Unit (TFU) under the Office of the Mayor is hereby tasked to implementation the provision relative to the issuance of the tricycle franchise and for other purposes specified in this Ordinance.

SECTION 5. Taytay Municipal Tricycle and Pedicab Franchising and Regulatory Board (TMTFPRB).

The Taytay Municipal Tricycle and Pedicab Franchising and Regulatory Board is hereby created for the purpose of implementing all regulations of tricycles and pedicabs all complaints relative to their operations and shall be composed of the following;



1. Local Chief Executive – Chairman
2. Sangguniang Bayan Chairman of the Committee on Peace and Order – Member
3. Member of the Sangguniang Bayan – Member
4. Head of the Business Permit and License Office – Member
5. A representative of the PNP – Member
6. The President of the duly accredited Federation of TODA, and/or representative of the concerned Tricycle Operators and Drivers Association – Member
7. The President of the duly accredited Federation of Pedicab Association – Member
8. A Representative from riding public – Member

SECTION 6. Self Regulation of (T.O.D.A.) Federation.

The duly accredited Federation of all TODA in the Municipality of Taytay is hereby empowered to self regulate their officers and members, provided, that the power to self regulate are limited to the following;

- a. Issuance of certificate/clearance for the creation of formation of a new TODA, except for those who had already been accredited by the Sangguniang Bayan before the enactment of this Ordinance.
- b. Adjudication of disputes and/or complaints between or against tricycle drivers and disputes and/or complaints between or against TODA; whose decisions are subject for review of the TMTFPRB.

SECTION 7. Registration of Tricycle and Pedicab.

- a. All public motorized tricycles for hire operating within the territorial jurisdiction of the Municipality of Taytay, Rizal shall register and apply for a franchise with TFU, created for the purpose, to operate motorized tricycles for hire.
- b. All utility motorized tricycles utilized to convey specific passenger and/or good shall.
- c. All pedicab and motorized pedicab for hire operating within the territorial jurisdiction of the Municipality of Taytay, Rizal shall register and apply for a franchise with TFU, created for the purpose.
- d. All applicants for a tricycle franchise should present the following documents;
 1. Certification from the Barangay that the applicant is a bonafide resident of the barangay to which he seeks to operate.
 2. Land Transportation Office (LTO) Certificate of Registration (CR) and latest Official Receipt of the registration payment (OR) issued in the name of the applicant *and/or from duly accredited TODA Federation.*
 3. Certification from the TODA where he seek to be a member
 4. Insurance coverage for any liability it may incur to passengers and third parties in case of accidents.
- e. All applicants for a pedicab franchise should present the following documents;
 1. Certification from the Barangay that the applicant is a bonafide residents of the barangay to which he seeks to operate.

2. Certification from the Pedicab Association where he seek to be a member.

SECTION 8. Duration of Franchise.

Franchise for the motorized tricycles, pedicabs, and motorized pedicabs for hire is valid for one (1) year, renewable for the same period.

SECTION 9. FEES.

All motorized tricycles under this Ordinance shall pay the following fees:

- a. Franchise fee (Mayor's Permit) – P 90.00 for every unit payable every one year on/or before the anniversary date *of the LTO plate*.
- b. Filling Fee – P 90.00 for every unit payable upon application for an MTOP.
- c. Supervision Fee – P 20.00 per unit payable on/or before the anniversary *date of the LTO plate*.
- d. Legal and research – P 10.00 per unit payable on/or before the anniversary date of franchise.
- e. Franchise Sticker – P 50.00 per unit payable on/or before the anniversary *date of the LTO plate*.
- f. Municipal Tricycle plate – P 120.00 for every unit payable every three (3) years on/or before the anniversary date of the LTO plate.
- g. Special Franchise for Utility Motorized Tricycle – P 90.00 for every unit as provided for under Section 7.
- h. Annual Safety Inspection Certification Fee – P 10.00 per unit payable on/or before the anniversary *date of the LTO plate*.
- i. Filling Fee for Amendments of the MTOP – P 20.00 to be collected upon application.
- j. Specific Franchise Fee – Annual franchise for utility motorized tricycle as provided for under Section 7 shall pay an annual fee of P 90.00 per unit and P 90.00 filling fee and other mandatory fee as provided.

