

VICE MAYOR'S OFFICE
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DATE: ~~OCT 22 2015~~

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

VICE MAYOR'S OFFICE
RECEIVED
DATE: 16 OCT 2015

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
THIRTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON OCTOBER 15, 2015



PRESENT:

Hon. Leo Carmelo L. Locsin, Jr.
Hon. Rolando M. Villasencio,
Hon. Tomas R. Serafica,
Hon. Mario M. Rodriguez
Hon. Ruben R. Capahi,
Hon. Benjamin S. Pongos, Jr.,
Hon. Antonio M. Codilla,
Hon. Vincent L. Rama,
Hon. Pedro Godiardo P. Ebcas,
Hon. Eusebio Gerardo S. Penserga,
Hon. John Eulalio Nepomuceno O. Aparis II,
Hon. Mariano Y. Corro,

Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member, Asst. Minority Floor Leader
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
Ex-Officio SP Member

Chapter President, Liga ng mga Barangay ng Ormoc

PREFATORY STATEMENT

WHEREAS, it is the prime duty of the Local Government to serve and protect the people especially the Rights of Minors and Persons With Disabilities thus, promoting the public convenience and general welfare.

WHEREAS, the OMTODA Board observed that motorcab drivers have always been in constant wrangling with parent or "yayas" over the fare of their kids arguing that children need not pay their fare considering that they are still under their care.

WHEREAS, in its Order, dated December 11, 2015, the Land Transportation Franchising and Regulatory Board (LTFRB) in Case No. 2014-16849, ordered all the drivers and operators the following directives:

1. Children less than one (1) meter in height shall be transported free of charge and those from above one (1) meter in height shall pay half fare. PUJ operators shall provide an adequate place in their motor vehicles the necessary markings for verifying the heights of the children passengers who are entitled to free or half fare pursuant to par. 11 of Memorandum Circular no. 2011-004 entitled "2011 Revised Terms and Conditions of CPC and Providing Penalties for violation thereof.

WHEREAS, it is likewise observed that while on board, the parents would likely let their kids sit on their laps in order to evade the payment for the regular fare.

WHEREAS, incidentally, it is also necessary to observe the rights of Persons with Disabilities riding Tricycles-for-hire.

WHEREAS, this august body is in receipt of a resolution from the OMTODA "PROPOSING A SPECIFIC FARE RATE FOR DAY CARE, KINDERGARTEN, PREPARATORY AND ELEMENTARY SCHOOL CHILDREN."

Ord. No. 019

WHEREAS, the OMTODA Board, has realized that there is enough ground to propose to the Office of the City Mayor and the Office of the Sangguniang Panlungsod to take a keen look on this matter and consider the inclusion of children's fare to a City Ordinance pertaining to the motorcab fare rates for school children as well as the rights of Persons with Disabilities.

WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion of the Honorable SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Transportation and Communication, severally seconded by the Honorable SP Members, Tomas R. Serafica, Antonio M. Codilla, Vincent L. Rama, Pedro Godiardo P. Ebcas and John Eulalio Nepomuceno O. Aparis II; be it

RESOLVED, to enact:

ORDINANCE NO. 019

AN ORDINANCE ESTABLISHING THE RIGHTS AND OBLIGATIONS OF CHILDREN AND PERSONS WITH DISABILITIES RIDING TRICYCLE-FOR-HIRE IN ORMOC CITY.

BE IT ORDAINED, by the Thirteenth Sangguniang Panlungsod ng Ormoc in regular session assembled, that:

SECTION 1. This Ordinance shall apply to all motorized tricycles operating for hire and shall pertain to the applicable rights of children and persons with disabilities riding such vehicles.

SECTION 2. Minors who are less than one (1) meter in height with an adult companions, shall have the following rights and responsibilities:

a. A minor who is not more than one (1) meter tall riding with an adult companion, shall be free of charge, is entitled to a seat in the tricycle and shall not be compelled to sit on the lap of the adult companion.

b. If an adult or any other passenger has more than one (1) minor with him/her, both or all of whom are not more than one (1) meter tall, the following rates shall apply:

b.1 First child (not more than one (1) meter tall) : Free of Charge

b.2 Second child (not more than one (1) meter tall) : Charged 50% of applicable fare rate

b.3 Third child (not more than one (1) meter tall) : Charged 100% of applicable fare rate

In all cases, the minor(s) mentioned is/are entitled to a seat in the tricycle and shall not be compelled to sit on the lap of his/her companion.

c. The companion(s) of the minor(s) mentioned in the preceding paragraphs as well as the driver of the tricycle shall ensure that the Minor remain seated at all times while the vehicle is in motion and must be accommodated in such a manner that will guarantee the safety of said children.

d. Operators of motorized tricycles for hire shall provide a height marker, duly approved by the Permits and Licensing Division of the Local Government Unit of Ormoc City.

Ord. No. 019

SECTION 3. The mentioned fare rates in the preceding section, paragraph (d) thereof, shall be incorporated in the tariff to be issued to all tricycle driver and operators. Failure to observe this requirement constitute a violation of this ordinance thereby making the operator and/or the driver of the tricycles liable to the penalty provided for in Article VII – Final Provisions, Section 2, Penal Provisions, Par, (b) of Ordinance No. 34.

SECTION 4. Operators and/or drivers of motorized tricycles operating for hire shall ensure the rights of Persons with Disabilities (PWDs for brevity) to access to public transport utilities. All PWDs shall be guaranteed a seat at the back portion of the tricycles which shall ensure their convenience and safety and boarding and alighting from the said vehicles.

SECTION 5. The foregoing schedule of fare rates as provided in Sec. 2. B of this ordinance should be posted mandatorily in any part of the tricycle where said schedule can be easily seen by the passenger thereof.

SECTION 6. All existing Ordinances, Executive Orders, Rules and Regulations inconsistent with this Ordinance are considered repealed or modified accordingly, as the case may be.

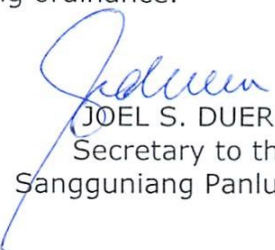
SECTION 7. This Ordinance shall take effect immediately after it shall have been published once in a local newspaper of general circulation within the City of Ormoc and posted in public places for at least three (3) consecutive weeks.

ENACTED, October 15, 2015.

RESOLVED, further to furnish copies of this ordinance each to the Honorable City Mayor Edward C. Codilla; the City Administrator; the City Legal Officer; the Permits Licensing and Franchising Division; the City Director, PNP; the Precinct Commander, PP1; the President Liga ng mga Barangay of Ormoc City; the Office of the City Prosecutor, the Municipal Trial Court of Ormoc City, and other offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer

APPROVED:

EDWARD C. CODILLA
City Mayor

(Date)