



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 779, S-2020

AN ORDINANCE ESTABLISHING A TEMPORARY MINIMUM FARE OF TWENTY PESOS (P20.00) IN THE DURATION OF THE MODIFIED ENHANCED COMMUNITY QUARANTINE (MECQ), GENERAL COMMUNITY QUARANTINE (GCQ), MODIFIED GENERAL COMMUNITY QUARANTINE (MGCQ) OR OTHER COMMUNITY QUARANTINE AS MAY BE IMPOSED BY THE NATIONAL GOVERNMENT IN THE CITY OF MANDALUYONG AND PRESCRIBING GUIDELINES IN THE OPERATIONS AND CONDUCT OF TRICYCLES UNDER THE "NEW NORMAL" COMPLYING TO THE SAFETY TRANSPORT PROTOCOLS OF THE INTER-AGENCY TASK FORCE

WHEREAS, because of the declaration of a public health emergency due to Corona Virus Infectious Disease-2019 (COVID-19), President Rodrigo Roa Duterte has imposed strict social distancing measures and extended the Enhanced Community Quarantine (ECQ) in Metro Manila and other provinces and cities until May 15, 2020;

WHEREAS, in anticipation for the "new normal", the Department of Transportation (DOTr) and the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) have set transportation protocols and guidelines regarding road, aviation, maritime, and railway transport for areas which are placed under the General Community Quarantine (GCQ) category;

WHEREAS, the said guidelines for Public Transport Operations on road stated that, in areas which are under GCQ, all permitted Public Utility Vehicles, which includes all types of tricycles, transport terminals, and operators must follow three essential components dictated in the protocol/guidelines which are safety, capacity, and coverage/scope;

WHEREAS, safety refers to the guidelines that reduce contact, transmission, and spread of the virus through the mandatory use of face masks and gloves for drivers. Accordingly, thorough disinfecting practices of vehicles, terminals, and even among passengers are also required;

WHEREAS, the capacity and passenger load for a tricycle under GCQ areas based on the new protocol must not exceed one (1) passenger in the side-car, while back riding is not allowed. This is to ensure that physical distancing is followed;

WHEREAS, under the first paragraph of Section 94 of the new Traffic Code of Mandaluyong City, the tricycle fare shall be in accordance with the scheduled rate mandated by the Tricycle Franchising Board (TFB) pursuant to ordinance and guidelines from the Land Transportation and Franchising Regulatory Board (LTFRB);

WHEREAS, the one (1) passenger limit on tricycles imposed by the Guidelines will have an adverse effect on the income of the tricycle drivers and operators;

WHEREAS, in the exercise of the jurisdiction of the City Government of Mandaluyong over tricycle operations, it is imperative to temporarily increase the minimum fare of tricycle during the MECQ/GCQ/MGCQ and other community quarantine period as may be imposed by the National Government in the City of Mandaluyong to neutralize the adverse effects of the COVID-19 pandemic on our tricycle operators and drivers and their families.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Mandaluyong, in session assembled:

Section 1. POLICY: In compliance with the Omnibus Public Transport Protocols/Guidelines by the Department of Transportation (DOTr) and the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) covering the Road Transport sector, all tricycles shall not exceed one (1) passenger in the side-car, while back riding is not allowed.

Section 2. SCOPE AND LIMITATION: This Ordinance shall apply and govern all types of tricycles-for-hire, operating within the City of Mandaluyong during the COVID-19 pandemic and MECQ/GCQ/MGCQ and other community quarantine as may be imposed by the National Government in the City of Mandaluyong.

Section 3. PRESCRIBED FARE: The minimum fare for tricycles in Mandaluyong City is Twenty Pesos (P20.00).

Section 4. GUIDELINES/PROTOCOLS IN THE CONDUCT/OPERATION OF TRICYCLES UNDER THE NEW NORMAL SITUATION:

- a) LIMITED PASSENGER CAPACITY: All tricycles shall be operating in a limited capacity of one (1) passenger per tricycle only and must be strictly observed to keep up with the requirement of social distancing, except in emergency cases where one (1) or two (2) companions are needed to accompany passenger in the tricycle.
- b) PASSENGER REQUIREMENT: Tricycle drivers and operators must assure that all passengers that are picked up have the necessary quarantine pass or employment ID. Children, PWD and senior citizens are not exempted from the requirement of quarantine pass/ID unless they are in emergency situation.
- c) TRICYCLE REQUIREMENTS: To ensure and protect the health and safety of passenger as well as the driver, these physical requirements of the tricycle must be complied with, the operator may opt to add additional means in order to protect the safety of both:

1. Drivers shall wear protective masks/shield and gloves at all times.
2. A passenger is required to wear protective masks at all times;
3. A driver should be sealed off from passenger area using non-permeable, transparent material or a plastic shield that must be placed between the driver and passenger to avoid possible contamination between them while in transit;
4. A common box for payment/change must be provided that is placed in a visible area for both driver and passenger. A passenger is advised and encouraged to prepare and pay the exact amount of fare, if possible, to avoid further contact between the passenger and the driver;
5. 70% Isopropyl alcohol must be readily provided inside the tricycle for passenger use;
6. MANIFESTO: A logbook or clipboard and pen must be provided. The passenger is required to log in his/her name, contact no., date and time of pick-up, before a transaction is placed. The logbook will further enhance contact tracing in the event of a COVID-19 contamination. If possible, require passenger the use of their own pens if they have one;

Passengers are hereby advised to keep a record of the basic details of the tricycle they have ridden such as the name of the driver, plate no., and the date and time of the riding.