All motorized pedicab and pedicab under this Ordinance shall pay the following fees:

- a. Franchise Fee (Mayor's Permit) – P 20.00 for every unit payable once a year on/or before the anniversary of the MTOP.
- b. Filling Fee – P 30.00 for every unit payable upon application for an MTOP.
- c. Supervision Fee – P 10.00 per unit payable on/or before the anniversary date of franchise.
- d. Legal and Research – P 10.00 per unit payable on/or before the anniversary date of franchise.
- e. Franchise Sticker – P 10.00 per unit payable on/or before the anniversary date.
- f. Annual Safety Inspection Certification Fee – P 10.00 per unit payable on/or before the anniversary date.
- g. Filling Fee for Amendments of the MTOP – P 10.00 to be collected upon application.

SECTION 10. Renewal of Franchise.

A surcharge of 25% of the franchise fee shall be collected from the operator with expired franchise who will apply for renewal.

SECTION 11. Guidelines and Standards.

A. Physical Requirements/Equipage

No tricycles, motorized pedicabs and pedicabs shall be issued franchise unless the following applicable physical requirements and equipage are complied with and certified by duly authorized authority created for the purpose, such as Tricycle/Pedicab Franchising Board shall certify compliance to the following requirements;

1. Clean windshields;
2. Garbage receptacles;
3. Functioning horn that does not emit exceptionally loud or startling sound;
4. Two (2) signal lights, front and back for turning light or left or for emergency purposes;
5. Tail light, including license plate light;
6. Top chain extending to the rear wheel;
7. White head light and red tail light with functioning stop light in the rear, visible at least 50 meters from the front and rear of the tricycle or bicycle and functioning under all weather conditions and lighted starting 6:00pm until 6:00am;
8. Light installed inside the sidecar and kept lighted while plying routes;
9. Anti-noise equipment/silencer;
10. Sticker containing the body number of the vehicle and placed prominently to be identifiable from a distance;
11. Fully operating mufflers; and
12. Roadworthiness of the tricycle/pedicab unit.

B. Tricycle/Pedicab Fares

Any fare increases should be made through the enactment of an Ordinance. The Sangguniang Bayan shall prescribe the minimum fare and may increase or decrease the same from time to time. Operators may propose fare increase subject to the approval of the Sanggunian.

The table of approved fares should be posted prominently at the tricycle and pedicab terminal and the conspicuous part of the vehicle.

C. Load/Capacity Limit.

No tricycle-for-hire or pedicab-for-hire shall be allowed to carry more passengers and goods than what it is designed for, or more than what is authorized in the franchise.

D. Operating Conditions:

1. For safety reasons, no tricycles or pedicab should operate on national highways utilized by a four (4) – wheel vehicle greater than 4 tons and where national speed exceeds 40kph. However, it will be allowed if there's no alternative route;
2. The color scheme to be assigned by the TMTPFRB shall be adopted to identify the areas of operations of the different tricycle associations. All drivers operating a tricycle/pedicab-for-hire shall wear uniforms, corresponding their assigned color scheme at all times;
3. All utility motorized tricycle shall be white body color;
4. Public motorized for hire shall bear a body number beginning with 001 with the assigned color scheme. The body number shall be painted in front, at the back and inside of the sidecar within the immediate view

of the passengers. The size of the body number must be at least six (6) inches in height, three and a half (3 ½) inches in width. Likewise, corresponding acronym of the association must be printed above the No. and "Taytay, Rizal" below the number;

5. Identification Cards of drivers shall be issued by their corresponding TODA or pedicab association and shall be displayed in a conspicuous place inside the unit.

