

Republic of the Philippines
SANGGUNIANG PANLUNGSOB
City of Zamboanga



ORDINANCE NO. 185

AN ORDINANCE PRESCRIBING THE OPERATION OF TRICYCLES AND GRANTING
FRANCHISE FOR THE OPERATION THEREOF WITHIN THE TERRITORIAL 9610-7156
JURISDICTION OF THE CITY OF ZAMBOANGA

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EXPLANATORY NOTE

The operation of motorized tricycles in the city has been going on for thirty (30) years now. It has tremendously increased the number of units plying the routes within and outside the city proper. This mode of transportation is considered as luxury to the overwhelming majority of the riding public in the city. Thousands of the residents in the city depend upon the operation of this kind of transportation business for livelihood and education of their children.

The city can ill afford to provide employment opportunities to the operators and drivers should this mode of transportation be phased out in the city. As a matter of fact, many operators and drivers solely depend on their earning in the operation of motorized tricycle units for their basic needs. The social effect that will result in the event motorized tricycle business in the city is phased out will eventually bring untold suffering to the thousands of our people, and at this hard times, the least that can be done by the city government is to frown upon the continued operation of tricycle in the city.

In order to fulfill the mandate of the Constitution of 1987 wherein it provides that laws, policies and programs of the government must be geared to promote the welfare of the poor and in consonance with the provisions of Section 458(a)(vi) of the Local Government Code of 1991 and Article 99((a)(3)(vi) of its Implementing Rules and Regulations, this ordinance is hereby being adopted.

NOW, THEREFORE, Be it ordained by the Sangguniang Panlungsod of the City of Zamboanga in session assembled, that:

ARTICLE I
TITLE

SECTION 1. This Ordinance shall be known and cited as the MOTORIZED TRICYCLE FRANCHISING ORDINANCE.

ARTICLE II
DEFINITION OF TERMS

SECTION 1.- For purposes of this Ordinance, the following terms and phrases are hereto defined:

- a. Motorized Tricycle - is 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 services to the general public for a fee.
- b. Motorized Tricycle for commercial use - is one used by the owner to transport passengers and/or cargoes charging fares and freight therefor.
- c. Motorized Tricycle for private use - is one used by its owner for service not for hire or for a fee.
- d. Zone - contiguous land area a tricycle may operate without a fixed origin or destination.
- e. Certificate of Public Convenience - is the franchise granted to a person, natural or juridical to operate motorized tricycle in the City of Zamboanga charging the authorized fares or freight therefor.
- f. Driver's Certification - is a document issued by the operator indicating the full name, present address and professional driver's license number, 2" x 2" picture of the driver, date of validity and place of issuance of the driver's license.
- g. Owner - is the registered owner and grantee of the Certificate of Public Convenience to operate motorized tricycle.
- h. Driver - is the driver of the authorized motorized tricycle.
- i. City Proper Area - refers to the land area embraced within the boundary lines beginning with the City Hall as point of reference traversing to Fort Pilar along the Congressman J.S. Alano Road extension; then turn left towards Sta. Barbara road; then turn left towards the junction of Gen. Vicente Alvarez Road and Veterans Avenue; then turn right passing the whole stretch of Veterans Road up to the junction of Gov. Camins Road; then turn left passing the intersection of Mayor Jaldon and Gov. Camins Road proceeding towards the junction of Labuan National Road and Ledesma Road at Baliwasan Chico up to Raja Muda Mandi Road; then turn left passing the entire length of Justice R.T. Lim Boulevard up to the beginning of Congressman J.S. Alano Road passing the Magay Bridge, and straight back to the City Hall.

ARTICLE III GENERAL PROVISIONS

SECTION 1.- Only grantee of a Certificate of Public Convenience to operate motorized tricycle shall be qualified to operate a motorized tricycle within the city as provided for in this Ordinance.

SECTION 2.- Applicants for Certificate of Public Convenience to operate motorized tricycle must apply in writing, under oath, proving that the applicant is a permanent resident of Zamboanga City; that he is financially capable of operating and maintaining the service; that he will comply with the provisions of this Ordinance and the rules and regulations that may be promulgated from time to time, subject to a period of validity and that the proposed operation will promote public interest in a proper and suitable manner.

