

AN ORDINANCE GRANTING FINANCIAL ASSISTANCE FOR FUEL SUBSIDY AMOUNTING TO ONE THOUSAND PESOS (PHP 1,000.00) TO ALL REGISTERED TRICYCLE DRIVERS IN TUGUEGARAO CITY AND ALLOCATING FUNDS THEREFOR

Sponsored by:

- HON. TIRSO V. MANGADA**
- HON. BIENVENIDO C. DE GUZMAN II**
- HON. MARK ANGELO B. DAYAG**
- HON. JUDE T. BAYONA**
- HON. MARIA ROSARIO B. SORIANO**
- HON. MARC ALDOUS C. BACCAY**
- HON. KARINA S. GAUANI- VIERNES**
- HON. RONALDO S. ORTIZ**
- HON. IMOGEN CLAIRE M. CALLANGAN**
- HON. MARY MARJORIE P. MARTIN- CHAN**
- HON. GILBERT S. LABANG**

WHEREAS, Section 10, Article II of the 1987 Constitution provides that the State shall promote social justice in all phases of national development;

WHEREAS, Tricycle is the major mode of transportation of the commuting public in Tuguegarao City, hence, the City Government should extend all help necessary to ensure the continuous service of the tricycle drivers to our constituents;

WHEREAS, Section 16 of the Local Government Code of the Philippines also known as the General Welfare Provisions, the Local Government Unit is granted powers to ensure and support the enhancement of the economic status of its constituents.

WHEREAS, the operation of the tricycle drivers has been a god source of livelihood and income of thousands of City’s constituents;

WHEREAS, with reference to the above premise, it is only proper for the city government to not only recognize their existence and contributions, but their struggles as well;

WHEREAS, tricycle drivers have been greatly affected by continuous global predicaments such as the pandemic and international conflict between major suppliers of Petroleum which incidentally is a necessary resource for their operations as Tricycle Drivers;

WHEREAS, the Tuguegarao City Government finds it imperative to provide assistance to the thousand members of Tricycle Operators and Drivers Associations (TODA) as a measure of relief to the unprecedented increase of gasoline price in the country;

SECTION 1. TITLE. This ordinance shall be known as *“Tuguegarao City Tricycle Fuel Subsidy.”*

SECTION 2. PURPOSE OF THE ORDINANCE - The Tuguegarao City is exhausting efforts to recognize the plight of the Tricycle Drivers who were overwhelmed with various challenges since the onset of the pandemic including other factors such as the conflict between Russia and Ukraine which caused the oil price hike as both countries are major distributors of such across the globe.

Corollary thereto, and in order to mitigate the ill effects of the future and unprecedented oil price hike on the Transportation Sector of Tuguegarao City, this ordinance shall grant financial assistance for fuel subsidy to all registered Tricycle Drivers of Tuguegarao City.

SECTION 3: DEFINITION OF TERMS. For the purposes of this ordinance, the following terms shall be defined as follows:

- a. **FUEL SUBSIDY** – Refers to the financial assistance amounting to One Thousand Pesos (Php 1,0000) to be given to all tricycle drivers with existing franchise issued by the Tuguegarao City Government.
- b. **FUEL** – refers to the substance that is burned or otherwise consumed to produce energy and used to power tricycles.
- c. **TRAFFIC REGULATORY UNIT/TRU** – the Traffic Regulatory Unit of the City Government of Tuguegarao under the Office of the City Mayor.
- d. **TRICYCLE** — a motor vehicle composed of a motorcycle fitted with a single wheel sidecar used to convey or transport passengers at a fixed rate or fare to their places of destination.
- e. **TRICYCLE DRIVER** — any person duly licensed by the Land Transportation Office (LTO) to drive and operate a motorcycle or tricycle and who actually drives and controls a motorized tricycle while in operation in public streets and highways.
- f. **TRICYCLE OPERATOR** — the registered owner of a motorized tricycle as appearing in the Certificate of Registration issued by the Land Transportation Office.
- g. **FRANCHISE** — the grant issued by the Sangguniang Panlungsod in accordance with Section 458 (a) (3) (vi) of the Local Government Code allowing and/or permitting a qualified person, either natural or juridical, to operate a tricycle transport service within the territorial limits of the City.
- h. **FRANCHISEE** — a bona fide resident and registered voter of Tuguegarao City to whom and, in his name, the franchise is issued.
- i. **TRICYCLE OPERATOR'S PERMIT (TOP)** — the document granting a franchise or license to operate a tricycle
- j. **TODA** – Refers to a duly-formed Tricycle Operators and Drivers Association within Tuguegarao City.
- k. **FETODA** — Federation of Tricycle Operators and Drivers Association.