SECTION 12. Terminal, Route and Areas of Operations.

- a. Only motorized tricycles for hire units duly registered with the TFU shall be allowed to operate within the routes and terminals allocated for the tricycle operations as determined and authorized by the Sangguniang Bayan in coordination with the TMTPFRB, the Barangay and other government agencies concerned. The number of tricycle allowed in each route shall be determined in accordance with Route Measured Capacity previously set by the Sangguniang Bayan.
- b. All Terminals and/or TODA shall register with the TMTPFRB and shall pay an annual fee of P500.00. A surcharge of 25% of the Terminal fee shall be collected from the association with expired terminal fee payment who will apply for renewal.
- c. All TODA applying for permit to operate shall present the following documents:
 1. Securities and Exchange Commission Registration
 2. List of all Officers and Members
 3. Barangay Clearance
 4. Certification from the Accredited TODA federation
 5. Certification from the other TODA association
 6. Board Resolution of the Homeowners (if applicable)
 7. Sketch of the Terminal where they will operate

SECTION 13. Rules and Regulations.

All operators of motorized public/utility tricycle must comply with the following:

- a. Only Filipino citizen and partnerships, corporation or association with only Filipino equity are qualified to be operators of tricycle-for-hire. However, no MTOP shall be granted unless the applicant is in possession of units with valid registration papers from the Land Transportation Office,
- b. Grantee of the MTOP must carry common carriers insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accident.
- c. No tricycles for hire units shall be allowed to operate within the territorial jurisdiction without having first complied with the following:
 1. Motor registration with the LTO for the current year
 2. Issued Motorized Tricycle Operator's Permit (MTOP) by the Tricycle Franchising Unit
 3. Annual safety inspection of the TMTPFRB.
- d. No tricycle unit shall be allowed to traverse along national roads and highways except when crossing the same, provided that it is only the access road to the destinations.
- e. No drivers of public motorized tricycle for hire shall refuse to convey passengers to their destination within their designated route or area of operation.
- f. Public motorized tricycle-for-hire is not allowed to operate without the prescribed color scheme and body number as provided in Section 11.D.2. and 3.
- g. No drivers of public motorized tricycle for hire shall be allowed to operate without the uniform corresponds to their prescribed associations color scheme.

- i. An operator wishing to stop services completely or suspend service for more than one month, should report in writing such termination or suspension to the TFU which originally granted the MTOP prior thereof. Transfer to another zone shall be permitted upon application.

SECTION 15. Other Provisions.

The Taytay Franchising Unit shall furnish the Sangguniang Bayan through the Taytay Municipal Tricycle and Pedicab Franchising Regulatory Board, records of motorized tricycles for hire and the operators as well as the routes, color coding and terminals allowed or designated for the tricycle concerned.

SECTION 16. Penal Provisions.

Violation of any of the provisions of this Ordinance shall be penalized by a fine of not less than Five Hundred Pesos (P500.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment for a period not exceeding six (6) months or both at the discretion of the court.

SECTION 17. Implementing Rules.

The TMTPFRB and in coordination with SB, may time to time issue such rules and regulations as may deem necessary for the effective implementation of this Ordinance.

SECTION. 18. Repealing Clause.

Any Ordinances, Executive Orders or Rules and Regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

SECTION 19. Effectivity.

This Ordinance shall take effect after Ten Days (10) following its publication/posting in all Tricycle Terminals in the municipality, except Section 8 and 9 which will take effect on January 1, 2009.

ENACTED, this 25th day of September 2008, at the Session Hall of the Municipal Building, Taytay, Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay during Regular Session held on the 25th day of September 2008;


NOLING DEL ROSARIO
SB Secretary

ATTESTED AND CERTIFIED TO BE DULY
ENACTED BY HER HONOR

HON. JANET DE LEON MERCADO
Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR
THE MUNICIPAL MAYOR

HON. GEORGE RICARDO R. GACULA II
Municipal Mayor