SECTION 3.- The application must be filed with the Tricycle Adjudication Board who is empowered to verify the required qualifications of the applicant and upon due notice and hearing on the application, grant or deny the application.

SECTION 4.- The Certificate of Public Convenience to operate motorized tricycle shall have a period of validity of one (1) year from the issuance thereof, coterminous to the motorcycle registration with the Land Transportation Office.

SECTION 5.- Effective upon the approval of this ordinance, new applications for franchise to operate motorized tricycle will no longer be accepted and processed for the purpose of limiting the number of operations in the City of Zamboanga, and that substitution of run down units shall be prohibited, except in cases of accidents.

ARTICLE IV LEGAL FORMAL REQUIREMENTS

SECTION 1.- Upon filing of the application of Certificate of Public Convenience to operate motorized tricycle, the applicant must submit the following documents:

- a. Certificate of Registration and the official receipt of payment of the registration fees for the current year of the motorized tricycle.
- b. Proof of the financial capacity to operate and maintain the service.
- c. Insurance policy covering third party liability; to include the passengers, for physical injuries and/or death and property.
- d. Proof of payment of local and national taxes.
- e. The professional driver's license of the driver.
- f. Police clearance of the operator and of the driver.
- g. Inspection report on road worthiness of the tricycle.
- h. Pollution Clearance issued by the Pollution Officer.

- i. Health Certificate issued by the City Health Officer.
- j. Barangay Clearance from the Barangay Captain where the operator resides.

ARTICLE V FARES AND FREIGHT

SECTION 1.- The operator can charge no more than what are provided for in this Ordinance, to wit:

- a. Two Pesos and 50/100 (₱2.50) per kilometer per passenger and additional Fifty Centavos (₱.50) per kilometer regardless of the number of passenger;
- b. A Senior citizen with I.D. shall be entitled to a 20% fare discount.
- c. A student with I.D. shall likewise be entitled to a student fare discount of 20%.
- d. Children below 7 years old shall not be considered as passengers for purposes of fare rate.
- e. Each passenger is entitled to a baggage load not exceeding 10 kilos free.
- f. Cargoes and baggages from 10 to 50 kilos and for every 30 kilos in excess of 50 kilos shall pay freight equivalent to an adult passenger.
- g. Cargoes whose length is longer than 7 feet shall not be allowed.

SECTION 2.- Violation of any of the conditions mentioned in Section 1 above is a ground to cancel*the franchise granted to the owner besides the administrative penalties hereinafter provided.

SECTION 3.- A matrix of the lawful fares and freight shall be painted on the lower hand corner of the windshield. Failure to provide such matrix shall authorize the apprehending officer to take the motorized tricycle to the nearest police station and release same only upon compliance thereof and payment of the administrative fine.

The complete name of the operator and the address must be painted at least 4" high and the plate number must be at least 6" high.

SECTION 4.- The fare and freight rates herein provided shall continue within Two (2) years from the effectivity of this Ordinance and the Sangguniang Panlungsod shall, before said period, call for a public hearing to amend or modify the above fare and freight rates.

SECTION 5.- The Tricycle Adjudication Board may reduce or increase the fare and freight rate depending on the world supply of oil and other economic factor, subject to the concurrence or approval of the Sangguniang Panlungsod.

ARTICLE VI
AREAS OF OPERATION

SECTION 1.- The franchised motorized tricycle shall operate in all national and city roads, except on the hereunder mentioned roads or streets and shall likewise cease to operate on the designated rest days provided in this Ordinance:

1. Mayor Cesar Climaco Avenue - the whole street from its junction with P. Brillantes Street up to its junction with J.S. Alano Street;

2. J.S. Alano Street - from its junction with Gov. Lim Avenue up to its junction with P. Lorenzo Street;

3. P. Lorenzo Street - from its junction with Pilar Street up to the Customs Gate at the Wharf;

4. N. Valderosa Street - from its junction with P. Lorenzo Street up its junction with Corcuera Street;

5. Motorized Tricycle for hire shall be allowed to enter the whole length of Corcuera Street and the unnamed street between the City Hall and the Barter Trade market, herein, unless such street or road is ordered closed by the Sangguniang Panlungsod;

6. And such other streets/roads/avenues as the Sangguniang Panlungsod may, by resolution, hereinafter declared included in the prohibited areas of operation.