SECTION 4. SCOPE AND LIMITATION. This ordinance shall only be intended to all registered drivers who are holders of or driving a unit with a valid and subsisting Tricycle Franchise duly issued by the Tricycle Regulation Unit (TRU) of Tuguegarao City.

SECTION 5. MECHANISM. The following mechanism will be observed in the distribution of the herein-stated fuel subsidy:

- 5.1. The amount of One Thousand Pesos (1,000.00) shall be given to all qualified beneficiaries bi-annually (June & December).
- 5.2. The Tricycle Regulation Unit (TRU) shall submit the payrolls for obligation of the qualified tricycle drivers to the City Budget Office.
- 5.3. As soon as the cash/ check will be ready for release, the TRU shall communicate to all Tricycle Operators and Drivers Association (TODA) President of each barangay for proper coordination.
- 5.4. When the beneficiary/claimant is not the declared owner of the Tricycle Franchise, he/she shall provide a proof or a certification from the declared owner that he is the driver of such tricycle.
- 5.5. The Office of the City Mayor through the Tricycle Regulation Unit (TRU), being the implementing office shall establish procedures for the application, verification, and disbursement of the fuel subsidy, ensuring transparency and accountability in the process

SECTION 6. QUALIFICATIONS OF BENEFICIARIES. The following shall be the qualifications of the beneficiaries of the herein subsidy.

- 6.1. A driver who is a holder of or driving a unit with a valid and subsisting Tricycle Franchise duly issued by the Tricycle Regulation Unit (TRU) of Tuguegarao City.
- 6.2. A bonafide resident of Tuguegarao City.
- 6.3. A bonafide member of a duly-registered TODA or the FETODA.
- 6.4. A holder of a valid driver's license issued by the Land Transportation Office (LTO).
- 6.5. A holder of a valid ID issued by the Tricycle Regulatory Unit (TRU) and in possession of a certification from the operator with a valid tricycle franchise that he/she is his/her official driver.
- 6.6. Should be of good record standing with the TRU. In case when there is a complaint duly filed against the driver, he/she will still qualify if evidence of guilt is not strong upon the certification by the Tricycle Regulatory Unit (TRU) head.
- 6.7. The beneficiary/ claimant must present a copy of the Tricycle Operators Permit (TOP).
- 6.8. Must be an actual tricycle driver.
- 6.9. Other qualifications deemed necessary as set forth by the TRU.

SECTION 7. UNLAWFUL ACTS. It shall be unlawful for a tricycle driver applying for fuel subsidy to misrepresent and submit fraudulent claims or false information to obtain the fuel subsidy.

SECTION 8. PENALTIES FOR FRAUDULENT CLAIMS. Any driver found violating the preceding section shall be subject to the following:

- a. *FIRST OFFENSE*- disqualification to claim fuel subsidy from the city for one (1) year.
- b. *SECOND OFFENSE AND MORE*- disqualification to claim fuel subsidy from the city in perpetuity.

In both offenses, the City Legal Office is hereby authorized to initiate the appropriate legal action against the erring person involved.

SECTION 9. IMPLEMENTATION. This ordinance shall be implemented by the Office of the City Mayor through the Tricycle Regulation Unit (TRU) which shall form part of the latter's yearly activity and formulate the necessary guidelines and administrative procedures for the effective execution of the fuel subsidy program.

SECTION 10. APPLICABILITY. This ordinance shall cease to be effective as soon as cost of fuel drops to P55.00/liter and below for two consecutive weeks.

SECTION 11. INFORMATION. The tricycle operator shall inform the Tricycle Regulatory Unit (TRU) of any change of his/ her driver within the year. His/ her failure to do so shall disqualify the driver of the financial assistance.

SECTION 12. APPROPRIATION/FUNDING. The budget needed for the implementation of this ordinance shall be appropriated and authorized in the succeeding Annual Budgets. It may also be funded under the supplemental budget of this City for the current year or the succeeding years. Provided further, that in both instances, the appropriation and authorization shall be subject to availability of funds and in accordance with existing laws, rules and regulations.

SECTION 13. REPEALING CLAUSE - Any and all other existing ordinances or parts thereof, containing provisions which are inconsistent or contrary with any of the provisions declared herein are hereby deemed repealed, amended, or modified accordingly.

SECTION 14. SEPARABILITY CLAUSE. - If any part of this Ordinance, is for any reason, declared to be unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be valid and effective.

SECTION 15. EFFECTIVITY CLAUSE. - This Ordinance shall immediately take effect upon its approval and upon compliance of the mandatory posting and publication requirements prescribed under RA 7160, otherwise known as the "Local Government Code of 1991."