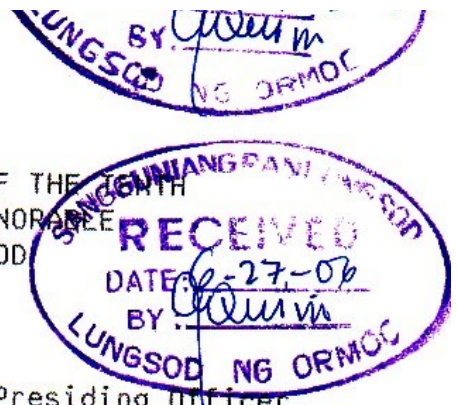


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
Lungsod ng Ormoc

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 15TH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JUNE 22, 2006



PRESENT:

| | |
|----------------------------------|---|
| Hon. Manuel T. Fiel, | Temporary Presiding Officer |
| | City Councilor, Assist. Minority Floor Leader |
| Hon. Jose S. Serafica, | City Councilor, Minority Floor Leader |
| Hon. Claudio P. Larrazabal, | City Councilor, Majority Floor Leader |
| Hon. Mariano Y. Corro, | City Councilor |
| Hon. Fe S. Lladoc, | City Councilor |
| Hon. Gregorio A. Yrastorza, Jr., | City Councilor |
| Hon. Sotero M. Pepito, | City Councilor |
| Hon. Jose C. Alfaro, Jr., | City Councilor |
| Hon. Ruben R. Capahi, | City Councilor |
| Hon. Cheryl A. Arcuino, | Ex-Officio City Councilor, SK Federation President |

ABSENT:

| | |
|-----------------------------------|---|
| Hon. Nepomuceno P. Aparis I, | (Acting City Mayor), Vice Mayor & Presiding Officer |
| Hon. Eduardo P. Tan, | (Vacation Leave), City Councilor |
| Hon. Emeterio Y. Larrazabal, Jr., | (Special Leave), Ex-Officio City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc |

PREFATORY STATEMENT

Mr. Rodolfo B. Pfleider II, Proprietor/Manager of DUPTOURS SHUTTLE SERVICES on October 11, 2005 wrote a letter to Hon. Eric C. Codilla, City Mayor, requesting for a legislative franchise to operate a Mini-Terminal exclusively for DUPTOURS SHUTTLE SERVICES at Bonifacio Street, District 8, Ormoc City, which letter was indorsed to this Sanggunian for appropriate action.

On November 18, 2005, Mr. Pfleider II, submitted to this Sanggunian a Letter of Intent and Statement of Technical Proposal for the establishment, operation and management of Mini-Terminal for DUPTOURS SHUTTLE SERVICES.

City Planning & Dev't. Coordinator, Engr. Raoul E. Cam in his 1st Indorsement dated October 20, 2005, has observed: "Per inspection and evaluation conducted, the location/site of said Mini-Terminal is within a COMMERCIAL ZONE and therefore is allowed to be located in the area. However, NO STREET PARKING is permitted and all vehicles-for-hire should be confined inside the leased property so as not to generate traffic congestion along Bonifacio Street."

On the other hand, Mr. Emilio G. Tingson, Licensing Officer IV, of the Business Permits, Licensing and Franchising Office, in his letter dated October 28, 2005 to the Chairman, Committee on Laws & Ordinance, has this observation: "Per your letter dated October 25, 2005, we wish to inform you that we welcome the application of DUPTOURS SHUTTLE SERVICES for Legislative Franchise to operate a Mini-Terminal at

Bonifacio St., this city. However may we suggest that the following conditions shall be met: 1. They should not utilize any portion of Bonifacio St. for parking, loading and unloading purposes; 2. Parking, loading and unloading of passengers and cargoes shall be confined within the terminal premises; 3. Operator shall subject to annual Franchise Fee of 50 percent of 1 percent of gross income and Mayor's Permit Fees under City Tax Ordinance No. 2000-02."

The proposed operation of a Mini-Terminal at Bonifacio Street, this city, will definitely ease the congestion of vehicles utilizing the City Public Bus Terminal.

The Local Government Code of 1991 (RA #7160) particularly Section 458, par. (a), subpar. (3) (vii) thereof, empowers Sangguniang Panlungsod to enact ordinances granting franchises to any person, partnership, corporation or cooperative to do business within the city.

NOW, THEREFORE, FOREGOING PREMISES CONSIDERED, on joint motion of City Councilors Mariano Y. Corro and Claudio P. Larrazabal, Chairmen of the Committee on Laws and Ordinances, and Committee on Transportation and Communication respectively, jointly seconded by City Councilors Ruben R. Capahi and Jose C. Alfaro, Jr.; be it

RESOLVED, to enact:

ORDINANCE NO. 128

AN ORDINANCE GRANTING A FRANCHISE TO MR. RODOLFO B. PFLEIDER II, PROPRIETOR/MANAGER OF DUPTOURS SHUTTLE SERVICES, TO ESTABLISH, OPERATE AND MANAGE A PRIVATE MINI-TERMINAL AT BONIFACIO STREET, THIS CITY, EXCLUSIVELY FOR DUPTOURS SHUTTLE SERVICES.

