



Republic of the Philippines
PROVINCE OF ISABELA
City of Ilagan

Office of the Governor

MEMORANDUM No.: 14

Series of 2020

**TO : ALL CITY AND MUNICIPAL LOCAL GOVERNMENT UNITS IN THE
PROVINCE OF ISABELA**

From : 
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Subject : As Stated

Date : January 14, 2020

Relative to the laws and issuances pertaining to the general usage of public road and thoroughfares strengthened by the directive of President Rodrigo Roa Duterte on road clearing operations, an in-depth review of your respective regulation dealing with the operation of tricycles and pedicabs is necessary to ensure the safety, comfort and convenience of the general public.

To facilitate your review or formulation of Franchise and Regulatory Ordinance, attach herewith is a copy *DILG Memorandum Circular No. 2020-04: Guidelines in the review or revisiting the City or Municipal Tricycle and Pedicab Franchise and Regulatory Ordinance or Code and Barangay Ordinance on the use of public roads, pathways and alleys* for your reference, information and guidance.



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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<http://www.dilg.gov.ph>

MEMORANDUM CIRCULAR
NO. 2020-004

10 JAN 2020

**TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS,
PUNONG BARANGAYS, PRESIDING OFFICERS OF LOCAL
SANGGUNIANs, DILG REGIONAL DIRECTORS, BARMM REGIONAL
GOVERNOR AND ALL OTHERS CONCERNED**

SUBJECT : GUIDELINES IN THE REVIEW OR REVISITING THE CITY OR MUNICIPAL TRICYCLE AND PEDICAB FRANCHISE AND REGULATORY ORDINANCE OR CODE AND BARANGAY ORDINANCE ON THE USE OF PUBLIC ROADS, PATHWAYS AND ALLEYS

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I. BACKGROUND

In response to the President's directive in his 4th State of the Nation Address to clear roads of illegal structures and obstruction, DILG issued Memorandum Circular 2019-121, dated 29 July 2019 enjoining all local officials to reclaim public roads that are being used for private purposes. Likewise, local chief executives are directed to revoke permits that give authority to private entities to occupy public roads, alleys, and other thoroughfares. Within 60 calendar days, significant results must be achieved, documented, and reported together with the efforts of the LGUs to sustain the same.

To ensure continuity and maintenance of the road clearing operations, the Department issued DILG MC No. 2019-167 dated 04 October 2019 as a supplemental guideline.

Sections 447(a)(3)(vi) and 458(a)(3)(vi) of the Local Government Code of 1991 mandate the Sangguniang Bayan and Sangguniang Panlungsod to regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality or city subject to the guidelines prescribed by the Department of Transportation and Communications (DOTC)¹.

Pursuant to its mandate under the Local Government Code, the Department of Transportation and Communications came up with guidelines to implement the

¹ Now Department of Transportation (DOTr).

devolution of the Land Transportation Franchising and Regulatory Board's franchising authority over tricycles-for-hire to the city and municipal governments. Accordingly, any ordinance regulating tricycles must be subject to the minimum requirements of DOTC's prescribed rules.

Thus, on January 2, 2007, the Department issued Memorandum Circular No. 2007-01, Basic Considerations in the Preparation of City or Municipal Tricycle and Pedicab Franchise and Regulatory Ordinance or Code. Subsequently DILG MC No. 2011-68, dated May 9, 2011 was issued relative to operating conditions for tricycles and pedicabs reminding all local authorities to strictly adhere to the guidelines and standards provided by DILG MC 2007-01, particularly the banning of tricycles and pedicabs operations along national highways.

Republic Act No. 4136 entitled "An Act to Compile the Laws Relative to Land Transportation and Traffic Rules, to Create Land Transportation Commission and For Other Purposes" was enacted on June 20, 1964, which enumerates, among others, the specified places where parking is prohibited, particularly along sidewalk.

With these laws and issuances fortified with the directive of the President on road clearing operations, the regulation of the operation of tricycles and pedicabs, is therefore, to the best interest of those engaged in its operation and to the riding public. Guidelines and standards have to be established and implemented to ensure the safety, comfort and conveniences of the general public most specifically the affected sector that utilizes public streets or ways.

II. DEFINITION OF TERMS

Barangay Roads – refer to other public roads (officially turned over) within the barangay and not covered in the definitions of provincial, municipal and city roads.

Local Roads – refer to provincial roads, municipal and city roads and barangay roads.

Municipal and City Roads – refer to roads within the Poblacion; roads that connect to provincial and national roads; roads that provide inter-barangay connections to major municipal and city infrastructure without traversing provincial roads.

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.

Motorized Tricycle Operator's Permit/Pedicab Operator's Permit (MTOP/POP) – a document issued by the Sangguniang Bayan or Sangguniang Panlungsod which grants franchise or license to operate to a person, natural or juridical, allowing him/it to operate tricycle-for-hire or pedicab-for-hire over zone specified therein.

Pedicab – a non-motorized vehicle composed of a bicycle fitted with a single-wheel side car or bicycle with a two-wheel sidecar operated to render transport services to the general public for a fee.

Provincial Roads – refer to roads that connect Cities and Municipalities without traversing national roads; connect national roads to barangays through rural areas or connect to major provincial government infrastructure.