SECTION 2.- The territorial jurisdiction of the City of Zamboanga shall be divided into zones by color, for purposes only of proper identification of the franchised motorized tricycle as to which zone they fall.

ZONE	COLOR CODE	AREAS COVERED
Zone 1	Sky Blue	Barangay Zone 1, Malagutay, Calarian, San Roque, Baliwasan, Sto. Nino, Campo Islam, San Jose (ET Lim), San Jose Gusu up to Recodo.
Zone 2	Green	Barangay Zone 2, Camino Nuevo, Canelar, Sta. Maria, Pasonanca, Cabatangan (LTP), Luyahan up to Mitrok
Zone 3	Yellow	Barangay Zone 3, Ianzuran, Lumbangan, Mercedes, Guiwan, Tetuan, Tugbungan, Tumaga, Divisoria, Putik up to Cabaluay
Zone 4	Red	Barangay Zone 4, Mariki, Rio Hondo, Sta. Catalina, Sta. Barbara, Talon-Talon, Mampang, Arena Blanco
Zone 5	Orange	Manicahan District up to Panubigan
Zone 6	Brown	Purman District up to Mitt

Zone 7	Cream	Vitali District up to Licombo
Zone 8	Violet	Ayala District up to Limpapa

SECTION 3.- REST DAY - Every Operator or driver of a Motorized Tricycle Unit shall have One Rest Day not to operate his Unit, scheduled as follows:

- A) Monday - Plate Numbers ending in 1 and 2;
- B) Tuesday - Plate Numbers ending in 3 and 4;
- C) Wednesday - Plate Numbers ending in 5 and 6;
- D) Thursday - Plate Numbers ending in 7 and 8;
- E) Friday - Plate Numbers ending in 9 and 0;

ARTICLE VII FEES AND CHARGES

SECTION 1.- The following fees and charges shall be collected from the franchise holder by the Office of the City Treasurer immediately before operation, except the supervision fee:

1. Registration of Motorcycle for Hire..... ₱150.00/unit
2. Registration of any kind, such as
 - Change of ownership 150.00
 - Change of classification 150.00
 - Change of fare 150.00
3. Annual franchise fee 100.00
4. Unit Certification fee 50.00
5. Unit Inspection fee 10.00
6. Sticker will be in accordance with color coding..... 40.00

Late registration for any fraction of the year is considered one (1) year. The penalty shall be full payment of all unpaid fees plus 50% surcharges.

7. Petition to drop authorized unit by substitute per unit 210.00
 - Breakdown:
 - Change of Classification, ₱150.00
 - Unit Certification 50.00
 - Inspection fee 10.00

In the succeeding calendar year, the registration fee of each unit, inspection fee of each unit, current year sticker and business permit shall be paid on the first twenty (20) days of January.

There shall be collected a surcharge of 25% of the fees if paid after January 20 of every year and an interest of two (2%) percent per month until paid.

ARTICLE VIII
TRICYCLE ADJUDICATION BOARD

SECTION 1.- There is hereby created a Tricycle Adjudication Board consisting of five (5) members. The Board shall consist of the following: (1) City Legal Officer who shall be the Chairman; (2) A representative from the Operators and Drivers Association; (3) the Chairman, Committee on Franchise of the Sangguniang Panlungsod; (4) A representative from the riding public to be appointed by the City Mayor; (5) One Member to be appointed by the City Mayor, for a term of one year.

SECTION 2.- The Tricycle Adjudication Board shall have the following powers thru the Chairman.

1. To receive and pass upon all applications of franchise for operation under this ordinance, subject to the concurrence of the Sangguniang Panlungsod.
2. In case of the disapproval of this application, the same shall be forwarded to the Board which by majority votes shall decide or reconsider a decision of the application.
3. To review and decide complaint for violation of this ordinance.
4. To provide and decide the proper penalties to be imposed on the preceding sub-paragraph.
5. To prescribe rules and procedures subject to the approval of the Sangguniang Panlungsod.