BE IT ORDAINED BY THE TENTH SANGGUNIANG PANLUNGSOD NG ORMOC, in session assembled, That:

SECTION 1. Subject to the provisions of the Constitution of the Republic of the Philippines, and applicable laws, rules and regulations, there is hereby granted to Mr. Rodolfo B. Pfleider II, Proprietor/Manager of DUPTOURS SHUTTLE SERVICES, hereinafter referred to as the GRANTEE, a franchise to establish, operate and manage a private Mini-Terminal at Bonifacio Street, this city, exclusively for DUPTOURS SHUTTLE SERVICES.

SECTION 2. The facilities of the GRANTEE at its terminal shall conform to all standards and specifications provided for in existing laws and ordinances of the City, and shall among others, comply with the following:

- a) NO STREET PARKING is permitted and all vehicles-for-hire should be confined inside the leased property so as not to generate traffic congestion along Bonifacio Street;
- b) Parking, loading and unloading of passengers and cargoes shall be confined within the terminal premises except the picking-up of passengers while on their way out towards their respective

places of destination; furthermore, no barkers/dispatchers shall be allowed to canvass passengers except within the immediate vicinity of their terminal;

- c) The terminal building must be semi-concrete with no fire hazard material, and proper ventilation aptly provided;
- d) Vehicle emission must be greatly controlled and should not pollute city atmosphere;
- e) Separate rest rooms will be provided for the male and female;
- f) Proper waste management shall strictly be observed in accordance with R.A. 9003 (ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM) and R.A. 6969 (Toxic Substance and Hazardous and Nuclear Wastes Control Act 1990);
- g) Cleanliness will be maintained at all times in the premises of the terminal;
- h) No sidewalk vendors or parking of tricycles for hire shall be allowed in the vicinity;
- i) Upon acceptance of this franchise, vehicles of the grantee shall no longer be allowed to use the facilities of the Ormoc City Bus Terminal.

SECTION 3. The GRANTEE shall pay to the City Government of Ormoc the franchise tax as provided for in the local tax ordinance, and such other taxes, fees and charges that may be imposed by the City.

SECTION 4. This franchise shall be for a term of ten (10) years from the date of the effectivity of this Ordinance, unless sooner revoked or canceled for a valid or legal cause. In the event that the GRANTEE fails to operate continuously for one year, this franchise shall be deemed ipso facto revoked.

SECTION 5. The GRANTEE shall hold the City Government of Ormoc harmless from all claims, accounts, demands or actions arising out of the accidents or injuries whether to property or to persons, caused by the operation of this private mini-terminal.

SECTION 6. The books of accounts of the GRANTEE shall always be made available for inspection by the City Treasurer of Ormoc or of his duly authorized representative, during office hours on a business day. The Grantee shall submit a quarterly report to the Office of the City Treasurer of Ormoc, showing the gross receipts for the quarter for its operations in the City of Ormoc, which report shall be submitted within the first twenty (20) days of the month following the end of the calendar quarter.

SECTION 7. Within sixty (60) days from receipt of a copy of this Ordinance, the GRANTEE shall file with the City Secretary, a sworn written acceptance of this franchise, and all the terms and conditions thereof. In default thereof, this franchise shall become null and void.

SECTION 8. If any section or provision of this Ordinance is declared as unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to be in force and effect.

SECTION 9. This Ordinance modifies/amends the provision of Section 8 of Tax Ordinance No. 7 of 1980, entitled: "AN ORDINANCE ESTABLISHING AND/OR OPERATING THE BUS TERMINAL SERVICES OF ORMOC CITY, PRESCRIBING FEES AND RENTALS THEREFOR, AND FOR ITS PROPER AND EFFECTIVE ADMINISTRATION".


SECTION 10. This Ordinance shall take effect upon its approval.

ENACTED, June 22, 2006.


RESOLVED, FURTHER, to furnish copies of this Ordinance to - The Honorable City Mayor, the City Administrator, the City Treasurer, Mr. Rodolfo B. Pfleider II, and others concerned.

CARRIED UNANIMOUSLY.

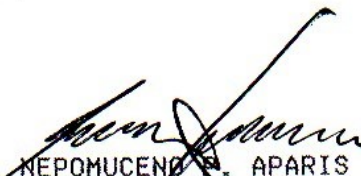
I HEREBY CERTIFY to the correctness of the foregoing ordinance


JOEL S. DUERO
OIC - Secretary to the SP
(Loc. Leg. Staff Officer V)

ATTESTED:


MANUEL T. FIEL
Temporary Presiding Officer
(City Councilor, Assist. Minority Floor Leader)

APPROVED:


NEPOMUCENO A. APARIS I
Acting City Mayor
(Vice Mayor & Presiding Officer)

JUN 27 2006

(Date)