Tricycle – a motor vehicle composed of a motorcycle fitted with a single-wheel side car or a motorcycle with a two-wheel cab, which includes electric tricycle or e-trike, operated to render transport services to the general public.

Tricycle Operator's and Drivers' Association (TODA) – refers to the organization of tricycle operators and drivers recognized by the city or municipal government.

Zone – a contiguous land area or block, such as a subdivision or a barangay, where a tricycle-for-hire, pedicab, or motorized pedicab may operate without a fixed origin and destination.

III. GUIDELINES AND STANDARDS

In view of the supervisory powers of the Department over city and municipal governments and pursuant to DOTC issuances, all city mayors and municipal mayors are hereby enjoined to adopt the hereunder minimum standards in the formulation and review of the Municipality/City Tricycle and Pedicab Franchise and Regulatory Ordinance or Code:

A. Physical Requirements/Equipage – No tricycles, pedicabs, and motorized pedicabs shall be issued franchise unless the following applicable physical requirements/equipage are complied with and certified by duly authorized authority created for the purpose, such as Tricycle/Pedicab Franchising Board and other similar bodies created under ordinance. In the absence of such board or similar body, an appropriate Committee as may be determined by the sanggunian concerned shall certify compliance to the following requirements:

- Clean windshields;
- Garbage receptacle;
- Functioning horn that does not emit exceptionally loud or startling sound;
- Two (2) signal lights, front and back for turning right or left or for emergency purposes;
- Tail light, including license plate light;
- Top chain extending to the rear wheel;
- White head lights in front 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 6:00 pm until 6:00 am;

- Light installed inside the sidecar and keep lighted while plying routes;
- Anti-noise equipment/silencer;
- Sticker containing the body number of the vehicle and placed prominently to be identifiable from a distance;
- Fully operating mufflers; and
- Roadworthiness of the tricycle/pedicab unit.

B. 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.

C. Operating Conditions:

- For safety reasons, no tricycle or pedicab should operate on national highways, whether utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceed 40 KPH. However, the SP or SB may allow if there is no other alternative route taking into consideration public safety;
- Zones must be established within the boundaries of the city or municipality. However, existing zones within more than one municipality/city shall be maintained, provided that operators serving said zone shall secure MTOP/POP from each of the municipalities/cities having jurisdiction over the areas covered by the zone;
- A common color may be imposed on tricycles or pedicabs-for-hire operating in the same zone. Each unit shall be assigned and bear an identification number, aside from the Land Transportation Office (LTO) registration plate, to avoid colorum vehicles plying within the locality;
- An operator wishing to stop service completely, or to suspend service for more than one month, should report in writing such termination or suspension to the SP or SB which originally granted the MTOP prior thereto. Transfer to another zone may be permitted upon application;
- The MTOP shall be valid for three (3) years, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTOP shall be construed as an amendment to MTOP and shall require appropriate approval of the SP or SB;

- Operators shall only employ drivers who have been duly issued licensed by the LTO for tricycles-for-hire; and
- A tricycle-for-hire shall be allowed to operate like a taxi service, i.e., service is rendered upon demand and without fixed route within its authorized zone.

D. Specified Places where parking is prohibited and other related provisions pursuant to RA 4136:

Section 46. *Parking prohibited in specified places.* – No driver shall park a vehicle, or permit it to stand, whether attended or unattended, upon a highway in any of the following places:

- (a) Within an intersection;
- (b) On a crosswalk
- (c) Within six meters of the intersection of curb lines
- (d) Within four meters of the driveway entrance to any fire station
- (e) Within four meters of a fire hydrant
- (f) In front of a private driveway
- (g) On the roadway side of any vehicle stopped or parked at the curb or edge of the highway
- (h) At any place where official signs have been erected prohibiting parking.

Section 52. *Driving or parking on sidewalk.* – No person shall drive or park a motor vehicle upon or along any sidewalk, path or alley not intended for vehicular traffic or parking.

Section 54. *Obstruction of traffic.* – No person shall drive his motor vehicle in such a manner as to obstruct or impede the passage of any vehicle, nor, while discharging or taking on passengers or loading or unloading freight, obstruct the free passage of other vehicles on the highway.

E. All TODAs shall coordinate with their respective Sanggunian regarding their operations particularly on the establishment of their terminal in relation to Road Clearing Operation pursuant to this Memorandum Circular, DILG MC No. 2019-121 dated July 29, 2019 and other related laws and issuances.

F. Review, Amendment and Revocation of Ordinances or Codes.


All sanggunians concerned are hereby directed to review, amend, or revoke all existing ordinances or code contrary to the policies on Road Clearing Operations, i.e., ordinances on one side parking and establishment of tricycle or pedicab terminals along the pathways; and ensure that all tricycle and

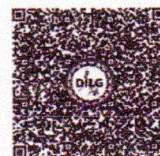
pedicab drivers and operators and TODAs faithfully comply with the laws and related issuances.

G. Responsibility of the DILG Regional Directors

All DILG Regional Directors are hereby directed to monitor the review, suspension, amendment, and revocation of the ordinances which are in conflict with the policies, standards and limitations contained in this Memorandum Circular. Likewise, they are directed to cause the immediate and widest dissemination of this Memorandum Circular to all local government units within their regional assignments.

For the information and guidance of all concerned.


EDUARDO M. AÑO
Secretary



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