ARTICLE IX
GROUNDS FOR CANCELLATION OF THE CERTIFICATE
OF PUBLIC CONVENIENCE

SECTION 1.- The following acts or omissions committed by the owner and/or driver are grounds for cancellation of the Certificate of Public Convenience to operate motorized tricycle and shall subject the owner and/or driver to administrative fines herein after provided:

- a. Operation of motorized tricycle for hire on prohibited areas. The owner and the driver shall be solidarily liable and that the owner shall pay administrative fine of ₱1,000.00 and the driver shall pay administrative fine of ₱500.00;
- b. Employing insolent, discourteous or arrogant drivers. The owner and driver shall pay administrative fine of ₱500.00;
- c. Refusal to convey passenger or freight to proper destination/trip. The owner and driver shall pay administrative fine of ₱500.00;
- d. Undue preference or unjust discrimination. The owner and driver shall pay administrative fine of ₱500.00;
- e. Overcharging above authorized Schedule of fare and freight. The owner and driver shall pay administrative fine of ₱1,000.00;

- f. Breach of the franchise conditions. The owner and driver shall pay administrative fine of ₱1,000.00;
- g. Failure to carry certified copy of franchise. The owner and driver shall pay administrative fine of ₱100.00;
- h. Driving in slippers or sleeveless shirt. The owner and driver shall pay administrative fine of ₱200.00;
- i. Failure to paint the plate number and case number on the frontside, rightside and back of the sidecar. The owner and driver shall pay administrative fine of ₱500.00 each;
- j. Failure to paint the complete name and address of the owner on the front, rightside and back hereof of the sidecar. The owner and driver shall pay administrative fine of ₱500.00 each;
- k. Failure to paint the color scheme for the zone of operation or indicated in Article VI, Section 3 herein. The owner and driver shall pay administrative fine of ₱500.00 each;
- l. Failure to paint fare and freight matrix on the windshield facing the passenger. The owner and driver shall pay administrative fine of ₱500.00 each;
- m. Failure to post on the windshield the driver's certification and professional driver's license, the owner and driver shall pay administrative fine of ₱200.00 each;
- n. Four (4) conviction for violation of the Land Transportation Code, as amended, or of the Traffic Code of 1977 or of the Parking Ordinance shall be a ground to cancel the certificate of convenience.
- o. If the operator is the driver himself he shall be penalized with the highest administrative fine.

ARTICLE X
PENAL PROVISION

SECTION 1.- Any person who shall operate a motorized tricycle, without the Certificate of Public Convenience to operate motorized tricycle and charging fees for cargoes and passengers, or shall solicit passenger and/or cargoes for fees, shall be fined administratively the amount of Two Thousand (₱2,000.00) Pesos for each offense, and shall be paid to the City Treasurer or his authorized representatives within a period of three (3) days.

SECTION 2.- The administrative fines herein provided do not preclude the Department of Transportation and Communication or the Land Transportation Office, or the Traffic Management Services of the Department of Transportation and Communication or the designated Traffic Officer from criminally prosecuting violators of the Land Transportation and Traffic Code, or for violation of the Traffic Code of 1977 or the Parking Ordinance of the City of Zamboanga.

ARTICLE XI
ENFORCEMENT

SECTION 1.- The Barangay Captains, Councilmen, Members of the Barangay Tanod Brigade, deputized Traffic Officers and the duly authorized representative of the Office of the City Mayor are hereby authorized to apprehend and detain all vehicles that do not comply with the provisions of this Ordinance or violates any of the conditions in the Certificate of Public Convenience to operate motorized tricycle, in the nearest police station upon issuance of confiscation/apprehension receipt, duly signed by the apprehending officer and the violator and have the vehicle detained in the police station until compliance with the conditions in the Certificate of Public Convenience or of this Ordinance and payment of the administrative fine, provided that until the administrative fine is fully paid, there is created a lien over the afore-mentioned motorized tricycle, for which lien shall ipso facto cease upon full payment of any fine.

ARTICLE XII
EFFECTIVITY

SECTION 1.- This Ordinance shall take effect upon its approval.

ENACTED: October 28, 1996.

CRESENCIANO S. CABANLIT
Temporary Presiding Officer

ATTESTED:

(Mrs. ZENAIDA C. JAYME
City Gov't. Dept. Head II
(City Secretary)

APPROVED:

VITALIANO D. AGAN
City Mayor

/J.10-30-96.

NOTE: This Ordinance has lapsed into effectivity, pursuant to Sec. 54 (b) of the Local Government Code of 1991.

(MRS. ZENAIDA C. JAYME
City Gov't. Dept. Head II
(City Secretary) 11/17/96