7. Fare Matrix must be visibly displayed inside the tricycle where the passenger may be aware of;
8. Section 4 of this Ordinance must be visibly displayed inside the tricycle where the passenger may be informed of the new rules and tricycle fare;
9. Tricycles shall be disinfected every end of each trip or each and every route with all surfaces (especially seats, armrests handles, logbooks, pens) wiped down with disinfecting agent;
10. Drivers ID or certification that he tested negative from COVID-19 rapid test must be placed in a visible place inside the tricycle for the passengers to see;
11. The TODA officers shall see to it that the body temperature of the Members are being checked from time to time.

d) OPERATORS:

1. It is the responsibility of all operators to see to it that all these protective measures are strictly observed and disinfecting materials are well provided for;
2. Operators shall see to it that his/her drivers are fit to perform his/her duty. Should a driver show symptoms of COVID-19, he/she shall be prohibited to report or to drive the said vehicle and shall be subjected to quarantine immediately.

e) CURFEW: Tricycle-for-hire operations are subject to curfew from 8:00 p.m. to 5:00 a.m.

f) COLOR CODING: The tricycle operators and drivers shall strictly follow the prescribed color coding representing the schedule of the days of which they are allowed to ply their route, thus, the existing implementation of the number coding is hereby temporarily suspended.

Section 5. PRIVILEGES: All students, persons with disabilities, and senior citizens should be granted a special fare discount in accordance with the law granting special privileges for students, the Magna Carta for Persons with Disabilities and the Expanded Senior Citizens Act upon presentation of proper identification (ID) card.

Section 6. DUTIES OF THE TRICYCLE REGULATORY OFFICE (TRO): The Tricycle Regulatory Office being the office tasked in the implementation of this Ordinance shall:

- a) provide the new tricycle fare matrix and
- b) ensure proper information and dissemination to all the Tricycle Operators and Drivers Associations (TODAs) in Mandaluyong City.
- c) All concerned tricycle operators and/or drivers shall post in their tricycles the new tricycle fare matrix, including the discounted fare of students, PWDs and senior citizens upon presentation of proper ID.

Section 7. ENFORCEMENT: This Ordinance shall be implemented by the Traffic Parking and Management Department, Tricycle Regulatory Office, Barangay Officials including the deputized personnel of the Barangay, Anti-Vice Division, and Mayor's Action Command.

Violators will be issued an Ordinance Violation Receipt upon apprehension. Multiple violations not covered by this Ordinance shall be governed by the Traffic Code of the City of Mandaluyong.

Section 8. PENALTIES: Any person violating Sections 3, 4 and 5 of this Ordinance will be meted with a fine of One Thousand Pesos (P1,000.00) per violation without prejudice to the application of Ordinance No. 767, S-2020, otherwise known as the "Mandatory Wearing of Face Masks Ordinance" in the violation of Section 4, letter c (1 & 2) and the Bayanihan to Heal as One Act in other cases not covered by this Ordinance.

SECTION 9. NO CONTEST PROVISION. Any person apprehended for violation of this City Ordinance, who does not wish to contest the violation and is willing to voluntarily pay the fine imposed upon him/her prior to the filing of the formal complaint with the Office of the City Prosecutor, shall be allowed to pay the fine with the City Treasurer to avoid criminal prosecution (Section 6 and 6A of Ordinance No. 740, S-2019: An Ordinance Establishing the Procedure in the implementation and Enforcement of a City Ordinance.)

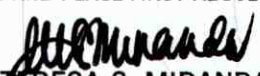
Section 10. SEPARABILITY CLAUSE: If any provision of this Ordinance is determined to be invalid, illegal or unenforceable, its remaining provisions shall remain in full force as though this Ordinance did not originally include such invalid, illegal or unenforceable provision.

Section 11. EFFECTIVITY: This Ordinance shall take effect immediately upon its approval and signing, and shall remain in full force and effect during the MECQ/GCQ/MGCQ and other community quarantine as may be imposed by the National Government in the City of Mandaluyong.

After lifting the community quarantine, the first paragraph of Section 94 of the New Traffic Code of Mandaluyong City shall automatically take effect.

ENACTED on this 27th day of May, 2020, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS SUVA
Vice Mayor &
Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: MAY 30 2020